

**TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE**

CHAPTER 11 - STANDARD REGULATIONS APPLYING TO ALL DISTRICTS

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Section 6-11-1: Purpose:

- A. This Chapter establishes specific regulations for uses as set forth in this Title to be administered in the applicable base zones and overlay districts. This Chapter provides specific regulations for the location, design, and development of new land uses and the alteration of existing land uses. This Chapter supplements the regulations for development in each base zone and overlay district as set forth in this Title.

Section 6-11-2: Applicability:

- A. This Chapter shall apply to all development and uses in all districts except, as otherwise exempted by this Title.

Section 6-11-3: Access To and Frontage on a Roadway:

A. "Development", as herein defined, shall only be approved on a property that meets the minimum dimensional standards of the base and overlay districts, and fronts on a public or private road, or alley as defined in this Title or as otherwise allowed by this Title.

B. A property may take access from a private road, provided the private road is initiated from a public road, and the private road is located on a sixty (60') foot recorded easement, and the terminus of which shall be located within the property or a seventy (70') foot cul-de-sac located within the recorded right-of-way:

1. If located on a seventy (70') foot cul-de-sac, the required frontage shall be thirty (30') feet or as otherwise specified in this Title.
2. If located at the terminus of which shall be located within the property, the required frontage shall be sixty (60') feet, the width of the private road easement.
3. Access from a private road to another private road shall be prohibited, however an approved private road, with terminus on a public road containing a sixty (60') foot easement may be extended provided the conditions of this Chapter are complied with.

C. Private Alleys: Private alleys may provide frontage when:

1. The private alleys are located on a lot; and
2. The lots are owned and maintained by the lot owners whose property accesses and fronts on the private alley; and
3. The alley is accompanied with a recorded cross access easement and maintenance agreement.
4. The CC&Rs shall also indicate ownership, maintenance, and administrative responsibilities of the private alley, which shall be reviewed and approved by the Director.

- D. When applicable, all private alleys shall comply with the minimum design/construction requirements of the applicable fire district or this Title whichever is more restrictive where applicable.

Section 6-11-4: Accumulation of Junk:

- A. Unless approved as a commercial junkyard, accumulation of junk on a property shall only be allowed where the principal permitted use is established. Property owners shall not store junk outdoors on more than ten (10%) percent of the gross property or one (1) acre whichever is more restrictive, in any event the total area occupied for the principal and/or other permitted uses and the accumulation of junk shall not exceed the maximum lot coverage allowed for the property. The most restrictive method and standard listed shall be calculated and used to determine the maximum area allowed for junk accumulation. All storage of junk outdoors shall be subject to screening standards of this Title, except farms located in Agricultural Districts, as herein defined. Agricultural Districts shall be excluded from screening abandoned farm equipment. Junk shall not exceed the height of the sight-obscuring screen.

Section 6-11-5: Agriculture:

- A. Nothing contained in this Chapter shall prohibit the use of any land for agriculture except where such use creates a health hazard.

Section 6-11-6: Condominium Projects:

- A. All condominium projects shall be reviewed to ensure the use complies with the requirements of any applicable base and overlay districts. If approved, the condominium project plat and declaration shall be certified by the County Surveyor and signed by the Board as provided in Idaho Code, Ordinance 50, Chapter 13 and Ordinance 55, Chapter 15.

Section 6-11-7: Contiguous Parcels:

- A. Abutting parcels or property held in one or common ownership or controls that abut each other at a common boundary shall be considered one property for development purposes unless the owner can demonstrate one of the following:
1. The parcels comply with the regulations of this Title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under a single deed identifying each as a separate parcel; or

2. The parcels comply with the regulations of this Title that were in effect at the time such parcels were recorded, and the parcels were originally conveyed and recorded under separate deeds; or
3. Each of the abutting parcels is a conforming or nonconforming property as defined in this Title; or
4. Physical characteristics of the property prevent its use as one unit, the properties are separated by a fee simple ownership and/or the properties are separated by a public right of way or public street.

Section 6-11-8: Construction Sites:

- A. New development shall contain all construction debris on site and prevent windblown trash and debris from leaving the site.

Section 6-11-9: Dwellings, Two or More Existing:

- A. Any property that has two (2) or more existing dwellings that were built prior to January 1, 1974, or were approved principal permitted dwellings in accordance with the zoning regulations in effect at the time such dwellings were built, shall be deemed a nonconforming use, provided the owner can establish grandfather rights in compliance with this Title. Each dwelling shall be subject to the standards of this Title.

Section 6-11-10: Property Created By Court Decree:

- A. Any property created by court decree shall be recognized as a property for transfer of ownership; but shall not be eligible for development including any building permits for renovation or repair of an existing structure. To become eligible for development, the property shall comply with all applicable regulations of this ordinance.

Section 6-11-11: Pipeline Corridors:

- A. For any property for which there is a pipeline corridor easement (including, but not limited to, the northwest pipeline and Chevron pipeline), the owner and/or applicant shall provide appropriate setbacks from the pipeline facility as determined by the easement holder.

Section 6-11-12: Property Reduced By Governmental Action:

- A. If a governmental action (such as acquisition through prescription, purchase, or other means by the applicable highway district, Idaho Transportation Department, or other local, state, or federal agency) reduces an existing property below the required property size, such property shall be deemed as a conforming property for the purposes of development.

Section 6-11-13: Utilities:

- A. All utilities for a new dwelling or approved use shall be installed underground, unless the applicable utility company authorizes above ground installations. For the purposes of this Section, the term "utilities" shall include, but not be limited to, electric, natural gas, water, wastewater collection, storm drainage, telephone, and cable services. Agricultural structures as herein defined shall be exempt from this regulation. See Title 6, Chapter 25, Subsection 6-25-89: Public or Quasi-Public Use.

Section 6-11-14: Wastewater Treatment Systems:

- A. For any dwelling or approved use, the owner or applicant shall provide and maintain sewage disposal facilities that meet the approval of the Central District Health Department and this Title. Options for sewage disposal facilities shall include, but not be limited to, the following methods:
1. Community sewage disposal system for sewage with a maintenance and operation plan approved by the State of Idaho Department of Environmental Quality and which meet the definition of a Community Sewage System and Facility as defined by this Title; or
 2. A individual sewage disposal system where each residential lot has a permanent drain field area on the lot and/or on a delineated easement on a portion of an open space lot, as allowed by this Title; or
 3. A municipal wastewater collection and treatment system as defined by this Title.

Section 6-11-15: Water:

- A. For any dwelling or approved use, the owner or applicant shall provide and maintain an adequate water supply for the intended use as required by this Title.
1. The applicant shall provide evidence that a valid water right either exists or is in the process of being obtained or that the development is exempt from obtaining a water right to supply adequate water.
 2. All wells constructed or modified to supply water for a development shall be constructed in accordance with the "Well Construction Standards" adopted by the Idaho Water Resource Board (IDAPA 37.03.09), the "Idaho Rules For Public Water Systems" adopted by the Idaho Board of Health (IDAPA 16.01.08) if applicable, and any additional conditions included in a drilling permit issued by the Idaho Department of Water Resources.

- B. No landowner or occupant may utilize, apply or divert water intended for domestic use in excess of an amount or rate authorized or legally allowed by the statutes of the State of Idaho or a license or permit issued by the Idaho Department of Water Resources. Such use shall constitute a violation of this title and Elmore County may proceed with any enforcement action authorized by this title. Said action shall be separate from and not dependent upon any finding or action by the Idaho Department of Water Resources.

Section 6-11-16: Grading:

- A. No grading, filling, clearing, or excavation of any kind, excluding grading associated with an agricultural use, shall be initiated without County Engineer approval of a drainage study or drainage plan and a grading permit obtained from the Elmore County Building Official. A zoning permit or conditional use approval shall be required prior to the issuance of a grading permit.

Section 6-11-17: Renovation, Repair, Expansion or Replacement of Dwelling:

- A. A zoning permit for the renovation, repair, expansion or replacement of a dwelling (including any existing or proposed accessory structures) may be issued to a property that meets the following criteria:
 - 1. An easement, recorded prior to July 1, 1999, that is at least thirty (30') feet wide, provides access to the property which is either an approved private road or approved driveway that terminates from a public right-of-way; or
 - 2. The property was of record in the Elmore County recorder's office prior to January 1, 1974; or
 - 3. The property contains a dwelling that conforms to all applicable codes and/or ordinances; or
 - 4. The property complies with the minimum property size of the base and overlay districts; or
 - 5. The property is located in an Area of City Impact; or
 - 6. The property has established grandfather rights for a legal non-conforming lot or has received approval to expand a legal non-conforming lot. For legal non-conforming lots, repairs and renovation permits shall only be issued to maintain the legal non-conforming use in good repair. Expansion or replacement permits shall be contingent upon the applicant meeting the requirements of the Title for expansion or replacement of legal non-conforming structures.

Section 6-11-18: Outdoor Storage:

- A. All outdoor storage shall comply with the requirements of this Chapter and Title.
- B. Manufactured homes shall not be stored within the required yards. Storage of a manufactured home shall be considered outdoor storage, and shall only be stored in outdoor storage areas that comply with this Chapter and Title.
- C. Outdoor storage areas shall not be used for the storage of junk, a "junkyard" or "automobile wrecking yard" as herein defined in this Title.
- D. All outdoor storage shall comply with the flood hazard overlay as set forth in this Title.