

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1 (RECORDING #98004542)**  
**TABLE OF CONTENTS**

<b>SECTION AND TITLE</b>	<b>PAGE</b>
<b>100 BASIC PROVISIONS.....</b>	<b>2</b>
101 TITLE .....	2
115 PURPOSE .....	2
120 CONSISTENCY WITH COMPREHENSIVE PLAN .....	2
125 APPLICABILITY .....	3
135 CONFLICTING PROVISIONS .....	3
145 SEVERABILITY OF PROVISIONS.....	3
<b>200 DEFINITIONS .....</b>	<b>4</b>
<b>300 ZONING DISTRICT REGULATIONS .....</b>	<b>16</b>
301 ZONING DISTRICTS – DESIGNATED .....	16
302 ZONING DISTRICTS – ESTABLISHMENT .....	16
303 ZONING MAP REQUIREMENTS AND DISTRICT BOUNDARIES .....	16
<b>310 AGRICULTURAL DISTRICT (A).....</b>	<b>17</b>
311 PURPOSE.....	17
312 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	17
313 PERMITTED USES - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN .....	17
314 USES CONDITIONALLY PERMITTED .....	18
315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE.....	18
316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	20
<b>320 RESIDENTIAL RURAL DISTRICT (RR).....</b>	<b>21</b>
321 PURPOSE.....	21
322 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	21
323 USES PERMITTED - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN.....	21
324 USES CONDITIONALLY PERMITTED .....	21
325 PARKING STANDARDS.....	21
326 SUBDIVIDING IN THE RESIDENTIAL RURAL DISTRICT .....	22
327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	23
<b>330 RESIDENTIAL SUBURBAN DISTRICT (RS).....</b>	<b>24</b>
331 PURPOSE.....	24
332 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	24
333 USES PERMITTED - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN .....	24
334 USES CONDITIONALLY PERMITTED .....	25
335 PARKING STANDARDS.....	25
336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT.....	26
337 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	28
<b>340 RECREATION DISTRICT (REC).....</b>	<b>30</b>
341 PURPOSE.....	30
342 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	30
343 PERMITTED USES - WITH STAFF REVIEW AND APPROVAL OF SITE PLAN .....	30
344 USES CONDITIONALLY PERMITTED .....	30
345 PERFORMANCE REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT.....	31
346 SUBDIVIDING IN THE RECREATIONAL DISTRICT.....	32
347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	34
<b>350 MULTIPLE USE DISTRICT (MU) .....</b>	<b>35</b>
351 PURPOSE.....	35
352 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	35

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1 (RECORDING #98004542)**  
**TABLE OF CONTENTS**

<b>SECTION AND TITLE</b>	<b>PAGE</b>
353 USES PERMITTED .....	35
355 PERFORMANCE REQUIREMENTS .....	35
356 SUBDIVIDING IN THE MULTIPLE USE ZONE .....	36
357 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	37
<b>360 COMMERCIAL GENERAL DISTRICT (CG).....</b>	<b>39</b>
361 PURPOSE .....	39
362 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	39
363 USES PERMITTED .....	39
364 USES CONDITIONALLY PERMITTED .....	41
365 PERFORMANCE STANDARDS .....	41
366 PLANNED UNIT DEVELOPMENTS.....	41
367 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	43
<b>370 LIGHT INDUSTRIAL AND WHOLESALE DISTRICT (LIW).....</b>	<b>44</b>
371 PURPOSE .....	44
372 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	44
373 USES PERMITTED .....	44
374 USES CONDITIONALLY PERMITTED .....	46
375 PERFORMANCE STANDARDS .....	46
376 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	47
<b>380 INDUSTRIAL DISTRICT (I) .....</b>	<b>48</b>
381 PURPOSE .....	48
382 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	48
383 USES PERMITTED .....	48
384 USES CONDITIONALLY PERMITTED .....	48
385 INDUSTRIAL PERFORMANCE REQUIREMENTS.....	49
386 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS.....	50
<b>390 SPECIAL LANDS DISTRICT (SL).....</b>	<b>51</b>
391 PURPOSE .....	51
392 PERMITTED USES .....	51
393 APPLICATIONS FOR NEW LAND USES.....	51
<b>394 MASTER PLANNED COMMUNITY (MPC) ZONE .....</b>	<b>52</b>
394.1 PURPOSE .....	52
394.2 CHARACTERISTICS OF LAND IN THIS DISTRICT.....	52
394.3 ZONE ESTABLISHMENT .....	52
394.4 TIME LIMITS.....	59
394.5 MINIMUM SERVICE STANDARDS .....	59
394.6 GENERAL STANDARDS.....	60
394.7 MINIMUM OF THREE BEST PRACTICE DESIGNS .....	61
394.8 USES PERMITTED .....	62
394.9 USES CONDITIONALLY PERMITTED .....	63
394.10 DEVELOPMENT STANDARDS.....	64
394.11 SPECIFIC RESIDENTIAL DESIGN REQUIREMENTS .....	71
<b>395 USE REGULATIONS SUMMARY .....</b>	<b>72</b>
<b>400 GENERAL REGULATIONS .....</b>	<b>77</b>
401 ACCESSORY USES.....	77
405 TEMPORARY USES .....	80

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1 (RECORDING #98004542)**  
**TABLE OF CONTENTS**

<b>SECTION AND TITLE</b>	<b>PAGE</b>
410 OFF-STREET PARKING REQUIREMENTS .....	83
411 APPLICABILITY .....	83
412 GENERAL .....	84
413 PARKING LOT DESIGN REQUIREMENTS .....	84
414 JOINT USE OF PARKING FACILITIES.....	85
415 STANDARDS FOR LAND USES .....	86
416 USES NOT LISTED IN CODE.....	87
417 PARKING LOT LANDSCAPING.....	87
420 MANUFACTURED HOUSING .....	87
420.1 RESIDENTIAL USE .....	88
420.2 PERMITTED NON-RESIDENTIAL USE.....	88
420.3 PLACEMENT REGULATIONS .....	88
420.4 TEMPORARY USE.....	89
424 HOME OCCUPATIONS.....	90
425 FENCES IN NON-AGRICULTURAL ZONING DISTRICTS.....	91
428 EXCEPTIONS .....	91
429 DIAGRAMS OF FENCE LOCATIONS (SIGHT TRIANGLES).....	92
435 SCREENING REQUIREMENTS .....	93
436 SCREENING STANDARDS.....	93
451 WIND TURBINES .....	93
460 AGRICULTURAL OPERATIONS.....	97
470 NONCONFORMING USES .....	98
471 NONCONFORMING BUILDINGS AND STRUCTURES.....	98
471.1 SUBSTANDARD LOTS .....	99
472 PERFORMANCE STANDARDS APPLIED TO EXPANSION AND MODIFICATION OF CONFORMING USES.....	99
475 MISCELLANEOUS .....	99
475.1 STORAGE OF HAZARDOUS MATERIALS .....	99
475.2 EXPLOSIVES.....	100
475.3 JUNKYARDS.....	100
475.4 STORAGE OF INOPERATIVE OR UNLICENSED VEHICLES IN RR, RS, MU, AND REC ZONES .....	101
475.5 TRAFFIC CONTROL AND ACCESS MANAGEMENT.....	101
475.6 SIGHT TRIANGLE .....	101
475.7 AUTO BODY AND REPAIR SERVICES.....	101
475.8 GAS STATIONS .....	101
475.9 BILLBOARDS.....	102
475.10 LIGHTING.....	102
475.11 OTHER .....	103
475.12 EXCEPTIONS TO MINIMUM SETBACK REQUIREMENTS.....	103
475.13DRIVEWAYS.....	103
475.14SIGNS (EXCEPT BILLBOARDS).....	104
480 DRAINAGE WAYS .....	106
485 BUFFERYARD AREA.....	107
490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS .....	107
495 STORMWATER RUNOFF .....	109

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1 (RECORDING #98004542)**  
**TABLE OF CONTENTS**

<b>SECTION AND TITLE</b>	<b>PAGE</b>
<b>500 ADMINISTRATION AND PUBLIC HEARING PROCEDURES .....</b>	<b>110</b>
501 ZONING PERMITS .....	110
502 BUILDING PERMITS .....	110
502.1 BUILDING AND ZONING PERMITS ISSUED CONCURRENTLY .....	110
502.2 PERMITS REQUIRED FOR ELECTRICAL CONNECTION.....	110
503 SITE PLAN REVIEW.....	111
503.1 LAND DEVELOPMENT SUBJECT TO SITE PLAN REVIEW .....	111
503.2 INFORMATION REQUIRED .....	112
503.3 PLANNING & DEVELOPMENT SERVICES REVIEW .....	112
503.4 APPEAL OF DECISION.....	113
503.5 POWER TO PROVIDE ADDITIONAL CONSTRUCTION CONDITIONS .....	113
503.6 AGREEMENT WITH THE OFFICE OF PLANNING & DEVELOPMENT SERVICES.....	114
503.7 REVISION OF AN APPROVED SITE PLAN.....	114
503.8 COMPLIANCE.....	114
504 CERTIFICATE OF OCCUPANCY .....	114
510 PLANNED UNIT DEVELOPMENTS.....	115
510.1 POLICY AND PURPOSE .....	115
510.2 PROCEDURES .....	115
510.3 OWNERSHIP OR UNITARY CONTROL.....	115
510.4 MINIMUM AREA.....	116
510.5 SKETCH PLAN – INITIAL REVIEW.....	116
510.6 COMPLIANCE WITH SUBDIVISION REQUIREMENTS .....	116
510.7 AREA FOR COMMON USE — RESIDENTIAL PLANNED UNIT DEVELOPMENTS .....	116
510.8 INTEGRATION REQUIRED.....	116
510.9 PERFORMANCE STANDARDS .....	116
510.10 BUILDING CODE COMPLIANCE REQUIRED .....	116
510.11 MOBILE HOME PARKS.....	117
520 REZONING .....	117
520.1 PROCEDURES FOR MAKING APPLICATION FOR A ZONING DISTRICT BOUNDARY CHANGE .....	117
520.2 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES— TRANSMISSION OF RECORDS TO BOARD OF COUNTY COMMISSIONERS FOR DETERMINATION .....	117
520.3 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES—NOTICES OF PUBLIC HEARING .....	118
520.4 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES — CONDITIONS FOR APPROVAL — RESUBMISSION OF APPLICATION .....	119
520.5 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES — NECESSITY FOR ORDINANCE — RESUBMISSION OF APPLICATION .....	119
530 CONDITIONAL USES.....	120
530.1 JURISDICTION .....	120
530.2 CONCURRENT APPLICATIONS.....	120
530.3 APPLICATION AND FEE .....	120
530.4 PUBLIC HEARING AND NOTICE .....	121
530.5 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL .....	122
530.6 STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT .....	122
530.7 CONDITIONS OF APPROVAL .....	122
530.8 EFFECTIVE DATE .....	123

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1 (RECORDING #98004542)**  
**TABLE OF CONTENTS**

<b>SECTION AND TITLE</b>	<b>PAGE</b>
530.91 LAPSE OF A CONDITIONAL USE PERMIT .....	123
530.92 MODIFICATION OF CONDITIONAL USE PERMIT .....	123
530.93 SUSPENSION AND REVOCATION .....	124
530.94 NEW APPLICATIONS.....	124
530.95 APPROVAL TO RUN WITH THE LAND .....	124
530.96 PRE-EXISTING CONDITIONAL USE PERMITS .....	124
540 VARIANCES.....	125
540.1 PURPOSE.....	125
540.2 PUBLIC HEARING NOTICE .....	125
540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL .....	125
540.4 STANDARDS .....	125
540.5 EFFECTIVE DATE OF VARIANCE .....	126
540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS.....	126
540.7 LAPSE OF VARIANCE .....	126
540.8 SUSPENSION AND REVOCATION.....	126
540.9 MINOR VARIANCES AND PROCEDURES .....	127
550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS.....	127
550.1 RECONSIDERATION OF A DECISION OF THE BOARD OF COUNTY COMMISSIONERS .....	127
550.2 APPLICATION FEES.....	128
550.5 CONFLICT OF INTEREST.....	128
560 PUBLIC HEARINGS .....	128
560.1 COMPLIANCE REQUIRED .....	128
560.2 NOTICE REQUIRED .....	128
560.3 RECORDS MAINTAINED.....	128
560.4 ORDER OF PUBLIC HEARING EVENTS .....	129
560.5 TIME LIMITATIONS ON HEARING TESTIMONY .....	129
560.6 STANDARDS FOR ORAL TESTIMONY .....	130
560.7 STANDARDS FOR WRITTEN TESTIMONY.....	130
560.8 WRITTEN RESPONSE TO QUESTIONS RAISED AT THE HEARING .....	130
560.9 COPIES OF OFFICIAL RECORD — AVAILABILITY.....	131
560.10 OVERRULE OF RULINGS BY MAJORITY VOTE .....	131
570 CLASSIFICATION AND PUNISHMENT OF OFFENSES AS INFRACTION OR MISDEMEANOR.....	131
570.1 CIVIL ENFORCEMENT .....	132
580 PLANNING AND DEVELOPMENT COUNCIL.....	132
580.1 ESTABLISHMENT.....	132
580.2 MEMBERSHIP .....	132
580.3 TERM OF OFFICE.....	133
580.4 EX OFFICIO CLERK.....	133
580.5 TIME OF MEETINGS.....	133
580.6 MEETINGS — NOTICE OF SPECIAL MEETINGS REQUIRED.....	134
580.7 MEETINGS — RULES OF PROCEDURE .....	134
580.8 POWERS AND DUTIES OF THE PLANNING AND DEVELOPMENT COUNCIL.....	134
590 EFFECTIVE DATE .....	135
LIST OF APPENDICES .....	136
AMENDMENTS.....	136

**THE ZONING ORDINANCE OF BANNOCK COUNTY, IDAHO  
AS AMENDED**

ORDINANCE NO. 1998-1

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

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

**100 BASIC PROVISIONS:**

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

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

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

120 CONSISTENCY WITH COMPREHENSIVE PLAN:

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



**125 APPLICABILITY:**

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

**135 CONFLICTING PROVISIONS:**

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

**145 SEVERABILITY OF PROVISIONS:**

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

END OF SECTION



**200 DEFINITIONS:**

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

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

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

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

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

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

**ANCHOR STORE:** A major store which is typically located in a shopping center to attract customers who then typically patronize other shops in the center. **(Amendment #31, Ordinance 2016-3)**

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

**ANIMAL, FARM:** See "Livestock"

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

**ARCHITECTURAL DESIGN COMMITTEE:** A civil committee established by a developer through recorded declarations of covenants which have the authority to perform functions given them by the recorded document. Functions often include reviewing applications in subdivisions, planned unit developments, or master planned communities to ensure that the application complies with the development's codes, covenants, architectural guidelines, and restrictions.

Bannock County does not develop or enforce codes, covenants, and/or restrictions whereas those documents are wholly civil agreements between the development and its property owners. **(Amendment #31, Ordinance 2016-3)**

AREA OF CITY IMPACT (ACI): That area defined by the City and County ordinances that surrounds a city. In the absence of ordinances Idaho Code defines the area as being one mile beyond a town or city's borders. The ACIs are locations where cities and towns will likely expand and grow into the unincorporated County and may annex property (with willing landowners). (Also see Impact Area Agreement)**(Amendment #19 Ordinance #2008-4)**

AWNING: A roof-like shelter of canvas or other material extending over a doorway, from the top of a window, over a deck, etc., in order to provide protection from the elements. **(Amendment #31, Ordinance 2016-3)**

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

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

BILLBOARD: a sign advertising a facility, product or event not on the site occupied by the sign. Also called "outdoor advertising".

BOARD: Bannock County Board of Commissioners.

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

BUFFER, LANDSCAPE: A natural buffer which creates a desirable use of the land and which provides space, obstructs undesirable views, and reduces impacts of one type of land use on another. **(Amendment #31, Ordinance 2016-3)**

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

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

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

BUILD-TO LINE: The line at which construction of a building façade is to be placed on a lot. A build-to line runs parallel to, and is measured from, the front property line and is established to create an even (or more or less even) building façade on a street. **(Amendment #31, Ordinance 2016-3)**

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

**CENTRAL MAILBOX:** A cluster of mailboxes or a large shared mailbox. **(Amendment #31, Ordinance 2016-3)**

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

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

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

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

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

**COUNCIL:** Bannock County Planning and Development Council.

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

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

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

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

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

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

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

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

ENERGY EFFICIENCY: A way of managing and restraining the growth in energy consumption. Something is more energy efficient if it delivers more services for the same energy input, or the same services for less energy input. **(Amendment #31, Ordinance 2016-3)**

EXTRACTION: See "mining".

FAÇADE: The front, outer, or principal face of a structure. **(Amendment #31, Ordinance 2016-3)**

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

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

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

GARAGE, FRONT-LOADED: A garage whose entry faces the same direction as the front of the primary structure. **(Amendment #31, Ordinance 2016-3)**

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

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

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

GREEN COURT (GREEN SPACE): A community gathering space which is open on at least one side and which fronts or is adjacent to a right-of-way or road. **(Amendment #31, Ordinance 2016-3)**

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

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

**HEIGHT:** The vertical distance from grade plane to the average height of the highest roof surface. **(Amendment No. 28, Ordinance #2014-1)**

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

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

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

**IMPACT AREA AGREEMENT:** An agreement reached by City and County officials which prescribes which entity's ordinances will apply in the Area of City Impact Area, and how development applications are processed. An impact area agreement is enacted by ordinances by the County and City, the result of which is an ordinance or resolution by both governments. (Also see Area of City Impact) **(Amendment No. 19 Ordinance #2008-4)**

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

**INN:** See Motel, Hotel.

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

**JUNKYARD:** Any land used for a salvaging operation, including but not limited to the storage or sale of waste paper, rags, scrap metal, discarded materials, and used auto parts. A junkyard includes the collection, dismantlement, storage, or salvage of four or more unlicensed or inoperative vehicles. This definition excludes uses established entirely within enclosed buildings, and farm machinery in agricultural zoning districts.

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

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

**LIGHT POLLUTION:** Excessive, misdirected, or obtrusive artificial light which competes with the natural night sky. **(Amendment #31, Ordinance 2016-3)**

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

**LIVE/WORK UNITS:** A single building unit consisting of both a commercial/office and a residential component that is occupied by the same resident(s). The Live/Work Unit shall be the primary dwelling of the occupant. Live/Work Units typically have the business on the ground level and the living quarters above, alongside, or behind the business. The commercial component of live/work units are intended for use by the occupations such as accountants, architects, artists and photographers, attorneys, computer software and multimedia-related professionals, consultants, engineers, hair stylists, home-based office workers, insurance, real estate and travel agents, one-on-one instructors, limited retail, and similar occupations. **(Amendment #31, Ordinance 2016-3)**

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

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

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

**LOT FRONTAGE, REVERSE:** A lot extending between, and having frontage on, an arterial and a minor street, and with vehicular access solely from the latter. **(Amendment #31, Ordinance 2016-3)**

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

**LOT LINE:** The lines bounding a lot.

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

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

**MANUFACTURED HOUSING:** See Zoning Ordinance Section 420.A.

MASTER DEVELOPMENT PLAN (MDP): The County-approved plan for the development of the entire Master Planned Community. The MDP includes all documents required for approval by the County. **(Amendment #31, Ordinance 2016-3)**

MASTER PLANNED COMMUNITY (MPC): As defined in Section 394, MPCs are self-sustaining communities that are larger than 750 acres in size and with integrated commercial, recreational, natural, and residential land uses with strong emphases in non-automobile transportation. MPCs are often developed in numerous phases/developments and subdivision and zoning regulations are applied to the project as a whole. **(Amendment #31, Ordinance 2016-3)**

MID-BLOCK PASSAGEWAY (PASEO): Those streets, alleys, and non-vehicular ways that provide connectivity to land uses. Mid-block Passageways may consist of private easements or public rights-of-way. **(Amendment #31, Ordinance 2016-3)**

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

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

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

MUNICIPAL SERVICES: Those basic services which are traditionally provided by city governments. Services may include but are not limited to sanitation (sewer and refuse), water, streets, libraries, police, ambulance, and transportation. **(Amendment #31, Ordinance 2016-3)**

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

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

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

NONCONFORMING USES: See Section 470 of this Ordinance.

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



businesses.

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

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

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

**PARKING LOT, OUTDOOR ROOM:** A design element intended to view parking lots as three dimensional areas and which are created using tree and ground cover plantings and limited parking stalls in each room. **(Amendment #31, Ordinance 2016-3)**

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

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

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

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

**PLAZA:** A pedestrian gathering space, generally open to the public on a controlled basis and which is typically designed with seating areas, and with a variety of ground-plane finishes such as hard surfaces, lawn, and other landscaping. **(Amendment #31, Ordinance 2016-3)**

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

**PRIME AGRICULTURAL LAND:** See Agricultural Soils, prime.

**PUBLIC SERVICE FACILITY:** Structures and uses essential to fulfilling supportive functions related to the health and well-being of the public, including fire stations, police stations, military training or recruiting facilities, public parks, recreational facilities which are operated on a

not-for-profit basis, not-for-profit educational facilities, and administrative offices for public service uses. **(Amendment No. 30 Ordinance #2015-5)**

**PUBLIC UTILITY:** Structures essential to furnishing the public with electric power, gas, water, water treatment, and public services, including power plants and substations, and pumping stations. **(Amendment No. 30 Ordinance #2015-5)**

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

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

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

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

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

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

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

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

**SIGN, BLADE:** A sign attached to a building façade, outdoor structure, or other surface perpendicular to the normal flow of traffic. **(Amendment #31, Ordinance 2016-3)**

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

**SIGN, MONUMENT:** A freestanding sign that is self-supporting in a fixed location and not attached to a building and which has a support structure that has a solid-appearing base constructed of permanent material, such as concrete block or brick. **(Amendment #31, Ordinance 2016-3)**

**SIGN, WALL:** A sign attached to or erected on the exterior wall of a building or structure or on a canopy marquee or similar overhang with the exposed face of the sign on a plane approximately parallel to the plane of the exterior wall and extending no more than three feet (3') above the lowest point of the roof of such a building or structure. **(Amendment #31, Ordinance 2016-3)**

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

**SOLAR REFLECTANCE INDEX:** A measure of the constructed surface's ability to stay cool in the sun by reflecting solar radiation and emitting thermal radiation. It is defined such that a standard black surface (initial solar reflectance 0.05, initial thermal emittance 0.90) has an initial SRI of 0, and a standard white surface (initial solar reflectance 0.80, initial thermal emittance 0.90) has an initial SRI of 100. To calculate the SRI for a given material, obtain its solar reflectance and thermal emittance via the Cool Roof Rating Council Standard (CRRC-1). SRI is calculated according to ASTM E 1980. Calculation of the aged SRI is based on the aged tested values of solar reflectance and thermal emittance. **(Amendment #31, Ordinance 2016-3)**

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

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

**STEPBACK ARCHITECTURE:** A type of setback design in which step-like recessions are designed as part of the structure's architecture. **(Amendment #31, Ordinance 2016-3)**

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

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

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

**TOTAL WIND TURBINE HEIGHT:** Includes the turbine, blade, tower, base, and pad transformer if any. (Amendment #20, Ordinance 2009-1).

TRAVEL TRAILER: See Recreational Vehicle

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

URBAN HEAT ISLAND: An urban area that is significantly warmer than its surrounding rural areas due to human activities. Heat islands can affect communities by increasing summertime peak energy demand, air conditioning costs, air pollution and greenhouse gas emissions, heat-related illness and mortality, and water quality. **(Amendment #31, Ordinance 2016-3)**

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

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

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

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

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

WIND TURBINE, SMALL: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height is less than 65 feet and the nameplate capacity is 25 kilowatts or less. **(Amendment #20, Ordinance 2009-1)**

WIND TURBINE, MEDIUM: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height is between 65 feet and 150 feet and the nameplate capacity is less than 100 kilowatts. **(Amendment #20, Ordinance 2009-1)**

WIND TURBINE, COMMERCIAL: A wind energy conversion system which converts wind energy into electricity through the use of a wind driven turbine generator when the total height exceeds 150 feet or the nameplate capacity exceeds 100 kilowatts. **(Amendment #20, Ordinance 2009-1)**

WIND TURBINE HEIGHT: see Total Wind Turbine Height.

XERISCAPING (XEROSCAPING): A landscaping method which utilizes water-conserving techniques, such as the use of drought-resistant plants, mulch, and efficient irrigation.  
**(Amendment #31, Ordinance 2016-3)**

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

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

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

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

ZERO LOT LINE: A setback in which structures may be placed up to the edge of the property so as to create more usable space. **(Amendment #31, Ordinance 2016-3)**

END OF SECTION

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**300 ZONING DISTRICT REGULATIONS:**

**301 ZONING DISTRICTS – DESIGNATED:**

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

<b>DISTRICT NAME</b>	<b>SYMBOL</b>
Agricultural.....	A
Residential Rural .....	RR
Residential Suburban .....	RS
Recreational.....	REC
Multiple Use .....	MU
Commercial General.....	CG
Light Industrial & Wholesale .....	LIW
Industrial .....	I
Special Lands .....	SL
Master Planned Community.....	MPC (Amendment #31, Ordinance 2016-3)

**302 ZONING DISTRICTS – ESTABLISHMENT:**

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

**303 ZONING MAP REQUIREMENTS AND DISTRICT BOUNDARIES:**

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

bottoms or to legal boundaries such as lot lines, subdivision boundaries, property lines, and government survey boundaries.

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

**310 AGRICULTURAL DISTRICT (A)**

**311 PURPOSE:**

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

**312 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

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

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

- A. Detached single-family dwellings including mobile homes defined by this Ordinance, Section 420.
- B. Accessory uses which are customarily incidental to residential uses.
- C. Agricultural uses and buildings and structures customarily incidental to such uses.
- D. Home occupations as defined in this Ordinance; see Section 424.
- E. Outdoor for-pay recreation uses.
- F. Agricultural support.
- G. State licensed day care homes up to six client children.
- H. Public utility installations not including business offices.
- I. Commercial Stables.



J. Kennels.

K. Public service facilities **(Amendment No. 30 Ordinance #2015-5)**

### 314 USES CONDITIONALLY PERMITTED:

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

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

### 315 DIVISIONS OF AGRICULTURALLY ZONED LAND FOR RESIDENTIAL USE:

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

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

ordinance of Bannock County, as amended.

E. Subdivision, as defined in the Bannock County Subdivision Ordinance, shall be permitted in the Agricultural District, according to Section 315.E.1. **(Amendment #3 Ordinance #1999-3)**

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

- A. Requirements for sewage treatment and water systems shall not apply to lots over one acre.
- B. Lots shall be clustered and may vary in size with a minimum of one acre.
- C. Subdivision shall have a single access, built to county standards, to a county maintained road.
- D. The recorded plat must include all the land used to determine the number of lots, and all but the permitted lots be restricted from residential development.
- E. All other requirements and standards of the Subdivision Ordinance shall apply.

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

- F. These regulations are to be regarded as limitations on the overall density of development in the Agricultural District, not as minimum building site or minimum lot size requirements.
- G. No more than four non-farm and/or farm dwellings or a combination thereof may be placed in the same quarter-quarter section.

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

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**316 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

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

**AGRICULTURAL DISTRICT**

MINIMUM SETBACKS (FT)<sup>(1)</sup>

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR ROAD R-O-W	REAR YARD	SIDE YARD
<b>PERMITTED USES:</b>				
Single-family Residence	30	50	30	20
Residential Accessory Structures	30	50	15	20
Accessory Structures for Commercial Agriculture	30	50	15	20
Accessory Structures for Commercial Agriculture Farm Animals	100	100	100	100

**CONDITIONAL USES**

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

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

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

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**320 RESIDENTIAL RURAL DISTRICT (RR)**

**321 PURPOSE:**

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

**322 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

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

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

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

**324 USES CONDITIONALLY PERMITTED:**

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

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

**325 PARKING STANDARDS:**

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

326 SUBDIVIDING IN THE RESIDENTIAL RURAL DISTRICT: The following methods of subdividing are permitted in the RR zone:

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

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

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

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

C. Planned Unit Development provided that municipal water and sewer are provided and limited to locations within Area of City Impact; density may be up to one dwelling per ½ acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development. **(Amendment #19 Ordinance #2008-4)**

1. Minimum size for a planned unit development in the RR district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**

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

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

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**327 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

The following table sets forth building bulk and placement standards for the Residential Rural District:

**RESIDENTIAL RURAL DISTRICT**

MINIMUM SETBACKS (FT)(1)

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

**CONDITIONAL USES**

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

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

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

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

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

**330 RESIDENTIAL SUBURBAN DISTRICT (RS)****331 PURPOSE:**

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

**332 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

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

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

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

- A. Single-family dwellings.
- B. Duplexes.
- C. Livestock on one acre or more of land.
- D. Public service facilities
- E. Livestock pens or runs located a minimum distance of 50 feet from a neighboring house, or the minimum setback for a residence if no house yet exists.
- F. Accessory buildings, structures and uses which are customarily incidental to residential
- G. Home occupations as defined in this Ordinance.
- H. Churches.
- I. State licensed day care for up to 6 client children at any one time in the day care operator's primary residence or a day care center.



J. Golf courses.

K. Private, noncommercial recreational facilities.

**334 USES CONDITIONALLY PERMITTED:**

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

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

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

C. Cemeteries.

D. Institutional housing.

E. Multi-family dwellings.

**335 PARKING STANDARDS:**

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

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

Number of Bedrooms/Unit	PARKING SPACES REQUIRED PER UNIT DWELLING UNITS/STRUCTURE (read across)			
	1	2	3-6*	7 or more
1	2	2	1.6	1.5
2	2	2	1.8	1.6
3	2	2	2.0	1.8
4	3	3	2.2	2.0
5 or more	3	3	2.4	2.0

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

335.2 All congregate parking areas shall be separated from adjacent lands by a sight proof fence

or hedge at least four feet in height. No paving for congregate parking areas shall be placed any closer than five feet from an adjacent residentially-zoned property line.

- 335.3 Landscaping for congregate parking lots in the Residential Suburban district shall contain at least one-and-one-half-inch caliper tree per fifty square feet for all required landscaping within the bounds of the parking lot.
- 335.4 Any trash collection or storage facilities for multi-family residential uses shall be located at least ten feet from adjacent residential property and at least ten feet from any windows in the walls of the buildings they serve.
- 335.5 Congregate parking lots shall be located behind the front setback line of the buildings they serve.
- 335.6 Congregate parking lots shall have direct driveway access to a public or private road.
- 335.7 Parking lots shall be maintained in a dust-free condition.
- 335.8 Parking lot landscaping equal to ten percent of the total parking lot area shall be provided in residential parking lots. Said landscaping shall be placed within the perimeter of the actual parking area.
- 335.9 Parking spaces shall have an effective width of nine feet and an effective length of eighteen feet. Maneuver space for parking spaces shall be provided on the site in question. Parking spaces shall be arranged in such fashion that circulation is convenient and well integrated with off-site traffic flow.
- 336 SUBDIVIDING IN THE RESIDENTIAL SUBURBAN DISTRICT: The following methods of subdividing are permitted in the RS zone:
- A. Open Space Designed Subdivision (Sec. 401 of Subdivision Ordinance) with density of one dwelling per acre.
1. OPEN SPACE designed subdivisions are required in the RS zone if 25% or more of the proposed development is 5000 feet elevation or more or if proposal includes lands designated important wildlife habitat.
- B. Conventional Subdivision: (**Amendment #4 Ordinance # 2000-2**)
1. Within a city's area of impact, a minimum lot size of five acres is required where septic tank and drainfield sewage disposal systems are proposed. Such lots may not be further subdivided, and the plat and deeds must so indicate. Lots of less than five acres must employ municipal treatment of sewage or private sewage treatment systems which treat sewage such that the effluent is equal to or less contaminated than that of the City of Pocatello sewage treatment facility. Such treatment facilities shall be built to the design

standards of the city whose impact area it is within.

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

C. Planned Unit Development provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI); density may be up to one dwelling per 1/3 acre; for residential uses or for mixed-use developments which include neighborhood commercial uses subordinate to residential uses in the same development. **(Amendment #19 Ordinance #2008-4)**

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

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

3. Minimum size for a planned unit development in the RS district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**

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

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

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**337 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

The following table sets forth building bulk and placement standards for the Residential Suburban district:

**RESIDENTIAL SUBURBAN DISTRICT**

MINIMUM SETBACKS (FT)<sup>(1)</sup>

	MINIMUM LOT AREA (a)	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HT. (FT)
PERMITTED USES:						
Single-Family Residence	1 acre*	30	50	20	10	35
Two-Family Residence	3\4 D.U.*	30	50	20	10	35
Residential Accessory Structures (see section 401.C.4)	-	30	50	20(c)	10(c)	35
Farm Animal Structure		30	50	30	30	15
Non-residential Buildings	-	30	50	20(b)	20(b)	-

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

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

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

- (a) Larger lot sizes may be required by the District Health Department.
- (b) Or height of building, whichever is greater.
- (c) Or height of structure, whichever is greater.

**340 RECREATION DISTRICT (REC)****341 PURPOSE:**

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

**342 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

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

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

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

**344 USES CONDITIONALLY PERMITTED:**

- A. Uses conditionally permitted in the RS district.
- B. Indoor entertainment and commercial uses permitted in CG districts, except as shown on use chart, Section 395. Such uses include hotels, inns, indoor recreational activities such as bowling alleys, theaters, skating rinks, parks, dry cleaning shops, restaurants, R.V. parks, camp grounds, gift shops, and gas stations accessory to a commercial recreational facility.
- C. Public utility facilities, excluding distribution and service lines. **(Amendment No. 30 Ordinance #2015-5)**
- D. Mining.
- E. Non-hunting uses that involve firearms.
- F. Campgrounds and Recreational Vehicle parks.

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

### 345 PERFORMANCE REQUIREMENTS FOR NON-RESIDENTIAL DEVELOPMENT:

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

- A. Existing attractive and healthy trees with trunk diameters of eight or more inches shall be preserved, unless they are in conflict with proposed building locations, create safety hazards, or are excluded from the Planning and Zoning Department's list of approved trees. Site plans shall be arranged so that suitable trees can be saved wherever possible. Tree removal plans shall be reviewed by the above department for compliance with this section. If a suitable tree is found to have been removed in violation of this section, the property owner shall replace it with one or two trees, as determined by the Planning Director, at least twelve feet in height for conifers or at least two inches caliper in diameter for deciduous trees.
- B. Site development will avoid unnecessary disturbance of ground so as to maintain existing native plant species, inhibit weed growth, and abate dust.
- C. Landscaped yards with full vegetative ground cover shall conform to the standards for the Residential Suburban district in terms of dimension. The rear yard requirement may be reduced by fifty percent if it abuts a commercial or industrial use. Front areas to be landscaped may be crossed by access drives or exits and sidewalks, but may not otherwise be paved. All landscaping must be maintained in a healthy, growing condition and conform to the following additional requirements:
  1. Landscaped yard areas shall contain at least one canopy tree for each fifty feet of lot width or length for the business in question. This shall be in addition to the landscaping required for the parking area of the building in question.
- D. **REPEALED (Amendment #31, Ordinance 2016-3)**
- E. Site plans shall be designed in such manner that they minimize the traffic impact of non-residential uses on local residential roads.
- F. Buildings and their appurtenances shall be oriented to limit conflicts with surrounding residential uses due to noise, light, litter, or dust.
- G. Where a non-residential use abuts a residential use, the following standards shall be complied with concerning development of the non-residential use:
  1. The developer of any non-residential use shall provide between the residential use or



district, and the developed portion of the non-residential use, a minimum of 50 foot landscaped buffer (see Section 485.) It shall count as the required yard. All required buffer areas shall meet the requirements set forth in Sections 435 and 436.

2. Fences, whose design and materials shall be approved by the Planning Director, shall be erected and thereafter maintained along residential property lines to provide privacy and to prevent the intrusion of unwanted light, dust, or blowing debris.
3. Mechanical equipment must be screened to limit its visibility from neighboring residential uses and residentially zoned lands.
4. Noise-producing mechanical equipment must be located at least fifty feet from any common property line with residential uses and residentially zoned lands.
5. Lighting of the site shall not exceed fifteen feet in height and shall be directed away from residences, or residentially zoned land in the vicinity of the site.
6. Openings in buildings and activity centers on sites shall be located to minimize interference with residential uses.
7. Drainage from buildings and parking lot areas shall be detained on site and shall be directed away from residential land which abuts non-residential uses.
8. Loading and delivery entrances shall be located away from the interface with residential uses or zoning shall be screened to prevent the intrusion of the non-residential activities into the adjacent residential neighborhood.

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

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

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

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

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

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

C. Planned Unit Developments

1. Planned unit developments may be proposed in the REC district for uses permitted within the district.
2. Design deviations may be applied to building bulk and placement requirements. Planned unit developments net density may be up to seven times greater than that which is permitted in the REC district.
3. Minimum size for a planned unit development in the REC district shall be ten acres and the maximum size is 100 lots or dwelling units and 100 acres. **(Amendment #19 Ordinance #2008-4)**

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

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

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**347 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

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

**RECREATION DISTRICT**

MINIMUM SETBACKS (FT)<sup>(1)</sup>

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

**CONDITIONAL USES**

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

- (1) All structures shall be 100' from any stream or riparian area.
- (a) One acre minimum lot area; larger lot sizes may be required by the Health Department.
- (b) Or height of building, whichever is greater.

**350 MULTIPLE USE DISTRICT (MU)****351 PURPOSE:**

The Multiple Use district was established to provide a location for a mix of uses allowed in RS, CG, and LIW districts. This district has been applied to areas where a mix of these uses was established before the adoption of this Ordinance. The 2008 Comprehensive Plan recommended elimination of this zone over time. This zone will be redesignated to other zoning districts according to the predominate development, or as development occurs.

**352 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

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

**353 USES PERMITTED:**

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

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

**355 PERFORMANCE REQUIREMENTS:**

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

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

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

**B. *REPEALED* (Amendment #31, Ordinance 2016-3)**

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

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

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

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

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

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

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

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

6. Openings in buildings and activity centers on sites shall be located to minimize interference with neighboring uses.

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

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

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

**357 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

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

**MULTIPLE USE DISTRICT**

**MINIMUM SETBACKS (FT)<sup>(1)</sup>**

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

**CONDITIONAL USES**

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

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

(a) One acre minimum lot area; larger lot sizes may be required by the Health Department. Smaller lots with one dwelling per acre density allowed in Open Space subdivisions; see Subdivision Ordinance 1997-4.

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

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

**360 COMMERCIAL GENERAL DISTRICT (CG)****361 PURPOSE:**

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

**362 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

- A. The Commercial General district should be located with direct access to roads which are capable of carrying the traffic generated by the uses permitted in this zoning district. The intent of application of such a zone shall be to encourage the concentration of consumer business activities in locations where the resulting activity can be managed properly. Conversion of any land to these uses should be accompanied by plans to accommodate these uses in terms of public improvements, transportation and other facilities.
- B. Proposed business developments should be zoned CG if they are determined to be suitable for extensive commercial retail development in the community's future. Approval of an application or designation of CG should not be made simply on the basis of high traffic counts, but only after an evaluation of the potential public costs which might be created and the compatibility of uses which are already in place on nearby lands, and the effect on the retail business of an adjacent city. Residentially zoned dwellings in the vicinity of lands zoned CG shall be protected from the effects of commercial uses by adequate buffering and restraint of external effects.

**363 USES PERMITTED:**

- A. The following uses shall be permitted in the CG district:
  - 1. Retailing businesses for general household merchandise;
  - 2. Personal service businesses which provide household services as well as personal care services.
  - 3. Indoor recreation facilities.
- B. Professional and business offices. Uses which fall into this category shall include, but not be limited to the following:
  - 1. Advertising agencies
  - 2. Amusement enterprises



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

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

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

**364 USES CONDITIONALLY PERMITTED:**

- A. The following uses shall be eligible for consideration as conditional uses:
  - 1. Wholesale businesses providing service or products to the household consumer on premises.
  - 2. Residential uses and agricultural uses in compliance with the standards in Section 460.
  - 3. Uses as set forth in Section 395.

**365 PERFORMANCE STANDARDS:**

Performance standards in a CG district shall be as follows:

- A. Landscaping shall be installed in accord with standards for commercial landscaping found elsewhere in this Ordinance. Landscaped buffer areas at least fifty feet wide shall be provided along common boundaries with residentially zoned land and shall meet the requirements of Sections 435 and 436.
- B. Pedestrian and bicycle facilities shall be provided on all sites except where the applicant can show that they are not, and will not be, needed.
- C. All setback areas shall be landscaped to the standards set forth in this Ordinance. Variation from the established standards may be granted for good cause, by the office of Planning and Development Services.
- D. **REPEALED (Amendment #31, Ordinance 2016-3)**

**366 PLANNED UNIT DEVELOPMENTS:**

- A. Planned unit developments may be proposed in the CG district for uses permitted within the district provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI). **(Amendment #19 Ordinance #2008-4)**
  
- B. Exceptions to specific terms of the CG district as they directly affect building bulk and placement or intensity of building use may be considered within the context of a planned unit development as defined by this Ordinance. Planned unit development net density may be up to seven times greater than that which is permitted in the Commercial General district for a single family dwelling. Only the uses listed above as permitted or permitted by conditional use permit shall be permitted in a planned unit development in this district.
  
- C. Minimum size for a planned unit development in the CG district shall be five acres. Exceptions to this standard shall be treated as a variance concerning building bulk of placement. Maximum size is 25 acres and maximum 175 lots or dwelling units. **(Amendment #19 Ordinance #2008-4)**
  
- D. Planned Unit Developments on a city boundary must be annexed into that city which has designated that land to be within its area of impact. In the event the City declines in writing, to annex the development, the County shall hear the application in accordance with its Area of Impact Agreement with the City, or Idaho Code shall apply if none exists.

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**367 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

The following table sets forth building bulk and placement standards for the Commercial General district:

**COMMERCIAL GENERAL DISTRICT**

**MINIMUM SETBACKS (FT)<sup>(1)</sup>**

	FROM LOCAL ROAD R-O-W	FROM ARTERIAL OR COLLECTOR R-O-W	REAR YARD	SIDE YARD	MAXIMUM STRUCTURE HEIGHT	MINIMUM % LAND-SCAPED	MAXIMUM FREESTANDING SIGN HEIGHT (FT.)
PERMITTED USES:							
Non-residential uses as listed in CG District	10	50	Bldg. Code	Bldg. Code	--	5%	25
Parking Lots	10	50	--	--	N/A	5%	5
Accessory Buildings	10	50	Bldg. Code	Bldg. Code	15	--	N/A
Residential Uses (a)	25	50	20	7	--	--	N/A

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

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

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

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

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**370 LIGHT INDUSTRIAL AND WHOLESALE DISTRICT (LIW)****371 PURPOSE:**

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

**372 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

- A. The Light Industrial and Wholesale district should be located with ready access to truck routes and possible railroad sidings. Locations should be chosen to minimize impacts upon or hazards to nearby residential areas. Accommodations should be made for large trucks and related commercial activity. Land for this use should be relatively flat and free of natural hazards such as flooding or unstable soil.
- B. Locations should also be chosen based upon their ability to be screened from potentially affected residential uses. Convenience to commercial consumers should be taken into account when locating the Light Industrial and Wholesale zone.

**373 USES PERMITTED:**

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

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

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

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

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

**374 USES CONDITIONALLY PERMITTED:**

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

- A. Permitted industrial uses as long as the land in question does not share a common boundary with residentially zoned land.
- B. All uses listed in Section 395 as conditional uses in the Light Industrial Wholesale zoning district.
- C. Mining and refining as long as the land in question does not share a common boundary with residentially zoned land.

**375 PERFORMANCE STANDARDS:**

Performance standards in the LIW district shall be as follows:

- A. On-site landscaping shall be provided on areas which are open to the public. Service and/or storage yards need not be counted or landscaped if fully fenced and screened from view from roads and other zones of lower intensity use. Landscaped buffer areas at least fifty feet wide shall be provided along common boundaries with residentially zoned land, and shall meet the screening standards in Sections 435 and 436.
- B. **REPEALED (Amendment #31, Ordinance 2016-3)**

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**376 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

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

**LIGHT INDUSTRIAL AND WHOLESALE DISTRICT**

MINIMUM SETBACKS (FT)<sup>(1)</sup>

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

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

\* See 375.A

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

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**380 INDUSTRIAL DISTRICT (I)**

**381 PURPOSE:**

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

**382 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

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

**383 USES PERMITTED:**

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

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

**384 USES CONDITIONALLY PERMITTED:**

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

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

### 385 INDUSTRIAL PERFORMANCE REQUIREMENTS:

Industrial performance requirements shall be as follows:

- A. Industrial uses shall comply with appropriate local, state and federal environmental regulations. It shall be the responsibility of the industrial land use to minimize the effects of its activities on nearby uses.
- B. An Industrial district shall not share a common boundary with residentially zoned lands unless the line demarcates a substantial difference in elevation or other natural or manmade barrier which can separate the effects of these potentially incompatible zoning districts. At a minimum, such districts shall be separated by a street or equivalent barrier plus vegetative buffer per Sec. 485. Exceptions to the preceding conditions may be granted only after the completion of a public hearing and an evaluation of any special circumstances by the Planning and Development Council and the Board of Commissioners. Landscaped buffer areas of greater width may be required where appropriate.
- C. **REPEALED (Amendment #31, Ordinance 2016-3)**
- D. Any proposed use shall meet Idaho air and water quality standards.
- E. All phases of industrial development shall meet all state and county standards.

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**386 TABLE OF BUILDING BULK AND PLACEMENT STANDARDS:**

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

**INDUSTRIAL DISTRICT**

MINIMUM SETBACKS (FT)<sup>(1)</sup>

	FROM ANY ROAD R-O-W	REAR YARD	SIDE YARD	MAXIMUM FREESTANDING SIGN HEIGHT	MINIMUM % LANDSCAPED
PERMITTED USES:					
Uses as listed in Industrial District	10	Bldg. Code	Bldg. Code	35	5%*
Parking Lots for permitted uses	10	--	--	5	5%*
Accessory Buildings	10	Bldg. Code	Bldg. Code	N/A	N/A

**CONDITIONAL USE**

TO BE DETERMINED BY THE PLANNING AND DEVELOPMENT COUNCIL

(1) Setback from Collector or Arterial road may be greater depending on internal traffic pattern of site. All structures shall be 100' from any stream or riparian area.

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

\*see Section 375.A.

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**390 SPECIAL LANDS DISTRICT (SL)**

**391 PURPOSE:**

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

**392 PERMITTED USES:**

**A. Fort Hall Indian Reservation:**

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

**B. U.S. Forest Service and BLM Lands**

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

**C. State determines permitted uses on State owned lands.**

**393 APPLICATIONS FOR NEW LAND USES:**

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

**394 MASTER PLANNED COMMUNITY (MPC) ZONE (Amendment #31, Ordinance 2016-3)****394.1 PURPOSE:**

The intent of this zone is to create self-sustaining new communities with integrated commercial, recreational, natural, and residential land uses, and in which specific provision is made for non-automobile modes to access employment, shopping, and recreational facilities. These communities provide a variety of housing opportunities and choices that include a range of household types, family sizes, and incomes. This zone will ensure development plans better suited to the environments in which the development is to be located. The zone includes higher performance requirements than the conventional requirements found elsewhere in this Code. Particular emphasis is placed on community design and aesthetic values.

**394.2 CHARACTERISTICS OF LAND IN THIS DISTRICT:**

The Master Planned Community (MPC) Zone is established to provide a zoning district to be used in approved locations for new communities within the County. Said communities will mix and integrate land uses that are typically separated in single-use zoning districts. The MPC district may be located near the boundaries of the County's cities where municipal services may be extended, in other areas wherein new municipal services may be provided, or a combination of the above.

**394.3 ZONE ESTABLISHMENT**

No parcel(s) in Bannock County shall be zoned as an MPC district until such time that the Board of County Commissioners approve a Master Development Plan (MDP) for the community and rezone the subject property.

Because of the unique nature and characteristics of an MPC, this section, unless otherwise stated, shall govern the establishment of MPC zoning districts, the uses and performance criteria therein, and the process by which MPC developments and phases are created.

In consideration of the broad design latitude given to MPC developers, the Planning and Development Council and the Board of County Commissioners reserve wide discretionary powers in judging the concepts incorporated into specific MPC development designs. Consistency with the goals and policies of the Comprehensive Plan of the County shall be emphasized in MPCs. For purposes of establishing an MPC district, the procedure shall be as contained within this section and shall be exempt from the requirements of Section 520 of this ordinance.

The process by which approval of a Master Development Plan and rezoning of parcels to an MPC district shall occur is:

**394.3.1 PRE-APPLICATION CONFERENCE**

Prior to a master development plan and rezone request being presented for consideration

for approval, the developer or their designee shall have met with the County Engineer, Planning Director, supervisor of the highway department or their designees, and any other County or non-county agencies, as determined necessary by the Director and obtained a checklist of items required in order to be placed on the Planning and Development Council's agenda. This checklist shall include submittal requirements for the Master Development Plan Review, and other items deemed necessary by staff. Because all tracts of land in the County vary in geography and geology, this list may vary from area to area.

A. **SUBMITTAL REQUIREMENTS:** The applicant shall provide one (1) electronic copy of each of the following to the County Engineer, at least ten (10) business days prior to the pre-development conference:

1. A legal description of the proposed subdivision to the quarter-quarter section.
2. A topographic map of the proposed development area.
3. A narrative indicating the basic concept of the proposed project including estimated number of lots, population build-out, types of land uses, source of water, type of sewage and wastewater treatment systems, how the proposal will meet requirements of County ordinances, and the estimated time of completion for the entire development.
4. Approximate location of accesses to a collector or arterial road.
5. Completed application form.
  - a. The proposed community name shall be reviewed by the County Engineer. A name shall not duplicate or resemble the name of any other subdivision in Bannock County. The County shall maintain a permanent record of all subdivisions. When a name has been accepted by the County for the subdivision of a particular tract of land, the subdivider shall place that name upon each submittal of the proposed subdivision. Neither the name nor the area of land for which the name was issued shall thereafter be changed or altered in any manner unless and until a new name has been accepted by the County.

B..... **ON-SITE REVIEW:** County personnel and those from other non-County agencies as deemed necessary by the County Engineer, will meet applicant on the site to review road access placements and connections to existing roads or streets, public access to public lands, potential problem lot locations, and the ability of the development to meet County ordinance standards. Staff will send written comments to applicant within fourteen (14) business days of the on-site meeting concerning the site's ability to meet County standards and listing possible areas of concern. Areas of concern which may require additional studies to be submitted at

the applicant's expense, may include but are not limited to, nutrient-pathogen and groundwater transportation studies which indicate availability and quality of water, adequacy of water delivery system design, and maintenance.

### 394.3.2 MASTER DEVELOPMENT PLAN APPLICATION AND AGENCY REVIEW

A. SUBMITTAL REQUIREMENTS: Developer shall submit review fees as established by the Board and one (1) electronic copy of the following items to the County Engineer. Once staff review has commenced, fees shall be nonrefundable:

1. Completed application.
2. Legal description of the property and a map (to the quarter-quarter) showing said property.
3. General sketch(es) (with North arrows and scales) showing:
  - a. Proposed general uses of the property and present zoning, if applicable.
  - b. Proposed and/or existing deed restrictions, if any, including easements and rights-of-way.
  - c. Depiction of projected stages of the development according to phasing plan.
  - d. Map and table indicating approximate locations of each bubble/pod of development and the proposed land uses and densities therein.
  - e. Existing locations and types of vegetation.
  - f. Ownership and land use of proposed development.
  - g. Connectivity drawing showing road, bike and walking path, and trails systems.
4. Detailed Written Narrative indicating the concept of the proposed project including:
  - a. Estimated number of lots.
  - b. Estimated population build-out and demographic information.
  - c. Source of water.
  - d. Type of sewage and wastewater treatment systems.
  - e. How the development intends to meet requirements of County ordinances.
  - f. Description of proposed types of land uses.
  - g. Description of how the developer intends to account for traffic impacts at each stage of the development.
5. Proposal for annexation by a city or incorporation as its own city, if applicable.
6. Environmental Assessment: may be required by the County which addresses those areas of concern as identified by the County Engineer from the conditions listed below (a-f) regardless of the size of the proposed

development. The assessment shall be prepared by an individual qualified to perform such work as determined by the County Engineer when any of the following conditions apply:

- a. Inclusion of wetlands, streams, or floodplains.
  - b. Land which may have been used previously as an industrial site or which has a history of pollution.
  - c. Land which may be subject to sliding, slumping, or movement of any sort.
  - d. Land identified as important wildlife habitat.
  - e. Land which may have historical or anthropological artifacts.
  - f. Other land which is deemed by the County to be sensitive to development.
7. Development Agreement. The details of the agreement shall be negotiated between the Planning and Development Council and the County Commissioners as an application progresses.
8. Economic Development Analysis: An analysis of the economic base of the areas, including employment, industries, economies, jobs, and income levels. Analysis shall be performed by an individual who is qualified to perform such work and who demonstrates experience in community development, land use, and land development feasibility, as determined by the Director. The analysis shall include at minimum:
- a. An analysis of the economic base of the area, including, employment, industries, economies, jobs, and income levels. The analysis shall include at a minimum:
  - b. A written assessment demonstrating that the planned community is reasonably supported by economic and market conditions in Bannock County and the Pocatello/Chubbuck metropolitan area. This assessment shall include conceptual information about the following:
    - i. Projected dwelling unit counts, build out/absorption and occupancy in the context of regional growth trends, identified demographic trends and competing development;
    - ii. Likely residential product types and price ranges in current dollars suitable for development within the planned community as a function of planned community location and physical features, anticipated market conditions, and likely demographics as identified in the population section of the planned community comprehensive plan;
    - iii. Planned commercial buildings/gross space, if any, and anticipated build out/absorption in the context of regional growth trends, residential development at the planned community, and locational features including transportation and access; and



- iv. Planned industrial building/gross space, if any, and anticipated build out/absorption in the context of regional growth trends, industrial land utilizing industry trends, and proximate infrastructure
9. Fiscal Impact Analysis: Analysis shall be performed by a professional economist who demonstrates experience in community development, land use, and land development feasibility, as determined by the Director. The analysis shall be a comprehensive evaluation of the fiscal impacts that the proposed development could have on County services which analyzes all of at least the following:
- a. Cost to the County, broken down by department, to provide additional services to the development as a whole and as each proposed phase progresses.
  - b. Cost to political subdivisions within Bannock County, which would service the proposed development, to provide additional services to the development as a whole and as each proposed phase progresses.
  - c. Estimated long-term homeowner obligations from homeowner assessments and/or special tax districts.
  - d. How the developer’s proposal would mitigate fiscal and economic impacts resulting from the development.

B. NOTICE PROCEDURES: Within ten (10) working days, the Director and designated staff shall review the submittal to ensure completeness. If the Director determines that the submittal is complete, he/she shall provide notices in the following manner:

- 1. Agency and Utility Notice: Within five (5) working days after determining that the submittal is complete, the Director shall post the submittal documents on the Department’s website and provide written notice of the application and a summary with a request for agency and utility review and comment. Agencies shall be asked to provide written comments to the Director within fourteen (14) days from the date that notice was sent. Agencies and utilities which shall be afforded notice include:
  - a. All municipalities within the County.
  - b. Southeastern Idaho Public Health District.
  - c. Fire District serving the location.
  - d. Sheriff’s Department.
  - e. School district(s) affected by the development.

- f. Idaho Transportation Department.
  - g. Affected highway jurisdiction.
  - h. Idaho Fish and Game.
  - i. Idaho Department of Water Resources.
  - j. Idaho Department of Environmental Quality.
  - k. Idaho Department of Agriculture.
  - l. Power, electric, and gas utilities serving the area.
  - m. Bannock Transportation Planning Organization.
  - n. Bannock Development Corporation.
  - o. Bureau of Land Management.
  - p. US Forest Service.
  - q. Army Corps of Engineers.
  - r. Environmental Protection Agency.
  - s. USDA Natural Resources Conservation District.
  - t. Shoshone-Bannock Tribes.
  - u. Other agencies as deemed necessary by staff or upon request by agency.
2. STAFF REVIEW OF COMMENTS: After the deadline for receipt of comments, Staff shall have ten (10) working days to review the submitted comments. If upon review the staff finds that additional information or studies are required, Staff shall send written correspondence to the applicant stating said fact and that the application shall be placed on hold until the information is submitted and reviewed. If upon review of the comments Staff determines that no further information is required, application shall be scheduled for the next available regular Planning and Development Council public hearing.

**394.3.3 PUBLIC HEARING**

- i. HEARING PROCEDURE: Master Development Plan and Rezone approval shall be based upon the aforementioned submittal requirements. Approval of a Master Development Plan does not grant an applicant the authority to permanently alter the landscape in any way, shape, or form. Approval of a Master Development Plan and Rezone shall not be a determination of site suitability for development; a more comprehensive evaluation shall be given at individual phase stages of the subdivision process.

A Master Development Plan and Rezoning request shall be heard according to the following procedures: 520.1.B through 520.5 of this Ordinance. In addition to those notices required in Section 520.3, agendas shall also be sent at least fifteen (15) days before the

hearing to all agencies listed in Section 394.3.2.B.1 of this Ordinance.

- ii. **REVIEW CRITERIA:** In addition to those findings required by Section 520.4, a Master Development Plan may be recommended to the Board of County Commissioners only if the Council finds that it satisfies each the following criteria:
  1. The proposed master development plan is in conformance with the Bannock County Comprehensive Plan; is in conformance with all applicable provisions of this Ordinance, other County Ordinances, and Idaho Code.
  2. The proposed property is physically suitable for the type and proposed density of development and conforms to zone standards.
  3. The proposed plan conforms to applicable transportation plans including vehicle, pedestrian, and bike.
  4. The soil and topography are suitable for the proposed tentative plan.
  5. The proposed plan accounts for wildlife considerations.
  6. The proposed timing of the total project and intervals between phases is deemed sufficient.
  7. The proposed schedule for construction of improvements in phases is deemed sufficient.
  8. The proposed sequence of phases is deemed sufficient.
  9. The proposed Master Development Plan map for the total project showing phases, approximate location of lots, streets and other improvements at build-out appears to be sufficient and desirable.
  10. The effects of the development on any political subdivision providing public services, including school districts, have been addressed by the applicant and shall therefore not result in demonstrable adverse impacts upon the delivery of services of said public service providers.
- iii. **CONDITIONS:** The Council or Board of County Commissioners may place conditions upon a Master Development Plan which enable the Plan to meet criteria for approval. If the

developer accepts those conditions, the developer may then proceed with individual phases according to the Subdivision Ordinance.

394.4 TIME LIMITS: Approved Master Development Plans shall run with the land in perpetuity unless otherwise agreed to in a development agreement.

394.5 MINIMUM SERVICE STANDARDS

Each MPC shall provide all of the following minimum service standards. Additional standards may be recommended by the Planning & Development Council, and shall be required if deemed necessary by the Board of County Commissioners:

- A. Electricity shall be provided to every developable lot.
- B. Telephone shall be provided to every developable lot.
- C. Drinking water shall be provided to every developable lot and provided by a municipality, private water company regulated by the Idaho Public Utilities commissioner, or a water district pursuant to Idaho Code. The drinking water system shall comply with all federal, state, and local regulations.
- D. Wastewater treatment and reuse service, or connection to an existing system, shall be provided to every developable lot within the MPC by a municipality, a private sewer company, or sewer district established under Idaho Code.
- E. Schools
  - 1..... Sufficient land shall be incorporated into the land use plan for elementary, middle, and high school educational facilities, including school bus stops, to serve the planned community according to the applicable school district standard.
  - 2..... Where practicable, elementary schools shall be located within 1.5 miles of 50% of the projected elementary-aged residents of the community.
- F. Transportation
  - 1. Level of Service on all public roadways shall be determined by the entity having jurisdiction over the roadways (e.g., Bannock County Highway Department, Downey-Swan Lake Highway District, ITD).
  - 2. To ensure adequate emergency egress, every MPC shall have at least two (2) means of egress able to handle traffic as each phase progresses. A graveled emergency access road may suffice as one (1) means of egress for the purposes of this requirement if recommended by the County Engineer.
- G. Open Space
  - 1. A minimum of 20% of the total gross area of the MPC is required to be preserved as open space. This open space may be dedicated to a public entity, if such dedication is mutually agreeable.

2. All natural and developed open space shall be accessible to the public and shall be created and evidenced by recorded easements and plat notes, or other recorded instruments.
3. Open Space Development Standards are found in Section 590.E. of this Ordinance.

394.6 GENERAL STANDARDS: In addition to those standards required by other federal, state, and county laws and ordinances, each MPC shall be held to the following standards:

- A. Internal roadway network and connectivity to existing regional transportation systems shall be designed to conform to applicable Idaho Transportation Department, County, or other highway district/department standards and policies.
- B. Internal trail and pathway networks shall be designed to connect to existing and planned regional networks, as applicable, to increase connectivity and access to broader trail systems.
- C. Each MPC district shall demonstrate careful integration with the existing natural and developed environments around it.
- D. The minimum area of an MPC shall be seven hundred and fifty (750) acres.
- E. The minimum area of any proposed phase or development pod within an MPC zoned area shall be five (5) acres.
- F. There shall be no minimum lot area in any MPC Zone except as established with development approval using approved densities as a guide. Parcels shall be of sufficient size to assure compliance with building setbacks, water and sewage systems, landscaping (including snow storage and on-site water retention), access, parking, and walkability standards.
- G. The overall gross density of an MPC shall not exceed three (3) dwelling units per acre. A range of residential densities and housing opportunities, but in no case shall individual residential neighborhood phases exceed twenty (20) dwelling units per acre.

**394.7 MINIMUM OF THREE BEST PRACTICE DESIGNS**

A. Each MPC shall select a minimum of three best practices from the list below to implement into the development. Alternative best practices may be approved upon review of the Planning Director. Best practice design options include:

1. Reduction of Crime through Landscaping:
  - a. Where practicable, Crime Prevention Through Environmental Design (CPTED) principles may be used in the design and layout of buildings, streets, accesses and open space areas. An acceptable CPTED design will promote natural surveillance, access control, territorial reinforcement, sense of ownership, and proper management/maintenance.
  - b. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of two (2) to three (3) feet and trees with a proper ground clearance of six (6) to eight (8) feet above walkways and sidewalks and eight (8) to ten (10) feet above vehicular travel and parking lanes.
  - c. Fences or walls, if determined to be necessary or desirable, must be reviewed for their effectiveness in protecting private space while not creating isolated uses or dead space void of natural surveillance.
  - d. In order to encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls (except retaining walls) are not permitted adjacent to streets, pedestrian corridors, parking areas, and open space amenities. Symbolic barriers, such as a low lying fence/wall, landscaping and signage may be used, as appropriate, to discourage crime and to promote safety through natural access control. Street side building entrances and extensive windows, with balconies, decks, or landscape terraces, and other architectural features are encouraged to promote "eyes on the street."
2. Reduction of Urban Heat Island Effects
  - a. A design plan shall be submitted demonstrating that the MPC shall be constructed with roof materials, driveways, and parking lot coatings which have a high Solar Reflectance Index.
3. Water-wise Landscaping (Xeriscaping)
  - a. Design plan shall be submitted demonstrating that vegetation throughout the MPC shall be such that are known to be drought resistant and to thrive at the elevation of the proposed development.
4. Community-wide Energy Efficiency

- a. Layout and orientation of the MPC shall be such that the ability for the community to increase active (such as for photovoltaic cells) and passive solar energy (natural lighting or direct solar heating through walls and windows) is maximized.
  - b. Where practicable, floor plans should be oriented toward the Sun, with strategic window placement where practice to enable frequently used rooms, such as kitchens and living rooms, to benefit from proper solar energy. Garages, laundry rooms, and other less frequently used areas should be situated at the northern part of structures where practical.
  - c. Consideration of the topography and local wind patterns shall be given when considering lot layout and structure placement.
5. Low Impact Development/Green Infrastructure
- a. Where practicable, Low Impact Development/Green Infrastructure LID/GI principles should be followed. LID/GI is an approach to water management that protects, restores, or mimics the natural water cycle. The Environmental Protection Agency’s *Managing Wet Weather With green Infrastructure Municipal Handbook* or the *Low Impact Design Center Low-Impact Development Design Strategies – An Integrated Design Approach* may be used as a basis of design. Incorporation of green infrastructure design principles includes, but is not limited to:
    - i. Rain Gardens.
    - ii. Urban Forestry.
    - iii. Permeable pavements.
    - iv. Wetland Restoration/Preservation.
    - v. Water Harvesting.

394.8 USES PERMITTED

The following uses shall be permitted in the MPC district and where permitted by the approved master development plan, subject to conditions found elsewhere in this Ordinance. Decisions on uses not specified herein shall be rendered by the Planning and Development Services Office with appeal to the Planning and Development Council available to the applicant.

- 1. Accessory buildings, structures which are customarily incidental to residential uses.
- 2. Accessory dwelling units within single-family structures.
- 3. Administration and business offices.
- 4. Agriculture without livestock.
- 5. Auto parts and accessories.
- 6. Auto wash.
- 7. Auto repair

8. Auto sales and services.
9. Banks, credit unions, financial institutions.
10. Bed and Breakfast facility (under 6 bedrooms).
11. Boat and RV sales and services.
12. Business services.
13. Childcare not requiring state licensure.
14. Commercial construction contractors.
15. Dry cleaning shop.
16. Educational facilities.
17. Gas station.
18. Golf courses.
19. Health and fitness center.
20. Home Occupations.
21. Hotels, motels, bed and breakfast inns, and similar lodging.
22. Household pets in compliance with County requirements.
23. Medical and dental offices or clinics.
24. Multi-family dwellings, including duplexes/twin homes, varied and integrated with adjacent uses.
25. Nursery.
26. Outdoor entertainment.
27. Parks and open space.
28. Personal services.
29. Professional offices.
30. Public Service Facilities
31. Recreational facilities.
32. Religious assembly.
33. Residential facility for disabled persons as required by law.
34. Residential use above the first floor of commercial or office use.
35. Restaurants.
36. Retail sales and services.
37. Schools, academic.
38. Senior housing, including independent living, assisted living, memory care, and long term care facilities.
39. Single-family dwellings.
40. State-licensed daycare facility for up to 6 client children at any one time in the daycare operator's primary residence or a daycare center.
41. Storage facilities.
42. Temporary uses established for a limited time to accommodate necessary construction activities
43. Temporary uses as permitted elsewhere in this Ordinance.

#### 394.9 USES CONDITIONALLY PERMITTED

The following land uses may be permitted conditionally in the MPC district and where permitted by the approved master development plan, subject to conditions established



elsewhere in this Ordinance. The locations and designs of all conditionally permitted uses may be more strictly controlled by the MDP. Where the MDP has not specified further control on conditional uses, decisions on specific uses will be rendered by the Planning and Development Services Office with appeal to the Planning and Development Council available to the applicant.

1. Kennel, fully indoor.
2. Live/work units.
3. Public buildings such as sewer plants, substations, pumping stations, and temporary tree farms, gravel pits, and asphalt and concrete batch plants.
4. Research facilities
5. State-licensed daycare for more than six (6) client children at any one time and up to a maximum of 20 children if in the daycare operator's primary residence.
6. Utility transmission line.
7. Utility installations, including wireless facilities.
8. Zoo.

**394.10 DEVELOPMENT STANDARDS**

The following standards apply specifically to development in MPC Zoning districts, in addition to general standards provided in the Zoning and Subdivision ordinances:

**A. Building Placement and Massing**

1. **Setbacks:** Building facades for non-residential development may be required to abut street edges and their identified "build-to lines." Building facades adjacent to streets should be zero feet (0') to five feet (5') from the street side (typically the inside edge of sidewalk) property lines where build-to lines are drawn. Awnings and architectural features may project beyond build-to lines, as approved by County Planning staff. Street edge setback variations may be used when an activity related to pedestrian use is maintained, (e.g., special landscaping, outside restaurant seating). Recessed plazas, courtyards, and trellises are encouraged but not required.

Zero lot line side setbacks with attached structures, in compliance with the international building code (IBC) may be required, except for necessary driveway access, pedestrian access, open space, and landscape areas. Unless otherwise approved by the Planning Development Council, rear yards and the rear of buildings shall not directly abut streets.

2. **Building Orientation and Access:** The buildings and entrances of all retail, civic, and office buildings shall front onto streets (or approved private driveways designed as streets), with the exception of center block residences (which still must front green courts and pedestrian ways) and anchor stores greater than forty thousand (40,000) square feet in size. The latter may be considered for "side fronting" design.
3. **Secondary entries** are encouraged and may be required at the rear of

street-facing buildings. Where possible, "like land uses" shall face "like land uses" or open space, i.e., retail across the street from retail, townhomes from townhomes, etc. Loading docks and service areas must be screened from streets and adjacent properties through architectural design and/or landscaping. Anchor store entrances must be connected to adjacent streets via landscaped, publicly accessible walkways. Access from parking areas may be via midblock passageways or "paseos" connected to the street.

4. Building Height: Buildings shall have a minimum and maximum number of stories based upon building type and land use. Building height that may be expressed in feet is to be measured in accordance with the County’s adopted ordinances and standards. Buildings of height greater than allowed may be approved by the Planning Development Council on a limited basis, subject to size, scale, topography, and uniqueness of the development, i.e., rooftop gardens. Approved structures with additional height may be required to employ suitable "step back" architecture and other architectural features which encourage a more walkable "village" feel at street level.

Buildings within the “Town Center” or commercially-designated area of the MPC and within the balance of the MCP zoning district shall have a minimum and maximum building height as indicated by building type and land use, as shown below.

Land Use	Commercial	Office	Vertical Mixed Use	Condos/ Apartments	Townhomes	Public/Quasi-Public
Min. building height	<i>One (1) story<sup>1</sup></i>	<i>One (1) story<sup>1</sup></i>	<i>Two (2) stories</i>	<i>Two (2) stories</i>	<i>Two (2) stories</i>	<i>One (1) story<sup>1</sup></i>
Max. building height inside “Town Center”	<i>Four (4) stories<sup>2</sup></i>	<i>Four (4) stories<sup>2</sup></i>	<i>Four (4) stories<sup>2</sup></i>	<i>Four (4) stories<sup>2</sup></i>	<i>Three (3) stories</i>	<i>Four (4) stories<sup>2</sup></i>
Max. building height balance of MPC	<i>Two (2) stories</i>	<i>Two (2) stories</i>	<i>Three (3) stories<sup>2</sup></i>	<i>Three (3) stories<sup>2</sup></i>	<i>Three (3) stories<sup>2</sup></i>	<i>Two (2) stories</i>

Notes:

- 1. *Vertical architectural elements may be required that make the buildings appear greater than one story, particularly within the designated town center.*
- 2. *"Step back" architecture may be required adjacent to streets and pedestrian ways in order to enhance pedestrian comfort.*

B. Land Use Impact and Buffering

- 1. Where separation is desirable, landscape buffers are preferred over fences and walls. A visually open look is encouraged, but not required, between compatible uses. When used, fences or walls shall be compatible in color, texture, and design in relationship to building materials. Fencing may be controlled or prohibited within the MDP as a design feature.

C. Architectural Design and Materials

- 1. Each MPC district shall provide for and maintain an Architectural Design Committee to ensure that the treatment of building mass, materials and exterior appurtenances create aesthetically pleasing structures and a site that is in character with, and in proportion to, other surrounding buildings, while still providing diversity in design and neighborhood identity. The Committee shall review and approve all themes and colors prior to development permit application submittals to ensure compliance with the approved Master Development Plan.
- 2. A consistent architectural theme with colors from the natural environment is encouraged to help buildings blend with existing surroundings. Building styles shall be compatible with existing buildings within the respective neighborhood.
- 3. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial or mixed use buildings shall be designed with contrasting ground floor architectural articulation in order to enhance street activity and walkability.

Windows, display windows, doors, and arcades must make up at least seventy percent (70%) of street facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Tinted windows or windows with reflective film or glass are discouraged at street level.

- 4. Mechanical equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent developments. Screens shall be aesthetically incorporated into the design of the building whether located on the ground, roof or other areas.
- 5. Plans for significant exterior modifications to any existing approved structures

must be submitted to the County planning staff for zoning clearance and must meet the same requirements as all other structures within the development.

**D. Signage**

Proper design and placement of signs and their lighting shall be compatible with land uses and structures. Permitted signs within the MPC Zone shall be in compliance with this Ordinance, except that freestanding and off-premises signs are discouraged. Billboards shall not be permitted. Wall signs, blade signs, and window signs, approved as part of an overall sign theme, are encouraged.

Monument signs and directional signs are discouraged. Where approved, monument signs must comply with the following limitations: the sign shall have as the prominent feature the name of the development (i.e., 'Pebble Village,' 'Creek Plaza'). All other lettering shall be no taller than four inches (4") in height. The maximum height of the sign shall be four feet (4') for the portion containing general copy, with an overall maximum height of six feet (6') above sidewalk grade. For community identity purposes, the top two feet (2') of the sign shall be utilized to identify the name of the development or center.

Monument signs shall be constructed with materials similar to that of the main building. Monument signs may not extend into the required sign visibility triangle, unless otherwise approved by the County.

**E. Open Space**

Open space shall be provided within or adjacent to each neighborhood, complementing the size, scale, nature, and proximity of other accessible open space amenities in the area.

1. Approved open space may include, but is not limited to: commons, parks, landscaped plazas, outdoor dining, courtyards, conservation of land in its natural state, sensitive area protection, wildlife habitat, manmade landscape features or focal points, fountains, waterfalls, other water features, golf courses, greenbelts, sidewalks within open space areas, trail systems and connections, playgrounds, pavilions, picnic areas, and sustainable agriculture. A "village green" commons area may be required within the community town center or other significant activity area.

Efforts should be made to create an integrated and interconnected network of accessible open space. Areas proposed as open space shall be permanently restricted through a permanent open space notation on the plat.

2. Construction materials used within open space areas shall be related to the materials of adjacent buildings. Design and texture shall encourage comfortable and safe pedestrian use, including landscaping, seating areas, and lighting, as appropriate.
3. Areas of environmental concern or interest may be required to be preserved,

(e.g., drainages, steep slopes, significant vegetation, connections to trail systems, and water features). Unless otherwise specified through dedication, special agreement, or understanding with the County, all open space areas shall be maintained by property owners or property associations.

**F. Outdoor Lighting**

The lighting of streets, pedestrian areas, parking lots, and active open space is required. Streetlights shall conform to an approved theme and shall encourage a "village" feel, a pedestrian scale, and walking safety. Lighting shall comply with requirements of Section 475.10 of this Ordinance.

**G. Streets and Pedestrian Ways**

1. Streets: Private streets are discouraged. Gated communities are not permitted.

While any street dedication should be shown on recorded plats, the actual effective date of said dedication may be delayed through an appropriate legal instrument, as approved by the County.

2. Sidewalks and Walkways: The design of pedestrian ways may include a solitary meandering pathway or trail, a "pedestrian street," and the many possible designs in between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access will be made based upon scale, the type of project being proposed, and by the way uses are integrated.

An eleven (11) foot cross section, with a six (6) foot park strip and a five (5) foot sidewalk, is a standard. Alternate park strips and/or sidewalks widths may be approved depending upon the proposed land uses and the desired effect. All streets shall have sidewalks and curbside streetscape, except as may be necessary because of topography. However, portions of MPCs may be built without sidewalks if dedicated bicycle and other pedestrian access is provided by separated or integrated pathway systems, to be designed and approved in consultation with the County planning staff.

3. Sidewalk /Walkway Materials and Street Furniture: Pavers, borders, and other sidewalk design materials with compatible colors shall be used as needed in order to break up expanses of hard surfacing and to encourage pedestrian interest and activity. In "vertical mixed use" and other more urban areas, sidewalk adjustments may be required in order to enhance street and land use connectivity. Portions of the park strip may be paved to accommodate street furniture, leaving appropriately sized tree wells for street trees.

Street furniture, including, but not limited to benches, trash receptacles,

artwork, drinking fountains, bike racks, and newspaper racks, may be required depending upon the nature of the block face and area land uses. Street furniture requirements shall include an overall design theme for compatibility.

- 4. Crosswalks: Extensive use of crosswalks shall be incorporated within the community at key intersections, mid-blocks as needed, within parking lots, or other desirable pedestrian routes. Crosswalks shall be so configured to be a design feature of the development, (e.g., multiple painted lines, pavers, edges, and other methods of emphasizing pedestrian use versus auto use).

Crosswalk paving materials matching sidewalk materials are encouraged to further enhance the pedestrian realm. Bulb outs and other pedestrian design features shall be used to shorten walking distances across open pavement in key pedestrian locations. As needed, gaps in planted medians shall be used in association with pedestrian crossings to encourage walking and to act as a "refuge" for crossing pedestrians.

- 5. Master Planned Mobility System: All MPCs shall comprehensively integrate a bicycle/pedestrian mobility network that connects all nodes of the MPC with excellent non-automobile mobility infrastructure. The network shall provide multiple ways of accessing community amenities, and shall connect to public lands and planned regional trails where possible. Based upon land use and the level of demand, bicycle pathways along major corridors, and associated bicycle parking shall be provided in appropriate locations (e.g., visible from storefronts and entrances to office buildings and multi-family residential structures).
- 6. Driveways: Shall meet standards of Section 475.13 of this Ordinance.
- 7. Lots: Each lot shall contain a satisfactory building site which is related to topography and allows delivery of the Minimum Service Standards as found in Section 504.
  - a. SIDE LOT LINES: Insofar as practical, side lot lines shall be at right angles to straight roads or streets, and radial to curved roads or streets.
  - b. LOT LOCATION IN RELATION TO STREET OR ROAD: All lots must front upon an approved road, street, or auto court, or upon a community green space.
  - c. REVERSE FRONTAGE: Lots in residential subdivisions shall have primary vehicle access to an interior subdivision road or street, where practical given topographic constraints. Overall, no more than twenty percent (20%) of dwelling unit vehicle accesses shall front onto an arterial or collector street.

**H. Other Forms of Transportation**

All forms of transportation shall be considered within and without project developments



with the intent to improve convenience and reduce vehicle trips, including auto, transit, bicycle, and pedestrian. Access connections shall be required where deemed appropriate to provide circulation or access to churches, schools, playgrounds, open space, shopping centers, transportation, and other community facilities.

Appropriate bus turnouts, shelters, stops and other transit options shall be coordinated and planned as part of the development review process.

I. Parking areas

Parking areas shall be designed to comply with requirements of sections 413 through 417 of this Ordinance. Due to the unique nature of MPCs and where appropriate, on-street parking shall be provided adjacent to developments, and may be used, in whole or part, to satisfy overall parking requirements. Parallel or angle parking may be approved based upon the overall design, adjoining land uses, and width of the street.

J. Environmental Concerns

1. Wildlife and Wildlife Habitat Protection will be coordinated with the Idaho Department of Fish and Game. It is the intent that wildlife protection will be an amenity for MPCs with such habitats. Wildlife feeding patterns and wildlife corridors will be taken into account in planning developments, and where possible, integrated into proposed open space preservation areas.
2. Vegetation, Soil, and Erosion Controls. Because of the high density nature of MPC development, all development in an MPC District shall comply with provisions of the Bannock County Site Sediment and Erosion Control Ordinance whether located in the Bannock County Urbanized Area or not. All development greater than one (1) acre will require a Construction General Permit through the Environmental Protection Agency.
  - a. Cuts and fills shall be allowed for road grading and access subject to proper slope control, retaining walls, easements, and re-vegetation, as necessary.
  - b. Service and Storage Areas: Loading and refuse collection areas must be screened from public view. These areas are not permitted between buildings and streets unless they can be adequately screened through landscaping and architectural design.

Buildings and site improvements must be designed to properly accommodate loading and unloading and refuse collection, with such being discouraged on streets. Screen walls/enclosures shall be constructed with materials compatible with the structures they serve. Loading and refuse collection areas shall be properly maintained in a debris free condition.

Except for approved and screened, recreational vehicle storage lots

associated with a residential use, storage areas, including the storage of materials, merchandise, pallets, etc., shall be within buildings.

**K. Utilities**

Utility companies shall coordinate utility infrastructure location and grouping to create minimal impact on site design. While electrical transmission lines may be located above ground with approval from the Board of County Commissioners, all other utility lines shall be placed underground in designated easements. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity or any other energy or service shall be installed, and no pole or other support structure therefore shall be erected, altered or replaced, upon any lot (outside of any building) above the surface of the ground except for hoses and movable pipes used for irrigation or other purpose during construction. Utility lines shall be kept out of the public right-of-way except for crossings.

Utility boxes shall be grouped together where possible and screened with vegetation or other appropriate method. Such facilities shall be sensitively placed so as to not detract from street aesthetics and pedestrian design. Gas meters and electric service meters and panels shall be located on the sides of buildings or otherwise screened from public view.

**394.11 SPECIFIC RESIDENTIAL DESIGN REQUIREMENTS**

- A. Depending upon the size and scale of mixed use projects, residential dwellings shall comprise more than one land use type, fulfilling housing needs with an assortment of housing options.
  
- B. Building setbacks for multi-family residential dwellings shall be determined at the time of site plan review. Where possible, multi-family development shall front onto streets or open space with appropriate walkable elements, including building entrances facing the street, sidewalks, and parkstrips with street trees. When approved, private streets shall be so designed to resemble a walkable public street design. The following standards shall be required for multi-family residential development:
  - 1. Properly designed off-street surface parking lots hidden from streets.
  - 2. Dwelling and garage gables facing streets and alleys.
  - 3. Covered entrance porches.
  - 4. Building entry sidewalks that connect directly to street sidewalks.
  - 5. Variety of building sizes, shapes and building heights.
  - 6. Open space and recreational amenities compatible with project scale and the market.

The following standards for multi-family residential development are encouraged but not required:

- 1. Multi-level structures.
- 2. Dormers and/or shutters, and other architectural window treatments.



- 3. Street side balconies/decks.
- 4. Surface parking designed in a linear fashion to better resemble a public street design.
- 5. Front-loaded garage units. Where front-loaded garages are approved, they are encouraged to be designed to be subservient (set back at least five feet (5') from the front line of the dwelling) to the architecture of the residential structure.

C. Single-family residential dwellings, unless fronting onto a "green court," shall have variable front yard setbacks measured from the covered porch to the edge of the curb. Front-loaded garages should be subservient to the dwelling and shall not have a setback less than eighteen (18) feet to the edge of the sidewalk. In no case shall the front yard setback be less than fifteen (15) feet between livable space and the edge of sidewalk. Side and rear setbacks shall be determined at the time of site plan review based upon acceptable subdivision layout and design.

The following standards shall be required for single-family residential development:

- 1. Dwelling and garage gables, hips, sheds, or other stylized roof features facing streets and alleys.
- 2. Covered, open-front porches are required on all single-family detached units, and shall be at least six feet (6') in width.
- 3. Building entry sidewalks that connect directly to street sidewalk or pathway.

The following standards for single-family residential development are encouraged but not required:

- 1. Subservient garages, i.e., rear loaded with alley access, front loaded detached or attached but set back from the front line of the livable area or porch of the home, side entry attached, or a combination of the above.
- 2. Mix of one and two-story dwellings.
- 3. Side street balconies/decks.
- 4. Wraparound porches, particularly on corner lots.

**395 USE REGULATIONS SUMMARY**

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

Please refer to the text for permitted uses in each zone. Where text and chart may differ, the text will prevail. Because no list can be complete, the Planning and Development Director shall decide the status of a use. That decision may be appealed to the Planning and Development Council as set forth in Section 503.4 of this ordinance.

This chart is intended for reference purposes only.  
 All site plans require approval in accordance with section 503 through 503.8

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
<u>RESIDENTIAL USES:</u>							
Attached Housing - 3 or more dwelling units .....	N	D	P	P	C	N	N
Boarding House (see inn or hotel) .....	C	P	P	P	C	N	N
Duplex .....	N	P	P	P	C	N	N
Institutional Residential.....	C	C	C	C	C	N	N
Mobile Home Parks .....	N	D	D	D	N	N	N
Residential Planned Unit Development .....	N	P	P	P	N	N	N
Single Family Residential (detached) .....	P	P	P	P	C	N	N
Wind Turbine - Small (monopole only).....	P	P	P	P	P	P	P
Wind Turbine – Medium.....	P	P	C	C	P	P	P
Wind Turbine – Commercial.....	C	N	N	N	C	C	C

NON-RESIDENTIAL USES

	DISTRICT						
	AG	RR	RS	REC	CG	LIW	I
Administration & Business Offices.....	N	N	N	N	P	P	P
Airport/Heliport, Private .....	C	C	C	C	C	C	C
Auto Parts & Accessories .....	N	N	N	C	P	P	P
Auto Parts, Used, and/or Rebuilding .....	N	N	N	N	N	P	P
Auto Salvage (junkyard) .....	N	N	N	N	N	N	C
Auto Wash .....	N	N	N	C	P	P	P
Autobody Repair, Auto Towing .....	N	N	N	C	N	P	P
Automotive Repair .....	N	N	N	C	P	P	P
Automotive Sales.....	N	N	N	N	P	P	P
Bed & Breakfast Facilities:							
under 6 bedrooms.....	P	P	P	P	P	N	N
6 or more bedrooms .....	C	C	C	C	P	N	N
Billboards (outdoor/adv.) .....	N	N	N	N	N	P	P
Boat Sales .....	N	N	N	N	C	P	P
Boat Service .....	N	N	N	N	C	P	P
Building Contractor .....	N	N	N	N	P	P	P
Building Maintenance Service .....	N	N	N	C	P	P	P
Building Material Sales .....	N	N	N	N	P	P	P
Bulk Storage of Fuel or Chemicals .....	N	N	N	N	N	P	P
Cabinet Making .....	N	N	N	N	P	P	P
Campground.....	C	N	N	C	P	N	N

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1**

Recorded #98004542

Cemetery* .....	C	C	C	C	N	N	N
*see Cemetery Regulation Ordinance #1998-2							
Circuses or Carnivals, temp. ....	P	N	N	P	P	P	P
Cocktail Lounge or Bar .....	N	N	N	C	P	P	P
Commercial Building Contractor .....	N	N	N	N	P	P	P
Commercial Heating, Cooling Contractor .....	N	N	N	N	P	P	P
Commercial Livestock .....	P	P	N	N	N	N	N
Commercial Off-Street Parking.....	N	N	N	C	P	P	P
Component Assembly .....	N	N	N	N	N	P	P
Concrete Contractor .....	N	N	N	N	N	P	P
Construction Products Supply .....	N	N	N	N	N	P	P
Construction Sales, Service .....	N	N	N	N	P	P	P
Consumer Repair Service .....	N	N	N	C	P	P	P
Crop Production .....	P	P	P	P	P	P	P

**DISTRICT**

	AG	RR	RS	REC	CG	LIW	I
Day Care Center 1 - 6 Children .....	P	P	P	P	P	N	N
7+ Children .....	C	C	C	C	C	C	N
Day Care Home 1-6 Children .....	P	P	P	P	P	N	N
7+ Children .....	C	C	C	P	P	N	N
Dry Cleaning Central Plant.....	N	N	N	N	N	P	P
Dry Cleaning Shop .....	N	N	N	C	P	P	N
Excavation Contractor .....	N	N	N	N	N	P	P
Explosives, Storage or Manufacture.....	N	N	N	N	N	C	P
Farm & Domestic Animals for single family recreation, consumption or education.....	P	P	P	P	P	P	P
Farm Equipment Sales .....	P	N	N	N	N	P	P
Feed Lots .....	C	N	N	N	N	N	C
Financial Service .....	N	N	N	C	P	P	P
Fire Station .....	P	P	P	P	P	P	P
Food Processing.....	C	N	N	N	N	P	P
Freight Terminal .....	N	N	N	N	N	P	P
Gas Station.....	N	N	N	C	P	P	P
Golf Course .....	C	P	P	P	C	N	N
Greenhouse, Commercial.....	P	N	N	C	P	P	P
Hog Farms.....	C	N	N	N	N	N	N

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

**BANNOCK COUNTY ZONING ORDINANCE NO. 1998-1**

Recorded #98004542

Road Contractor .....	N	N	N	N	N	P	P
Schools:							
Academic .....	P	P	P	P	P	C	N
Vocational .....	C	N	N	N	P	P	P
Shooting Preserves .....	C	N	N	C	N	N	N
Sign Contractor .....	N	N	N	N	P	P	P
Stables, commercial .....	P	P	N	P	N	N	N
Truck Sales .....	N	N	N	N	P	P	P
Truck Service .....	N	N	N	N	P	P	P
Truck Stop .....	N	N	N	N	C	P	P
Utilities Transmission Line .....	P	C	C	C	C	P	P
Utility Installations .....	P	C	C	C	P	P	P
Veterinary Services .....	C	C	N	C	P	P	P
Warehousing & Distribution .....	N	N	N	N	N	P	P
Wholesale Business .....	N	N	N	N	N	P	P
Wildlife Preserve .....	C	N	N	C	N	N	N
Zoo .....	C	N	N	C	N	N	N

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**400 GENERAL REGULATIONS**

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

**401 ACCESSORY USES:**

- A. **AUTHORIZATION:** Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this section shall be determined by the Planning Director pursuant to his or her authority to interpret the provisions of the ordinance.
- B. **ZONING CERTIFICATE REQUIRED:** No accessory use or structure shall be established or constructed unless a zoning permit evidencing the compliance of such use or structure with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued in accordance with Section 501.
- C. **USE LIMITATIONS:** In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:
1. In the case of all commercial and industrial uses: accessory structures shall maintain the same minimum front, side and rear yard as is required for the principal structure.
  2. **Setbacks:** The minimum distance between a residential accessory structure and the principal structure shall be as set forth in the Building Code Ordinance of Bannock County. **(Amendment No. 28, Ordinance #2014-1)**
  3. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
  4. Residential accessory uses and buildings shall be:
    - permitted after or concurrent with the development of the primary use; a shop or storage shed on a residential lot is an accessory building and cannot be permitted prior to issuance of the permit for the residence except one personal storage building may be permitted on a residential lot in the Agricultural, Residential Rural, Residential Suburban, and Recreation Zoning Districts prior to the issuance of a permit for the residence provided that a residential development right has been established. **(Amendment No. 27, #2013-3)**
      - A personal storage building of no more than 1400 square feet in size may be permitted by staff in accordance with the site plan review procedure. The applicant shall prepare a detailed site plan of the proposal and demonstrate that the

proposed layout meets all the requirements of the Zoning Ordinance.

**(Amendment No. 27, #2013-3)**

- A personal storage building over 1400 square feet in size will require site plan review and approval by the Planning & Development Council as a business item. Property owners within a three hundred foot radius shall be notified within at least seven days of the public meeting. **(Amendment No. 27, #2013-3)**

- compatible in design with the primary use; that is, garages, storage buildings and shops, will look like residential garages, sheds, etc., not industrial or commercial. Compatibility will be determined following application site plan review.
- the total area of structures on a lot, including the principal building, shall not exceed thirty-five percent (35%) of the total lot area. The maximum structure size shall be limited to four thousand (4000) square feet unless approved by the Council as a business item. Property owners within a three hundred (300) foot radius shall be notified within at least seven days of the meeting. **(Amendment No. 23, #2011-3)**
- The maximum height of the accessory structure shall be as shown in the district bulk and placement tables. **(Amendment No. 23, #2011-3)**

**D. DETAILED ACCESSORY USE REGULATIONS: COMMERCIAL STABLES.**

The following minimum setbacks shall be provided:

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

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

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

**F. DETAILED ACCESSORY USE REGULATIONS: RESIDENCE FOR CARETAKER OR WATCHMAN**

1. One single–family residence for a caretaker, owner, operator, manager, or watchman and his immediate family is permitted as an attached or detached dwelling for any commercial or industrial use such as kennel, stable, or veterinary clinic for purposes of security and protection of the principal use.
2. The standards applicable to a commercial caretaker's residence shall not differ from those imposed by this Ordinance on any other housing unit of the same type, except the minimum lot size requirement.

**(Amendment No. 27, #2013-3 repealed Section 570.2 “Guest House”)**

**G. TEMPORARY DWELLING FOR DEPENDENT PERSONS**

**(Amendment No. 27, #2013-3)**

Upon written request of the owner of the affected property and for which this is a request for their personal situation, the Board of Bannock County Commissioners may allow the placement of one temporary dwelling in excess of that which is permitted within the property’s zoning designation contingent that other building and zoning requirements are met. The applicant’s request must explain why the existing dwelling on the property is inadequate for the care of a dependent person, must establish that the dependency is the result of the physical or health needs of the dependent, and that other provisions of this ordinance will not allow the placement of the additional dwelling on the affected property.

If the Board of Bannock County Commissioners finds that the request meets these standards and the dwelling is required to provide regular care for the dependent person, the Board of Bannock County Commissioners may grant the applicant’s request upon the condition that the approval must be reconsidered annually. For annual renewal of the temporary dwelling, the Board of Bannock County Commissioners must find that the facts supporting the original approval still exist.

Building or installation permits and compliance with setbacks are required for temporary dwellings. Dwellings approved under the provisions of this Section shall be no further than 100 feet from the existing residence. If it is physically impractical to locate the home within 100 feet of the existing residence and the applicant can provide proof of this to the Planning Department, the distance to the new temporary home may exceed the 100 foot limit, but the new home must be located as close as is physically practical to the existing residence.

**H. ACCESSORY COTTAGE DWELLING:**

**(Amendment No. 28, #2014-1)**

The intent of this section of the Ordinance is to enable the placement of one accessory housing unit, either attached or separate from an existing principal dwelling, on parcels that are not eligible for additional new dwelling permits, provided that such accessory housing is not rented or occupied for gain. Accessory cottage dwellings shall be limited to the Residential Rural, Residential Suburban, and Recreation Zoning Districts and shall be permitted with staff review and approval of the site plan. In the event there is a conflict with any other adopted codes, such as the Building Code, the more restrictive



shall apply. The following minimum requirements shall apply to accessory cottage dwellings:

1. One accessory cottage dwelling is permitted on parcels within the Residential Rural, Residential Suburban, and Recreational zoning district provided the building bulk and placement standards and all other provisions related to residential buildings are met.
2. The accessory cottage dwelling shall not be rented or occupied for gain.
3. The accessory cottage dwelling shall be installed as real property with a permanent foundation.
4. Septic system and domestic water supply for an accessory cottage dwelling shall be inspected and approved by the appropriate agency.
5. The maximum separation between the principal dwelling and the accessory cottage dwelling shall be 100 feet unless it is physically impractical to do so, in which case it must be located as close as is physically practical to the principal dwelling.
6. The accessory cottage dwelling shall use the same driveway approach and address.

A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory cottage dwelling shall forevermore be tied to the principal building and shall not be separated or put on its own parcel for sale or any other purpose.

#### 405 TEMPORARY USES

- A. **AUTHORIZATION:** Temporary uses are permitted only as expressly provided in this Section. Temporary uses not set forth herein may be considered on an individual basis by the Planning Director. Appeals of the Planning Director's decision may be made to the Planning and Development Council.
- B. **ZONING PERMIT REQUIRED:** No temporary use shall be established unless a zoning permit evidencing the compliance of such use with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued.
- C. **PARTICULAR TEMPORARY USES PERMITTED:** The following are temporary uses which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.
  1. Carnival or Circus, Fireworks Stands.
    - a. Permitted in any Commercial General, LIW, or Industrial district.

- b. Maximum length of permit shall be 15 days.
- c. No structure or equipment within 500 feet of any residential property line.
- 2. Christmas tree sales.
  - a. Permitted in any district.
  - b. Maximum length of permit for display and open-lot sales shall be 45 days.
- 3. Contractor's office and construction equipment sheds.
  - a. Permitted in any district where use is incidental construction project.
  - b. Maximum length of permit shall be one year.
  - c. Office or shed shall be removed upon completion of construction project.
- 4. Events of Public Interest.
  - a. Permitted in any district, except RS and RR.
  - b. Events may include but are not limited to outdoor concerts, auctions, snowmobile events, and the like.
- 5. Real Estate sales office.
  - a. Permitted in any district for any new subdivision approved in accordance with Bannock County subdivision regulations. A model home or mobile home may be used as a temporary sales office.
  - b. Maximum length of permit shall be one year.
  - c. The Planning and Development Council may grant one-year extensions for cause.
  - d. Office shall be removed upon expiration of the permit.
- 6. Religious tent meeting.
  - a. Permitted in any district.
  - b. Maximum length of permit shall be 30 days.
- 7. Seasonal Sale of Farm Produce.
  - a. Permitted in A, RS, RR, MU and REC districts on parcels having a minimum area of one acre and a minimum road frontage of 100 feet.

- b. If the site is used for growing a minimum of 50 percent of the farm produce sold, the owner or operator of the site may import a maximum of five farm produce products not grown on the site for seasonal sale.

If the site has a minimum area of four acres and a minimum road frontage of 300 feet, the owner or operator of the site may import a maximum of ten farm products not grown on the site for seasonal sale.

- c. Maximum length of permit shall be for six months of each calendar year.
- d. Sales area, including the produce stands, shall be set back a minimum of 30 feet from the nearest right-of-way of any street or highway. Entrances and exits to the parking lot shall conform to restrictions set forth in Bannock County's Design Standards for Public Roads.

8. Horse Show or Exhibition: Permitted for any commercial or private stable for special events, including but not limited to shows, exhibitions, and contests.

9. Tent Theater

- a. Permitted in any district, except RS.
- b. Maximum length of permit shall be one month per calendar year.

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

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

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

- 1. Documentation must be provided from the Health Department that adequate arrangements for temporary sanitary facilities have been ensured, except where not deemed necessary by the Planning and Zoning Director.
- 2. No permanent or temporary lighting shall be installed without an electrical permit and

inspection.

- 3. All uses shall be confined to the dates specified in the permit.
- 4. Hours of operation shall be confined to those specified in the permit.
- 5. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within 30 days after the closing event. A performance bond for a minimum of \$25,000 shall be posted or a signed contract with a disposal firm shall be required as a part of the application for a zoning certificate to insure that the premises will be cleared of all debris during and after the event.
- 6. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
- 7. Traffic control arrangements required by the Bannock County Sheriff's Department in the vicinity at major intersections shall be arranged by the applicant.
- 8. Proof of insurance for the temporary use shall be provided to the Planning Director by the applicant for all uses except the following:
  - a. Construction office.
  - b. Real estate sales office.
  - c. Seasonal sale of farm produce.
  - d. Recreational vehicle permitted in 420.4(3).

**410 OFF-STREET PARKING REQUIREMENTS:**

**411 APPLICABILITY:**

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

<u>CONDITION.....</u>	<u>STATUS</u>
New construction .....	Fully applicable
Replacement of conforming use .....	No change required
Replacement of nonconforming use .....	Proportionate compliance*

Expansion of existing use ..... Proportionate compliance\*

Occupancy of existing structure..... Proportionate compliance\*

Exchange of conforming use ..... Proportionate compliance\*

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

412 GENERAL:

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

413 PARKING LOT DESIGN REQUIREMENTS:

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

- A. Lots shall be designed to facilitate convenient traffic circulation on–site and at junctions of public streets and parking lot circulation lanes.
- B. Entry and exit from parking spaces should be convenient and safe and should not disrupt traffic on public streets.
- C. Maneuvering space for the entry to and exit from parking spaces shall be provided within the parking lot area rather than within a public right–of–way.
- D. Parking spaces shall have a nine–foot effective width and an eighteen–foot length and an eight–foot effective width and sixteen–foot effective length for compact car spaces.
- E. When the Planning Director deems it necessary, parking lots shall be equipped with appropriate drainage control measures to minimize the effects of storm water on public drainage systems. Drainage plans shall be submitted to the Planning Director upon request.

- F. Parking lot areas shall be maintained in a dust-free condition.
- G. Parking lot landscaping areas shall be protected from damage by vehicles.
- H. Handicapped parking spaces shall be provided in all parking lots of twenty-five spaces or more. Handicapped parking spaces shall be provided in locations which are most convenient to building entrances. Handicapped parking spaces shall be 1.5 times as wide as normal parking spaces. The ratio of handicapped to regular parking spaces shall be determined by the Americans with Disabilities Act as amended.
- I. Parking lot placement shall comply with standards set forth in each respective zone standards in Section 300.
- J. Size and location of directional signs shall be subject to approval of the office of Planning & Development Services.
- K. Lighting of parking lots shall be accomplished in a manner which complies with Section, 475.10, Lighting, and does not disturb adjacent land uses with unnecessary light. Lighting shall avoid conflict with traffic and shall not intrude upon adjacent land uses. Parking areas shall be designed to avoid conflict with nearby vehicle traffic.
- L. Parking space boundaries and directional traffic arrows shall be marked on the parking lot surface unless waived for cause by Planning and Development Services.
- M. Parking areas shall be screened from adjacent residential uses by a solid fence or dense, sight-proof hedge unless waived for cause by Planning & Development Services.
- N. Signs which identify parking lot usage terms and conditions may be required by Planning & Development Services.

**414 JOINT USE OF PARKING FACILITIES:**

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

**415 STANDARDS FOR LAND USES :**

- A. Parking spaces shall be provided for all land uses governed by this Ordinance. Exemption shall be permitted only for existing lawful nonconforming uses or for uses in zoning districts which have common parking arrangements. Parking space provision shall be worked out to the satisfaction of Planning & Development Services prior to issuance of a zoning permit.
  
- B. In parking areas where up to thirty spaces are required, all spaces shall be full-sized spaces. For uses requiring from thirty-one to one hundred spaces, fifteen percent of the spaces may be sized for compact cars. For uses requiring over one hundred spaces, thirty percent of the spaces to be provided may be sized for compact cars. In all instances, compact car spaces shall be prominently identified as such by a clearly legible method of marking.
  
- C. The following table sets forth the parking space requirements for land uses within the jurisdiction of this Ordinance:

<u>USE</u>	<u>SPACE IS REQUIRED</u>
Business and professional offices (non-medical) .....	250 sq. feet
Motels (including kitchenette units).....	unit
Bowling alley.....	250 sq. feet
Church, mortuary .....	200 sq. feet
Restaurants, bars, food establishments providing on the premise service .....	200 sq. feet
Consumer goods, retail, personal service shops, business offices not providing customer services on the premises.....	250 sq. feet
Shopping centers.....	300 sq. feet
Medical and dental offices .....	200 sq. feet
Motor vehicle, machinery sales and wholesale equipment stores .....	600 sq. feet
Sanitariums, children's.....	bed

homes, nursing homes,  
elderly housing complexes, group homes

Hospital..... ½ bed

Manufacturing uses, ..... as determined by  
warehouses, wholesale ..... site plan review  
Bakeries, commercial printers

Schools, elementary ..... ½ classroom

Auditorium, sports..... 4 seats  
arenas, stadiums, theaters

Schools (for students of driving age) ..... 1/5 classroom

**416 USES NOT LISTED IN CODE:**

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

**417 PARKING LOT LANDSCAPING:**

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

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

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



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

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

**420.1 RESIDENTIAL USE:**

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

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

**420.3 PLACEMENT REGULATIONS:**

A. All other requirements and standards of this Ordinance, and those of the Idaho Division of Building Safety, shall apply. Where a conflict exists, the more restrictive requirement shall apply.

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

her discretion. Minimum requirements for a design deviation are:

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

**420.4 TEMPORARY USE:**

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

**424 HOME OCCUPATIONS:**

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

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

- A. Business activity must be secondary to primary use of a dwelling and must not consume over six hundred square feet or twenty percent of the gross floor area of the dwelling, whichever is less.
- B. The limited business activity shall not change the character of the dwelling.
- C. An accessory building may be used to house a home occupation, provided the home occupation does not subject abutting property to noticeable odors, sounds, dust, or debris. The accessory building must comply with the definition of residential accessory buildings in Section 401.
- D. Any work operations connected with a home occupation shall be conducted inside the dwelling or within the accessory building.
- E. Where a home occupation serves as an office for a business using heavy equipment or substantial accessory business inventory, no such equipment or inventory materials shall remain or be stored upon the site in question for more than twelve hours unless it is fully enclosed by a building or solid fence deemed satisfactory by the Planning and Zoning Director. No hazardous materials shall be stored on the property.
- F. A home occupation shall not use mechanical or electrical equipment of a heavier nature than is typical for household use.
- G. A home occupation shall not place any display in a yard or window which would indicate a business is being conducted at the address.
- H. A sign for a home occupation shall not exceed four square feet in size, shall be flat-mounted on the dwelling, and shall not be directly illuminated. Signs on business vehicles, regardless of their storage location, shall not display the address of the home occupation.

- I. Only one home occupation business–related vehicle may be kept at the residence overnight. It shall be no larger than a one–ton nominal rating.
- J. Activities on–site shall be conducted no earlier than eight a.m. or later than nine p.m.
- K. Activities associated with a home occupation should not cause more than incidental on–street parking.
- L. No more than one nonresident of the household shall work on–site in a home occupation.

**425 FENCES IN NON–AGRICULTURAL ZONING DISTRICTS:**

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

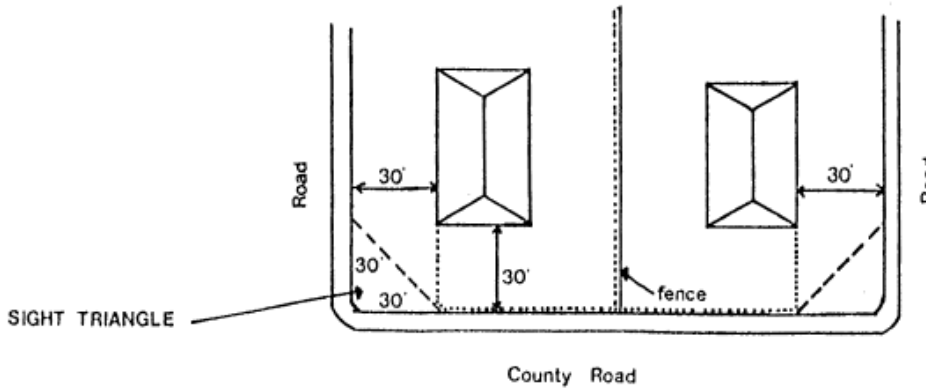
- A. All electrical fences shall be UL <sup>[tm]</sup> approved.
- B. No solid fence greater than three feet in height may be constructed within the required front setback.
- C. The following additional regulations shall specifically apply to corner lots within the county:
  - 1. No solid fence or walled enclosure greater than three feet in height shall be constructed from the corner of an intersection (intersection of legal right–of–way lines) in each direction for a distance equal to the required setback. Nor may any structure, hedge, shrub, tree or other growth be permitted which is over three feet in height within the triangular area so bounded.
  - 2. If the rear lot line of the corner lot abuts a side property line of a lot facing the side road, the side building setback for the corner lot shall apply to any solid fence greater than four feet in height.
  - 3. The diagrams set out in Section 429 of this Ordinance demonstrating fence limitations on corner lots are adopted and made a part of this Ordinance.

**428 EXCEPTIONS :**

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

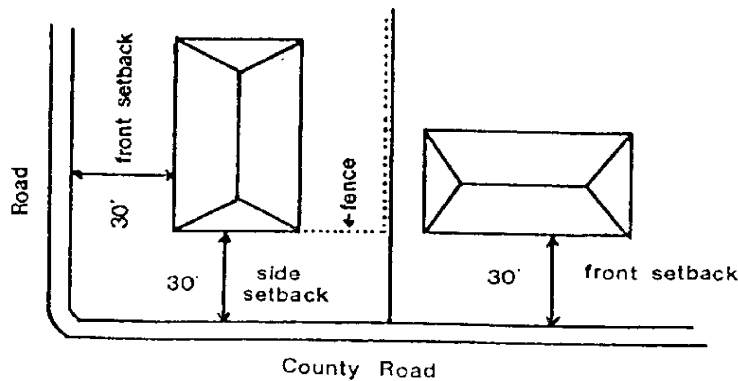
429 DIAGRAMS OF FENCE LOCATIONS (SIGHT TRIANGLES): " \ 2

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



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

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



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

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**435 SCREENING REQUIREMENTS :**

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

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

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

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

**451 WIND TURBINES (Amendment #20, Ordinance 2009-1)**

- A. Applicable to all types of wind turbine facilities in all zones:
  - 1. Wind Turbine Tower facilities shall not be installed in any location where its proximity would produce electromagnetic interference with signal transmission or reception of the following:
    - 1. existing microwave communications link,
    - 2. an existing fixed broadcast antenna used for radio, television, or wireless phone or other personal communication systems.
  - 2. Compliance with National Electric Code: Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

3. Utility Notification: No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned turbine. Off grid systems shall be exempt from this requirement.
4. 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.
5. A detailed site plan shall be submitted identifying all property lines, existing buildings, proposed buildings, parking areas, utilities, signs, neighboring properties, proposed transmission lines, any other information that may be required to determine if use is within the intent and requirements of this Ordinance.
6. Setbacks – Each Wind Turbine shall comply with the following requirements.
  - a. Communication and Electrical Lines: One (1) times its total height from the nearest above-ground public electric power line or telephone line.
  - b. Property Line: One (1) times its total height from the nearest property line, unless mitigation has taken place and agreed to by owner/operator and affected property owners involved and recorded in the Bannock County Recorder's office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property.
  - c. Public Roads: One (1) times its total height from the nearest public road right of way.
  - d. Railroads: One (1) times its total height from all railroads right of way.
7. Minimum ground Clearance: The tip of a blade shall at its lowest point, have a ground clearance of no less than fifteen (15) feet.
8. A Building permit is required and must comply with the currently adopted building code.
9. The system shall comply with all applicable Federal Aviation Administration (FAA) standards. Towers shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
10. Wind Turbines shall be a non-reflective, non-obtrusive color.
11. Shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator. Any such identification shall not appear on the blades or other moving parts or exceed six (6) square feet.
12. A timeline prior to the construction phase of the project shall be submitted to the Planning & Development Department identifying the starting and completion date of all construction.
13. All wiring between wind turbines and the substation shall be underground.
14. Wind Turbines shall not be climbable up to fifteen (15) feet above ground level.



15. All access doors to the wind turbine towers and electrical equipment shall be lockable and locked when unattended.
16. Appropriate warning signage shall be placed on all wind turbine towers, electrical equipment and facility entrances.
17. Abandonment: If a wind turbine is inoperable for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons. The tower then would be subject to the Public Nuisance provisions of the zoning code. See additional requirements for Commercial Wind Turbines.

**B. Small Wind Turbine:**

1. Total height less than 65 feet. Monopole tower only.
2. Conditional Use Permit for any non-monopole tower type.
3. There shall be no more than two (2) wind turbines per lot.

**C. Medium Size Wind Turbine:**

1. Total height is between 65 feet and 150 feet and the nameplate capacity is less than 100 kilowatts.
2. Limited to one wind turbine per lot.

**D. Commercial Wind Turbine:**

1. Total height exceeds 150 feet or the nameplate capacity exceeds 100 kilowatts
2. Setbacks – Each commercial wind turbine shall comply with the following requirements.
  - a. Communication and Electrical Lines: One (1) times its total height from the nearest above-ground public electric power line or telephone line.
  - b. Inhabited structures: 3 times total height, line of sight from the nearest existing residence, school, hospital, church, place of employment or public library, unless mitigation has taken place and agreed by owner/operator and affected property owners involved and recorded in the Bannock County Recorder’s office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property.
  - c. Property Line: 1 ½ times total height from the nearest property line, unless mitigation has taken place and agreed by owner/operator and affected property owners involved and recorded in the Bannock County Recorder’s office which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property, but not closer than 1 fall height.



- d. Public Roads: One (1) times its total height from the nearest public road right of way.
  - e. Railroads: One (1) times its total height from all railroads right of way.
  - f. Wind Turbine Spacing: Wind turbines shall have a minimum separation distance of one and two-tenths (1.2) times the total height of the tallest wind turbine from other wind turbines.
4. Minimum ground Clearance: The tip of a blade shall at its lowest point, have a ground clearance of no less than seventy-five (75) feet.
  5. The design of the buildings and related structures shall, to the extent reasonable possible, use materials, colors, textures, screening and landscaping that will blend the facility to the natural setting and existing environment.
  6. Routes of public travel to be used during the construction phase shall be documented by the Bannock County Public Works Department. The public travel route will be re-inspected 30 days after project completion; any and all repairs must be completed within 90 days of end of construction project and paid by the developer.
  7. An appropriate continuous renewal bond amount will be set for each Wind Turbine for decommissioning should the Owner/Operator fail to comply with the Ordinance requirements or the Wind Turbine does not operate for a period of twelve (12) consecutive months.
  8. A signed statement by the landowner acknowledging that the landowner is financially responsible if the owner/operator fail to reclaim the site as required and that any removal and reclamation costs incurred by the county will become a lien on the property and may be collected from the landowner in the same manner as property taxes.
  9. Evidence of compliance with FAA, United States Fish and Wildlife services, Idaho Fish & Game, DEQ, and the appropriate Fire Department must be submitted by the applicant to the Planning & Development Department prior to the issuance of a building permit. If an area is identified by Fish and Wildlife Services to house a significant bird population, a monopole tubular type tower shall be used instead of Lattice type towers.
  9. If project will be developed in phases, the phase lines must be identified on the detailed site plan. Each phase must be completed within twelve (12) consecutive months or the project will become null and void and the owner/operator must reapply and comply with current regulations.
  10. LIABILITY INSURANCE Commercial towers only. Prior to issuance of a Building Permit for a commercial Wind Turbine Tower and continuing after construction until such facility is removed from the site, the applicant shall provide documentation satisfactory to the county and at such reasonable intervals as determined by the county of the existence of liability insurance coverage with minimum \$1,000,000, for

property damage, injury or death resulting from the construction, placement, use, maintenance, operation of a Wind Generation Facility, by the owner of the Site.

11. 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.
12. 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.

**460 AGRICULTURAL OPERATIONS :**

- A. All farms and ranches in existence upon the effective date of this Ordinance shall be permitted uses. However, all regulations contained herein and other County ordinances in effect, shall apply to all changes of the farming and ranching operation which will cause it to become more intensive. The person who effects any change in an agricultural operation, not located in an AG district, that the Planning Director deems an intensification of use, shall be required to obtain a zoning permit for a minor change, or a conditional use permit for a major change. The Planning Director shall determine whether a change is minor or major. Setback and other regulations shall apply to farming operations just as they do to urban developments.
- B. Commercial farm operations may include necessary accessory uses for treating, storing, or processing farm market products; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activity.
- C. The Board of Commissioners may require any farm operation not located in the Agricultural district to secure a conditional use permit to continue said operations in the event of the following:
  1. A nuisance on a farm is adjacent to or within two hundred (200) feet of any property line and may be detrimental to living conditions by emitting noise, odor, vibrations, hazards to safety, and the like. Idaho Code Right to Farm Act shall apply to this Section.
  2. The farm operations are so intensive as to constitute an industrial type use consisting of the compounding, processing, and packaging of products for wholesale or retail trade and further that such operations may tend to become a permanent industrial type operation that cannot normally be terminated as can a typical farming operation. Excessive trucking operations shall be considered an intensive use.

**470 NONCONFORMING USES:**

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

- A. Unless otherwise set forth in this Ordinance, legally established uses which were in existence prior to the adoption of this Ordinance, shall be permitted to remain, substantially unchanged, as long as their operation is not discontinued for a period of greater than twelve months.
- B. Permits to expand existing and/or operating nonconforming uses by up to fifty percent in land and/or building area may be sought through the conditional use permit process regardless of the underlying zone. Cumulative expansion of 50% or greater shall not be permitted. Expansion of nonconforming uses by conditional use permit shall be allowed only when the use in existence can be made sufficiently compatible with its surroundings and if its expansion in its current location is consistent with the goals of the Comprehensive Plan. Interior remodeling which does not change the nature or extent of a nonconforming use is permitted. Any modification which will affect site development of a nonconforming use, e.g. parking spaces, traffic circulation, accesses, landscaping removal, etc., shall require a conditional use permit application.
- C. A nonconforming use may only be changed to a use permitted in the district in which it is located, except that if no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification, and provided such change is approved by the Planning Director. Once changed to a conforming use, no building or land shall be permitted to be changed to a nonconforming use.
- D. The Planning Director may allow a change of one nonconforming use to another nonconforming use only upon determination that the proposed new use will be less detrimental to its neighborhood and surroundings than is the use it is to replace. In determining relative detriment, the Planning Director shall take into consideration, among other things: traffic generated; nuisance characteristics such as emission of noise, dust, smoke, fire hazards; and hours and manner of operation.
- E. The applicant or adjacent property owners may appeal the Planning Director's decision to the Planning and Development Council.

**471 NONCONFORMING BUILDINGS AND STRUCTURES:**

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

- B. No such building or structure shall be structurally altered or improved beyond normal maintenance and safety standards.
- C. Any expansion of a nonconforming use or building housing a nonconforming use shall only be permitted by a conditional use permit.
- D. Any building or structure which is nonconforming only because it cannot meet the setback requirements of the zoning district, may be altered or improved provided such alteration or improvements do not increase any existing substandard dimension.

471.1 **SUBSTANDARD LOTS:** Substandard lots are defined as those created without subdivision review, or the filing of a record of survey. Substandard lots created before April 1, 2015, may be developed provided the lot owner receives a sewer permit from the District Health Department and meets at least one (1) of the following criteria:

- 1) That all other development standards in this Ordinance are met, and that the lot complies with current minimum area, width, and depth requirements; or
- 2) That the lot maintained the same legal description since July 9, 1984.

**(Amendment No. 30 Ordinance No. #2015-5 & 2016-1)**

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

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

475 **MISCELLANEOUS:**

475.1 **STORAGE OF HAZARDOUS MATERIALS:**

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

## 475.2 EXPLOSIVES:

- A. No activities involving the storage, use or manufacture of materials or products which could decompose by detonation shall be permitted except such as are specifically permitted by the Board of County Commissioners in designated Industrial districts. Such materials shall include, but not be limited to, all primary explosives, such as lead azide and mercury fulminate, all high explosives and boosters, such as TNT, tetryl and nitrates, propellants and components thereof such as nitrocellulose, black powder and nitro-glycerine, blasting explosives such as dynamite.
- B. Use of explosives in conjunction with development may be permitted by the Board after applicant has consulted with County Engineer, Road and Bridge Supervisor and County Risk Management office. Such use must have the approval of the Board or its designee prior to use.

## 475.3 JUNKYARDS :

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

- A. The site plan required pursuant to Section 501 shall show the location of all buildings and the location of storage areas designed or used for automobiles and other vehicles, parts, lubricants, fuel, and other storage.
- B. Vehicles or other materials listed in the definition of junkyard may not be stored or parked outside the fence or within 40 feet of any road right-of-way.
- C. All lubricant and fuel oil substances which are to be stored on the site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or subsurface drainage into streams or other bodies of water.
- D. All hazardous materials shall be stored in a safe manner and, where required, shall not be permitted until after the issuance of a permit for such storage.
- E. Screening: All materials shall be screened by a solid 8 to 12 foot fence or earthen berm. No material enclosed by the fence shall be permitted to exceed the height of the fence. Trees or shrubs may be used in place of, or in conjunction with, the fencing and berms, provided said trees or shrubs are of a type that is capable of forming a dense, hedge-like screen. Said plant materials may only be used if they are approved by the Planning Director. The approved trees or shrubs shall be large enough to attain a height of at least 8 feet within three years after they are planted. Said trees or shrubs shall be spaced closely together enough to achieve branch-to-branch coverage within five years. Said plant materials shall be watered and maintained in a healthy, growing condition, and shall be replaced with living plant materials of similar size and type if they

die.

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

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

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

#### 475.5 TRAFFIC CONTROL AND ACCESS MANAGEMENT:

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

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

#### 475.6 SIGHT TRIANGLE:

On any corner lot, nothing shall be placed or allowed to grow over a height of three feet in such a manner as to materially impede vision within the setback dimensions of the roads. Setbacks shall be measured from the lot line. Where two collector and/or arterial roads intersect, the sight triangle becomes 50 feet. Collector or arterial to local road the triangle shall be 30' on the local side and 50' on the collector or arterial side. This restriction shall also apply to the planting of trees and shrubbery and to yard grades that result in elevations that impede vision within the sight triangle.

#### 475.7 AUTO BODY AND REPAIR SERVICES:

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

#### 475.8 GAS STATIONS:



- A. All services except fuel sales shall be performed within a completely enclosed building.
- B. Gas stations shall store all refuse and vehicle parts within a completely enclosed building or within an area which is completely visually screened from the view of the public and neighboring residences.

**475.9 BILLBOARDS:**

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

**475.10 LIGHTING (Amendment #31, Ordinance 2016-3):**

- A. The purpose of lighting standards is to protect the health, safety, and general welfare of the public, improve travel conditions by reducing glare, and develop lighting practices to reduce light pollution and conserve energy without decreasing safety, utility, or security.
- B. Standards: The following standards shall apply to all private land uses in all zoning districts:
  - 1. All lights shall be shielded in such a way as to direct all light toward the earth's surface and away from reflective surfaces.
  - 2. All lights shall be shielded in such a way as to direct light away from all adjacent properties, especially those developed with residential uses.
  - 3. Any canopy structure used at a business location shall have recessed lights with diffusers that do not extend below the surface of the canopy
  - 4. Lighting in residential, residential/commercial/professional, and mixed use zoning districts shall not exceed fifteen feet (15') in height, thirty feet (30') in height in commercial zoning districts, and forty five feet (45') in height in industrial zoning districts. In commercial zoning districts, lights on poles shall be no taller than the building whose area they illuminate or as detailed above, measured from grade to top of the structure, whichever is shorter. Lighting heights in MPCs and PUDs shall be determined by surrounding uses in accordance with heights previously discussed (e.g., Lighting surrounded by residential uses shall be limited to fifteen feet (15') and lighting surrounded by commercial uses shall be limited to thirty feet (30')).
  - 5. Any luminaire on a pole, stand, or mounted on a building must have a shield, adjustable reflector, and non-protruding diffuser.
  - 6. All fixtures must meet building codes as adopted by the County.
  - 7. Any facilities that require floodlighting shall arrange the lights in such a way that they do not shine toward roadways, adjacent properties, or directly into the night sky.

8. Following recommendation by the County Office and Planning and Development Services and approval by the reviewing board, installation of streetlights may be required and the cost of such shall be the developer's responsibility. Lighting of streets in urban developments with densities greater than two units per acre may be required.
  9. Plans to limit lighting hours and conserve energy are encouraged.
  10. The lighting of parking lots, pedestrian areas, and active open space is required.
- C. Plan Review: Plans for original installation or changes in lighting shall be submitted for all proposed developments, except single-family and two-family dwellings. The plans shall contain the following information for review and approval by Planning staff:
1. .... Location on the premises, height, and dimensions of proposed fixtures, lamps, supports, reflectors, and other related devices.
- D.. Street lighting plans, whether for public or private roadways, if required shall be submitted with subdivision plats.

**475.11 OTHER:**

- A. Outdoor structures (bleachers, movie screens, permanent rides) and outdoor seating area shall be at least 25 feet from any lot line.
- B. Campsites and recreational vehicle campgrounds are subject to the building setback regulations of the district in which they are located.
- C. Any outdoor display of vehicles for sale or storage shall be at least 10 feet from any road right-of-way line.
- D. Any pumps, underground fuel storage tanks, and islands, including any canopies, shall be at least 20 feet from any road right-of-way.
- E. No more than one single-family house or duplex shall be permanently constructed on each building site except as set forth in Section 315.C. of this ordinance.

**475.12 EXCEPTIONS TO MINIMUM SETBACK REQUIREMENTS:**

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

**475.13 DRIVEWAYS (Amendment #31, Ordinance 2016-3):**

All driveways shall meet the following standards:



- A. Driveways shall be constructed of an all-weather surface;
- B. Where the driveway meets a public road, the driveway shall match the construction material of that road up to the right-of-way line.
  - 1. Where curb and gutter are used, concrete may be used within the right-of-way.
- C. Driveways over one hundred and fifty feet (150') in length shall have a minimum width of twenty feet (20') at all points.
- D. Driveways over one hundred and fifty feet (150') in length shall include a fire code-approved turnaround. Such driveways are considered fire apparatus access roads and require Approval by the fire suppression district before a building permit may be issued.
- E. Driveways over one hundred and fifty feet (150') in length shall not exceed ten percent (10%) grade.
- F. Driveways serving more than two residences, or other non-agricultural buildings, without regard to length, shall be built to standards of Section 402.A of the Subdivision Ordinance.
- G. No driveway shall be closer than fifty feet (50') from the intersection of the pavement of two public roads unless at least one (1) of the roads is an arterial; if at least one (1) is an arterial, driveways shall be setback at least one hundred and fifty feet (150') from the intersection.

**475.14 SIGNS (EXCEPT BILLBOARDS) (Amendment #31, Ordinance 2016-3):**

A. No signs are allowed in any zone, unless otherwise authorized by the zone, without an approved administrative decision with the following exceptions:

- 1. Nonilluminated Signs: The following types of signs, when not illuminated, do not require an administrative decision:
  - i. Signs related to home occupations in accordance with Section 424 of this Ordinance.
  - ii. Directional or information signs bearing no advertising message located within a parcel, and signs not exceeding four (4) square feet in area erected for the convenience of the public, such as signs identifying restrooms, public telephones, walkways and similar features or facilities.
  - iii. Any sign which is visible only from the parcel on which it is located.
  - iv. Campaign signs, provided they are removed within seven (7) days after the election.
  - v. Property signs advertising the availability of property for sale, lease, or rent, but shall not be greater than thirty two (32) square feet.
  - vi. Home signs. An accessory sign or nameplate announcing the names of the owners or occupants of the premises.
  - vii. Memorial signs or tablets and names of buildings and dates of erection when cut into the surface or facade of the building.
  - viii. Signs placed by a public utility showing the location of underground facilities.

- ix. Traffic or other county signs, signs required to be mentioned by law, railroad crossing signs, legal notices and such temporary emergency or non-advertising signs as may be authorized by the board.
  
  - 2. Agricultural and Recreational Zone: Signs for any allowed or approved use not exceeding thirty two (32) square feet in area and not exceeding ten feet (10') in height, unless approved by an administrative decision from the director. Signs may be lighted, electric, or have moving parts but may not be a distraction to the public so as to be a traffic hazard.
  - 3. General Commercial, Light Industrial Wholesale, Multiple Use, and Industrial Zones: For commercial and industrial uses, the area of the sign shall not exceed sixty four (64) square feet and shall not exceed ten feet (10') in height, unless approved by an administrative decision from the director. Signs may be lighted, electric, or have moving parts but may not be a distraction to the public so as to be a traffic hazard.
- A. No sign shall be placed on a highway district right-of-way unless authorized by the highway district having jurisdiction.
  - B. All signs must be placed so as not to impair vision by oncoming traffic.
  - C. All signs shall be maintained in good order and repair. If damaged, it shall be repaired or removed from the premises within thirty (30) days of notice from Director.]
  - D. If lighted, sign lighting shall comply with Section 475.10 of this Ordinance.
  - E. A building permit for a sign may be required upon review by the Building Official, or if the sign is over six feet (6') in height and permanently affixed to the ground.
  - F. Standards for signs that require an administrative decision:
    - 1. Application and Administrative Requirements: A site plan and letter of intent shall be submitted to the Office of Planning and Development Services for review together with all appropriate fees as established by the adopted fee schedule. Once review has commenced, fees shall be non-refundable.
    - 2. Notifications: Upon acceptance of an application, staff shall provide notification of the sign application by mail to the owners of parcels within three hundred feet (300') of the external boundaries of the parcel on which the sign will be located and shall provide such individuals a period of fifteen (15) calendar days from the date of the mailing to submit comments concerning the proposed sign. Staff shall also provide notice to the appropriate highway district for comment.
    - 3. Comments: The Director shall consider all comments that are received within the fifteen (15) day comment period prior to making a final decision concerning the sign request. In considering comments, the Director shall evaluate whether such comments adequately demonstrate that the sign would be reasonably compatible with the surrounding vicinity.

4. Approval Shall Be At The Discretion Of The Director: The director shall consider all of the application materials as well as all comments received relating to the application and the uses of the surrounding properties in the determination of the compatibility of the proposed sign. The burden is on the applicant to show compatibility. The director may require conditions that are necessary to make the sign compatible with the surrounding vicinity.
5. Notice of Decision: The director shall give notice of the decision granting or denying the application, to those previously notified of the pending application.
6. Appeal by Affected Person: Any affected person who is aggrieved by the Director's decision as to an application pursuant to this subsection, may file a written notice of appeal in accordance with Section 503.4, APPEAL OF DECISION, of this Ordinance.

**480 DRAINAGE WAYS:**

- A. Where a lot is traversed by a water course, drainage way, wet weather line of surface drainage, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such water course. Such drainage ways shall be preserved as open space. Such areas shall be restricted from development of roads and structures, and the site plan shall so indicate.
  1. ALTERATION: Regrading, stripping of vegetation, or filling may be permitted in these areas, provided that the drainage is not a riparian area as defined in this Ordinance, and a plan is submitted to and approved by the County Engineer. Such plans shall insure that storage capacity and flow is not degraded.

**485 BUFFERYARD AREA:**

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

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

**490 RESOURCE AND NATURAL FEATURES PROTECTION DEVELOPMENT RESTRICTIONS:**

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

<b>Feature .....</b>	<b>Percent Restricted</b>
Lakes, ponds, water courses .....	100 ....
Wetlands and riparian areas.....	100
Floodways ... ..	90 Floodplain Ordinance also applies
Slopes (15 to 30%) . .....	80
Steep slopes (over 30%) .....	95

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

**1. WETLANDS AND RIPARIAN AREAS:**

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

b. Wetlands shall not be filled nor dredged.

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

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

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

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

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

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

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

**C. LAKES AND PONDS:**

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

**D. SHORELINES OF LAKES, PONDS, RIVERS:**

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

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

**495 STORMWATER RUNOFF:**

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

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

**END OF SECTION**

**500 ADMINISTRATION AND PUBLIC HEARING PROCEDURES:**

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

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

**501 ZONING PERMITS:**

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

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

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

**502 BUILDING PERMITS:**

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

**502.1 BUILDING AND ZONING PERMITS ISSUED CONCURRENTLY:**

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

**502.2 PERMITS REQUIRED FOR ELECTRICAL CONNECTION:**

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

**503 SITE PLAN REVIEW:**

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

**503.1 LAND DEVELOPMENT SUBJECT TO SITE PLAN REVIEW:**

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

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

For all uses listed above, a site plan review shall be a necessary condition precedent to



issuance of building and/or zoning permits, or a certificate of occupancy.

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

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

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

**503.3 PLANNING & DEVELOPMENT SERVICES REVIEW:**

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

request for same. A zoning permit shall not be issued until the site plan and proposed use satisfy all the requirements of this Ordinance.

**503.4 APPEAL OF DECISION:**

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

**503.5 POWER TO PROVIDE ADDITIONAL CONSTRUCTION CONDITIONS:**

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

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

found that the site plan proposal might otherwise produce obvious traffic hazards or otherwise harmful, hazardous, or obnoxious effects on such right-of-way.

- E. Limits on traffic circulation and vehicular access when it is found that such are required for reasons of safety or the control of sound or other pollution.
- F. Limitations on signs and lighting when it is found that proposed signs and lighting would constitute an aesthetic nuisance or any potential safety hazard.
- G. Any change which may be necessary for reasons of safety, public health, and comfort, or the promotion of the general welfare; provided, Planning & Development Services, when requiring any change under this subsection, shall specify in detail the precise nature of any factor or factors which are considered to require changes in the site plan proposal.

**503.6 AGREEMENT WITH THE OFFICE OF PLANNING & DEVELOPMENT SERVICES:**

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

**503.7 REVISION OF AN APPROVED SITE PLAN:**

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

**503.8 COMPLIANCE:**

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

**504 CERTIFICATE OF OCCUPANCY:**

- A. No structure shall be occupied or used in whole or in part until a certificate of occupancy has been issued by the Planning and Development Services office indicating that the building or use complies with all zoning requirements of this Ordinance.
- B. No permit for any new use or construction which will involve the on site disposal of

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

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

**510 PLANNED UNIT DEVELOPMENTS:**

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

**510.1 POLICY AND PURPOSE:**

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

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

**510.2 PROCEDURES:**

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

**510.3 OWNERSHIP OR UNITARY CONTROL:**

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

**510.4 MINIMUM AREA:**

The minimum area required for a planned unit development shall be five acres, unless otherwise specified in this Ordinance and the maximum area is 100 acres unless otherwise noted for a particular district. **(Amendment No. 19, 2008-4)**

**510.5 SKETCH PLAN – INITIAL REVIEW:**

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

**510.6 COMPLIANCE WITH SUBDIVISION REQUIREMENTS:**

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

**510.7 AREA FOR COMMON USE — RESIDENTIAL PLANNED UNIT DEVELOPMENTS:**

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

**510.8 INTEGRATION REQUIRED:**

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

**510.9 PERFORMANCE STANDARDS:**

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

**510.10 BUILDING CODE COMPLIANCE REQUIRED:**

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

**510.11 MOBILE HOME PARKS:**

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

**520 REZONING:**

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

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

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

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

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

- A. The clerk of the Planning and Development Council shall compile the records of the Planning and Development Council concerning a request for a zoning district boundary change and transmit them to the Board of County Commissioners. An additional public hearing shall then be scheduled before the Board of County Commissioners. The Board of County Commissioners shall consider the record compiled by the Planning and Development Council and additional testimony submitted during the Board of County Commissioners' public hearing process. The Board of County Commissioners procedure for accepting testimony at public hearings shall be consistent with standards established for the Planning and Development Council. The Board of County Commissioners shall conclude actions on a zoning district boundary change within forty-five days of the completion of public hearings on the question.
  
- B. The recommendation of the Planning and Development Council to the Board of County Commissioners, and final decision of the Board of County Commissioners respectively shall be stated in the form of a formal findings of facts and conclusions which shall be adopted by a majority of members taking part in deliberations on the request. This document shall list facts taken into account in arriving at a recommendation or decision, and shall state the conclusions drawn from the facts, specifically as they concern the goals and policies of the comprehensive plan and this Ordinance.

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

- A. Notice of public hearing shall be provided in accord with requirements of the Idaho Code and such other standards as this Ordinance may require. Where the names of landowners must be provided for mailing public hearing notices, the records of the county assessor's office shall serve as the official source.
  
- B. Names of parties to receive notice concerning applications made pursuant to provisions of this Ordinance shall be provided by applicants seeking a change in zoning district boundaries. All responsibility for provision of accurate mailing lists shall rest with the applicant.
  
- C. Notices of public hearing shall be prepared and mailed under supervision of the clerk of the Planning and Development Council.
  
- D. Should notice be alleged to be defective, the allegations shall be reviewed by the Planning Director, Prosecuting Attorney, and presiding officer of the body scheduled to conduct the hearing to determine the nature of the alleged problem and its potential effect upon the proceedings.
  
- E. Appeals concerning adequacy of notice may be made from the decision of the aforementioned committee to the entire membership of the Board of County Commissioners or Planning and Development Council involved.



**520.4 PROCEDURES FOR CHANGES IN ZONING DISTRICT BOUNDARIES —  
CONDITIONS FOR APPROVAL — RESUBMISSION OF APPLICATION:**

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

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

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

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

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



**530 CONDITIONAL USES:**

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

**530.1 JURISDICTION:**

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

**530.2 CONCURRENT APPLICATIONS:**

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

**530.3 APPLICATION AND FEE:**

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

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a written statement signed by the owner that the applicant is the authorized agent of the owner of the property.

4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Director may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
5. Site plan, preliminary building elevations, preliminary improvement plans, and such additional maps and drawings, all sufficiently dimensioned, as required to illustrate the following:
  - a. The date, scale, north point, title, name of owner, and name of person preparing the site plan.
  - b. The location and dimensions of boundary lines, with distances and bearings, easements, and required yards and setbacks, water courses, drainage features and location and size of existing and proposed roads and 100-year flood plains.
  - c. The location, height, bulk, general appearance, the intended use of existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites
  - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, utility or service areas, fencing and screening, signs, and lighting.
  - e. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
  - f. For sites with an average slope greater than 10 percent, a plan showing existing and proposed topography and grading and proposed erosion control measures.
  - g. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. Any applicable fee established by the Board of County Commissioners.

**530.4 PUBLIC HEARING AND NOTICE:**

The Planning and Development Council shall hold a public hearing on each application for a conditional use permit. Notice shall be given as prescribed in Section 560. At the public hearing, the Planning and Development Council shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed

conditions under which it would be operated or maintained, particularly with respect to the standards prescribed in Section 530.6

**530.5 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:**

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

**530.6 STANDARDS FOR APPROVING A CONDITIONAL USE PERMIT:**

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

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

**530.7 CONDITIONS OF APPROVAL:**

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

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

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

**530.8 EFFECTIVE DATE:**

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

**530.91 LAPSE OF A CONDITIONAL USE PERMIT:**

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

**530.92 MODIFICATION OF CONDITIONAL USE PERMIT:**

Sections 530 through 530.8 shall apply to an application for modification, expansion, or other changes in a conditional use permit, provided that minor revisions or modifications may be approved by the Director if he/she determines that the circumstances or

conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 530.6.

**530.93 SUSPENSION AND REVOCATION:**

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

**530.94 NEW APPLICATIONS:**

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

**530.95 APPROVAL TO RUN WITH THE LAND:**

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

**530.96 PRE-EXISTING CONDITIONAL USE PERMITS:**

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

purpose shall be made by or shall be reviewed and approved by the Building Inspector and shall be based on the minimum cost of construction in compliance with the Building Code.

**540 VARIANCES:**

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

- A. Application for a variance shall be filed by the owner of the subject property with the Planning Director at least 30 days prior to the public hearing. The application shall include the information necessary to enable the Planning and Zoning Department to make a complete analysis of the variance request.
- B. The Planning Director may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist.
- C. The application shall be accompanied by a fee established by the Board of County Commissioners. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. The applicant shall also provide the Planning Director with the names and addresses of the owners of property that abuts the applicant's parcel.

**540.2 PUBLIC HEARING NOTICE:**

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

**540.3 ACTION BY THE PLANNING AND DEVELOPMENT COUNCIL:**

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

**540.4 STANDARDS:**

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

1. The applicant has shown that there is no reasonable alternative.
2. The variance is not in conflict with the public interest.
3. The variance will not adversely affect adjacent property.
4. If the variance is not granted, the applicant will suffer undue hardship caused by the physical characteristics of the site.

**540.5 EFFECTIVE DATE OF VARIANCE:**

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

**540.6 APPEAL TO BOARD OF COUNTY COMMISSIONERS:**

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

**540.7 LAPSE OF VARIANCE:**

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

**540.8 SUSPENSION AND REVOCATION:**

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



**540.9 MINOR VARIANCES AND PROCEDURES:**

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

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

**550 APPEALS OF PLANNING AND DEVELOPMENT COUNCIL'S DECISIONS:**

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

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

Any applicant or any other affected person may request a reconsideration of the Board of County Commissioner's decision within fourteen (14) days. The reconsideration



request must be in writing and must identify the specific deficiencies in the decision. The Board of County Commissioners shall provide a written decision to the applicant or affected person within sixty (60) days of receipt of the reconsideration request or the request is deemed denied. For purposes of judicial review, the decision of the Board of County Commissioners is not considered final unless the process for reconsideration as set forth in this Ordinance and in Idaho Code has been followed. Any applicant or affected person seeking judicial review must first request reconsideration of the decision.

**550.2 APPLICATION FEES:**

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

**550.5 CONFLICT OF INTEREST:**

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

**560 PUBLIC HEARINGS:**

**560.1 COMPLIANCE REQUIRED:**

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

**560.2 NOTICE REQUIRED:**

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

**560.3 RECORDS MAINTAINED:**

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

Transcribable verbatim recordings of the proceedings shall be maintained for three

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

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

**560.4 ORDER OF PUBLIC HEARING EVENTS:**

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

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

**560.5 TIME LIMITATIONS ON HEARING TESTIMONY:**

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

**560.6 STANDARDS FOR ORAL TESTIMONY:**

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

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

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

**560.7 STANDARDS FOR WRITTEN TESTIMONY:**

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

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

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

**560.8 WRITTEN RESPONSE TO QUESTIONS RAISED AT THE HEARING:**

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

Such written comment shall conform to the following standards:

1. The response or comment must be specifically requested by the presiding officer;

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

**560.9 COPIES OF OFFICIAL RECORD — AVAILABILITY:**

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

**560.10 OVERRULE OF RULINGS BY MAJORITY VOTE:**

All rulings made by the presiding officer of any board conducting a public hearing may be overruled upon a majority vote of the board members present.

**570 CLASSIFICATION AND PUNISHMENT OF OFFENSES AS INFRACTION OR MISDEMEANOR (Amendment #13 Ordinance 1999-3)**

The Planning Director or his/her designee, shall be the enforcement officer of this Ordinance. Any person, firm, or corporation who fails to comply with, or violates, any of the provisions of this zoning ordinance and upon conviction of infraction two times within the last two years, each subsequent violation or failure to comply thereafter will be charged with a misdemeanor violation, and upon conviction thereof shall be subject to a fine of up to three hundred dollars (\$300) or imprisonment for a period not exceeding six months , or both.

- (a) Except in those circumstances where this ordinance specifically designates a violation to be considered a misdemeanor, a violation of the provisions of this ordinance shall be considered an infraction. A violation of the provisions of this ordinance shall constitute a misdemeanor when the violator has previously been convicted of at least (2) two violations of this ordinance within the proceeding twenty-four (24) months.
- (b) An initial violation of this ordinance constituting an infraction shall be punishable by a fixed and set fine of fifty (\$50.00) dollars when the violator has not previously been convicted of an violation of this ordinance.
- (c) A subsequent violation of this ordinance constituting an infraction shall be punishable by a fixed and set fine of one hundred (\$100.00) dollars when the violator has previously been convicted of an infraction violation of this ordinance.
- (d) A violation of this ordinance constituting a misdemeanor shall be punishable by imprisonment in the county jail for a period not exceeding six (6) months, or by a fine

not exceeding three hundred (\$300.00) dollars, or both incarceration and fine as determined by a court of competent jurisdiction.

(e) The fine amounts set forth above for infraction offenses shall be separate and apart from any court costs assessed pursuant to Idaho Code Section 31-3201A(c) or any other provision of law. The fines amount set forth for a misdemeanor offense shall be separate and apart from any court costs assessed pursuant to Idaho Code Section 31-3201A(b) or any other provision of law.

(f) Each day on which any violation occurs may be deemed a separate offense.

The amended text above incorporates a previous Zoning Ordinance Amendment No. 3 Section 570.2 and is therefore no longer needed and is repealed.

**570.1 CIVIL ENFORCEMENT:**

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

**(Amendment #3 Ordinance 1999-3 and Amendment #5B Ordinance 2001-4)(Ordinance Amendment #13 repealed Section 570.2)**

**580 PLANNING AND DEVELOPMENT COUNCIL:**

**580.1 ESTABLISHMENT:**

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

**580.2 MEMBERSHIP:**

The Planning and Development Council shall consist of seven members.

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

**580.3 TERM OF OFFICE:**

**Amendment No. 24, Ordinance 2012-2.**

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

- A. When it becomes necessary to fill an unexpired term of office, the appointment shall be for the time remaining in the unexpired term.
  
- B. Members with FOUR or more absences from scheduled meetings in any calendar year period shall be removed from the Planning and Development Council. An unexcused absence is one for which a member has not notified the planning department at least six hours in advance of the meeting.
  
- C. Members may be removed from the Planning and Development Council for cause by a majority vote of the Board of County Commissioners.
  
- D. No member shall serve more than two consecutive terms without specific concurrence by two-thirds of the governing board.
  
- E. Council members shall have resided in the County for at least four years prior to their appointment and must remain a resident of the County during service on the Council. Not more than one-third (1/3) of the members of the Council may reside within an incorporated city of one thousand five hundred (1,500) or more population in the County. At least one-half (1/2) of the members of the Council shall reside outside the boundaries of any city's area of impact to comply with Idaho Code Chapter 67-6504 as amended.  
**(Amendment No. 24, Ordinance #2012-2; Amendment No. 28, Ordinance #2014-1)**

**580.4 EX OFFICIO CLERK:**

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

**580.5 TIME OF MEETINGS:**

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

**580.6 MEETINGS — NOTICE OF SPECIAL MEETINGS REQUIRED:**

No official business may be conducted at any special meeting unless advance notice is given prior to the meeting. Notice shall be provided by publication in the paper of record stating the date, time, location, and subject matter of the special meeting. Notice of special meetings shall be provided to Planning and Development Council members in accordance with the Planning Council By-Laws. The Council may hold informal work sessions for educational purposes or to clarify issues of concern. No official action or no final decision may be made at an informal work session. Notice of an informal work session shall be given in accordance with Idaho Code.

**(Amendment No. 28, Ordinance #2014-1)**

**580.7 MEETINGS — RULES OF PROCEDURE:**

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

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

**580.8 POWERS AND DUTIES OF THE PLANNING AND DEVELOPMENT COUNCIL:**

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

The Planning and Development Council shall also be empowered to conduct such



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

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

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

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

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

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

**BOARD OF BANNOCK COUNTY COMMISSIONERS**

(For signatures see original document)  
Tom Katsilometes, Chair

(For signatures see original document)  
J. O. Cotant, Member

(For signatures see original document)  
Carolyn Meline, Member

ATTEST:  
BY LARRY W. GHAN, CLERK



LIST OF APPENDICES:

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

STAFF NOTES:

CHANGED: "Rural Residential" to "Residential Rural".

CHANGED: Ordinance #1999-3 Amendment #1998-1 Amendment #2 to read Amendment #3.

CHANGED: Ordinance #2006-4 Amendment #15 to read Amendment #16.

CHANGED: Table of Contents to reflect changes emanating from Amendment #31.

CHANGED: Adjusted labels within section 395 to enable better readability/ease of use.

AMENDMENTS:

1. Ordinance #1998-3 Instrument #98012571 Effective 6/19/1998  
Applicant: Ambrose, T.  
Rezone of: Residential Rural (RR) to Agriculture (AG) in the S2NW4 of Section 31 Township 7 South Range 37 East B.M.
2. Ordinance #1999-1-Appendix A Instrument #99017972 Effective 5/7/1999  
Re-zone of: Multiple Use (MU) land in the Tyhee area to Light Industrial (LIW), Industrial (I), Agriculture (AG), and Residential Suburban (RS).
3. Ordinance #1999-3 Instrument #99016998 Effective 8/25/1999  
Section 315.E - Allows subdivision in Agriculture (AG) zone.  
Section 570.2 - Enforcement of Zoning Ordinance as infraction.
4. Ordinance #2000-2 Instrument #20005556 Effective 4/10/2000  
Section 336.B & 337 - To require five acres for well and septic development in Residential Suburban (RS) and area of city impact.
- 5A. Ordinance #2001-1 Instrument #20108475 Effective 5/4/2001  
Applicant: Abramson, T.  
Re-zone of: Industrial (I) to Residential Rural (RR) in the NW4 of Section 34 Township 7 South Range 36 East B.M.
- 5B. Ordinance #2001-4 Instrument #20117907 Effective 9/13/2001  
Section 570.2 - Deleting "not more than" - making the fine a specified \$100.00.
6. Ordinance #2003-2 Instrument #20317473 Effective 6/30/2003 (Resolution #2003-68)  
Applicants: Brown, C. & Baldwin, G.  
Re-zone of: Light Industrial/Wholesale (LIW) to Residential Suburban (RS) in the

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NW4NE4 of Section 6 Township 6 South Range 34 East B.M.

7. Ordinance #2003-3 Instrument #20333805 Effective 12/23/2003  
Applicants: Portneuf Plateau Acres (Jensen, C)  
Re-zone of: Light Industrial/Wholesale (LIW) to Residential Suburban (RS) in the SW4NE4 & SE4NE4 of Section 6 Township 6 South Range 34 East B.M. and Agriculture (AG) to Residential Suburban (RS) in the SE4SW4 of Section 32 Township 6 South Range 34 East B.M.
8. Ordinance #2004-1 Instrument #20406173 Effective 3/29/2004  
Applicant: Myers, W.  
Re-zone of: Residential Rural (RR) to Agriculture (AG) in the SE4SE4 of Section 19 and NE4NE4 of Section 30 Township 10 South Range 37 East B.M.
9. Ordinance #2004-2 Instrument #20417428 Effective 8/9/2004  
Applicants: Sunset West Subdivision (Hancock / Miller)  
Re-zone of: Agriculture (AG) to Residential Suburban (RS) in the E2SE4 of Section 5 Township 6 South Range 34 East B.M.
10. Ordinance #2005-1 Instrument #20500494 Effective 1/7/2005  
Applicant: Bannock County  
Re-zone of: Residential Suburban (RS) to Agriculture (AG) in Section 28 Township 7 South Range 35 East B.M.
11. Ordinance #2005-2 Instrument #20506208 Effective 3/29/2005  
Applicant: Bastian, L.  
Re-zone of: Commercial General (CG) to Light Industrial/Warehousing (LI/W) in the NE4 of Section 31 and NW4 of Section 32 Township 11 South Range 37 East B.M.
12. Ordinance #2005-3 Instrument #20508000 Effective 4/25/2005  
Applicant: Peck, A. & S.  
Re-zone of: Agricultural (AG) to Residential Suburban (RS) in the NW4 in Section 16 Township 6 South Range 35 East B.M.
13. Ordinance #2005-6 Instrument #20517227 Effective 8/19/2005  
Applicant: Bannock County  
Section 570 -Zoning Ordinance amendment for classification and punishment of offenses as infraction or misdemeanor.
14. Ordinance #2006-2 Instrument #20603361 Effective 2/13/2006  
Applicant: Taysom, D (W. H. Land & Livestock)  
Re-zone of: Recreational (REC) to Residential Rural (RR) in SE4 of Section 25 Township 7 South Range 36 East B.M. and the SW4 of Section 30 Township 7 South Range 37 East B.M. and Agricultural (AG) to Residential Rural (RR) Section 25 Township 7 South Range 36 East B.M.

15. Ordinance #2006-3 Instrument #20605140 Effective 3/15/2006
  - 1.] Applicant: Wheeler, D. Re-zone of: Agricultural (AG) to Residential Rural (RR) in the NW4 of Section 29 Township 5 South Range 34 East B.M. and
  - 2.] Applicant: Hawkes, D. & S. Re-zone of: Agricultural (AG) to Residential Suburban (RS) in the NE4 of Section 35 and NW4 of Section 36 Township 5 South Range 34 East B.M.
  
16. Ordinance #2006-4 Instrument #20611769 Effective 6/2/2006  
Applicant: Avery, Dimick, Irick  
Re-zone of: Recreational (REC) to Agricultural (AG) in Section 17 Township 9 South Range 38 East B.M. and Sections 14, 15, 22, 23, 24, 25, 26 Township 10 South Range 38 East B.M.
  
17. Ordinance #2006-6 Instrument #20628740 Effective 12/18/2006  
Applicant: Elzner, B.  
Re-zone of: Agricultural (AG) to Residential Suburban (RS) in Section 16 Township 6 South Range 35 E. B.M.
  
18. Ordinance #2007-2 Instrument #20729698 Effective 12/24/2007  
Applicant: Ambrose, T.  
Re-zone of: Agricultural (AG) to Residential Rural (RR) in Section 31 Township 7 South Range 37 E. B.M.
  
19. Ordinance #2008-4 Instrument #20827040 Effective 12/18/2008  
Applicant: Bannock County Planning and Development Department  
Ordinance amendment to the Bannock County Zoning Ordinance 1998-1 Limiting the size and location of Planned Unit Developments (PUD), adding definitions related to Area of City Impact (ACI) and providing for an effective date.  
Sections:  
200 Adding Definitions for Area of City Impact (ACI) and Impact Area Agreement;  
326 Subdividing in the Residential Rural District, adding 'and limited to locations within Area of City Impact' to 326.C and adding all of 326.C.1 regarding size requirements;  
336 Subdividing in the Residential Suburban District, adding 'and limited to locations within Area of City Impact' to 336.C and adding all of 336.C.3 regarding size requirements;  
346 Subdividing in the Recreation District, adding all of 346.C.3 regarding size requirements;  
366 Subdividing in the Commercial General District, adding 'provided that municipal water and sewer is provided and limited to locations within Area of City Impact (ACI) to 366.A and adding to size requirements to 366.C;  
510.4 adding to size requirements
  
20. Ordinance #2009-1 Instrument 20913988 Effective 6/30/09  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1 Adding definitions of wind turbine types and certain permitting and use requirements by zone, and providing for an effective date.

## Sections:

- 200 Adding Definitions for small, medium, and commercial wind turbines and total turbine height.
- 395 Revision to add use summary for wind turbine types by zone.
- 451 Establishing requirements for all types of wind turbine facilities in all zones.

21. Ordinance #2009-3 Instrument #20919195 Effective 8/31/2009  
Applicant: Johnson, Russell  
Re-zone of: Agricultural (AG) to Residential Suburban (R) in Section 31 Township 5 South Range 34 E. B.M.
22. Ordinance #2010-3 Instrument #21020517 Effective 11/30/2010  
Applicant: Matt Spears, Pocatello Idaho, M. Brent Chugg representing L.D.S. Church, Paul Boede and Mark Maier representing Pacific Empire Communication Corporation  
Re-zone of: Agricultural (AG) to Residential Rural (RR) in Section 31 Township 5S Range 34 E.
23. Ordinance #2011-3 Instrument #21116230 Effective 10/19/2011  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1  
Section:  
401 – ACCESSORY USES, deleting certain use requirements regarding accessory structure size limitations, adding certain permitting and use requirements, clarifying administrative process and providing for an effective date.
24. Ordinance #2012-2 Instrument #21210311 Effective 6/27/2012  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1  
Section: 580.3 PLANNING AND DEVELOPMENT COUNCIL: TERM OF OFFICE, deleting certain requirements regarding the length of terms for the initial appointment of Planning Council members, changing the length of Planning Council terms of office, clarifying the duration of consecutive terms, adding certain residency requirements, and providing for an effective date.
25. Ordinance #2012-109 Instrument #21214659 Effective 9/6/12  
Applicant: Glen and June Elder  
Rezone of : Residential Suburban (RS) to Light Industrial and Wholesale (LIW) in Section 21, Township 6 South, Range 34 East, B.M.
26. Ordinance #2013-2 Instrument #21304704 Effective 4/2/13  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to various titles and sections of the Bannock County Zoning Ordinance 1998-1: a series of minor text amendments to clarify wording, update references and definitions, and rectify inconsistencies.
27. Ordinance #2013-3 Instrument #21304798 Effective 4/2/13  
Applicant: Bannock County Planning and Development Department

Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1

Sections: 401.C.4. ACCESSORY USES: USE LIMITATIONS and

401.F. DETAILED ACCESSORY USE REGULATIONS: RESIDENCE FOR CARETAKER OR WATCHMAN, OR GUESTHOUSE; and adding Section: 401.H. TEMPORARY DWELLINGS FOR DEPENDENT PERSONS.

28. Ordinance #2014-1 Instrument # 21406760 Effective 6/3/14  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1: adding a new subsection 401.H, "Accessory Cottage Dwellings"; amending various titles and sections to clarify wording, update references, and definitions, and rectify inconsistencies; and amending the Tables of Building Bulk and Placement Standards, sections 316, 327, 337, 347, and 357.
29. Ordinance #2015-1 Instrument #21508434 Effective 6/30/15  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1: amending portions of Section 550.C and Section 550.1 of the ordinance to rectify inconsistencies with Idaho Code 67-6535(2).
30. Ordinance #2015-5 Instrument #21516648 Effective 12/3/2015; Section 471.1 amended via Ordinance #2016-1 Instrument #21600139 Effective 1/8/16.  
Applicant: Bannock County Planning & Development Department.  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1: amending portions of Section 200, Section 313, Section 333, Section 344, Section 395, and Section 550.1 of the Ordinance to allow public service facilities throughout the County and amending portions of portions of Section 200 and Section 471.1 of the Ordinance to amend the date of a Lot of Record and to confine the definition of Lot of Record to one place in the Ordinance.
31. Ordinance #2016-3 Instrument #21605610 Effective 5/10/16  
Applicant: Bannock County Planning and Development Department  
Ordinance Amendment to the Bannock County Zoning Ordinance 1998-1: establishing a new Section 394, MASTER PLANNED COMMUNITY (MPC) zoning district, amending a portion of Section 200, DEFINITIONS, providing for definitions emanating from new Section 394 and other amended sections, and amending a portion of Section 301, ZONING DISTRICTS- DESIGNATED, to designate the new MPC zone in alignment with other existing zones; and amending portions of sections 345, 355, 365, 375, and 385 to repeal zone-specific sign requirements in favor of amending the Ordinance to establish a new general signage section in the Ordinance, Section 475.14, SIGNS (EXCEPT BILLBOARDS); and amending portions of Section 475.10, LIGHTING, to provide for lighting standards more aligned with goals and policies of the adopted Comprehensive Plan; and establishing general driveway standards in a new Section 475.13, DRIVEWAYS.
32. Ordinance 2016-4 Instrument # 21608191 Effective 6/28/16  
Applicant: McNabb, Gerald (owner) / RMES (applicant)

Rezone of : Agricultural (AG) to Residential Rural (RR) in Section 32, Township 5 South, Range 34 East, B.M.

33. Ordinance 2016-5 Instrument # 21611017 Effective 8/16/16  
Applicant: Donald and Carol Gunter (owners)  
Rezone of: Agricultural (AG) to Residential Rural (RR) in Section 36, Township 8 South, Range 36 East, B.M.
34. Ordinance 2016-6 Instrument #21612220 Effective 9/6/16  
Applicant: Henderson Ranches, Inc./Tom Henderson (owner)  
Rezone of: Mixed Use (MU) to Agriculture (AG) in Section 7, Township 10 South, Range 37 East, B.M.
35. Ordinance 2016-7 Instrument #21617798 Effective 12/20/16  
Applicant: DEG Enterprises – 3 LLC / Dave and Emma Gebo (owners)  
Rezone of: Residential Rural (RR) to Residential Suburban (RS) of 2.72 acres in NW ¼ of Section 30, Township 7 South, Range 35 East, B.M.