

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

**CHAPTER 26 – ACCESSORY USES AND REGULATIONS PERTAINING TO
ACCESSORY TYPE LAND USES**

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Section 6-26-1: Purpose:

- A. This Chapter provides procedures and required findings for accessory uses as set forth subject to the base zone, any applicable overlay districts, and in accordance with the specific use standards of this Chapter and Title.

Section 6-26-2: Applicability:

- A. These regulations apply to any property in unincorporated Elmore County where an accessory use may be permitted under this Chapter and Title and where the property has an established principal permitted use.

Section 6-26-3: Process:

An administrative approval shall be subject to review by the Director and subject to the regulations of this Title. The approval process shall be as follows:

- A. All accessory use requests requiring administrative approval shall be submitted on the appropriate application provided by Growth and Development Department with the applicable fee as set forth in this Title. The accessory use shall comply with the findings of this Chapter.

- B. The Director shall apply the specific use standards listed in this Title and the findings listed in this Chapter to review the accessory use.
- C. Upon determination by the Director that the accessory use is in conformance with this Chapter, Administrative Approval shall be issued.
- D. All accessory use requiring a conditional use approval shall be submitted on the appropriate application provided by Growth and Development Department with the applicable fee as set forth in this Title. The accessory use shall comply with the findings of this Chapter as well as those required for a conditional use approval.
- E. All accessory use requests requiring Administrative Approval shall be submitted on the appropriate application provided by Growth and Development Department with the applicable fee as set forth in this Title.

Section 6-26-4: Standards:

- A. In addition to the specific use standards set forth in this Chapter, the following standards and conditions of approval shall apply:
 - 1. The applicant/owner shall have a continuous obligation to maintain adequate housekeeping practices so as not to create a nuisance; and
 - 2. The Director may require additional conditions to mitigate impacts. The conditions may include, but not be limited to, any or all of the following:
 - a. Standards related to the emission of noise, vibration, and other potentially objectionable impacts; and/or
 - b. Limits on time of day for the conduct of the specified use; and/or
 - c. The period within which the permit shall be exercised or otherwise lapse; and/or
 - d. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

Section 6-26-5: Terms of Approval:

- A. The term of the, Administrative, or Conditional Use Permit shall not exceed twelve (12) months unless some other period of time is specified in the permit. Within this period, the holder of the permit shall:

1. Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets, or building foundations; or
 2. Commence the use permitted by the permits in accordance with the approval or conditions of approval; or
 3. For conceptual approvals, submit an application for final approval or permit.
- B. For projects, which require platting, the plat must be recorded within twelve (12) months. All plats and all phases thereof, contingent upon the conditional use permit are subject to this requirement.

Section 6-26-6: Extensions:

- A. The Commission may, upon written request by the holder, grant a one (1) year time extension to an unexpired Administrative Approvals, or Conditional Use Permits. Time extensions requests shall be processed in compliance with Title 6, Section 6-3-11 Time Extension, except as modified by this Section.
- B. Upon receipt of written request for extension, the Director shall determine if a hearing on the request is required. If any of the foregoing considerations listed below are found to exist with regard to the project for which an extension is sought, a hearing shall be required:
1. There were amendments to the Comprehensive Plan; or
 2. There were amendments to the Elmore County Zoning and Development Regulations; or
 3. Land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
 4. Hazardous situations have developed or have been discovered in the project area.
- C. If a hearing is required, notice shall be provided as described in this Title, and a new application and fee shall be submitted in compliance with this Title.
- D. If, after public hearing, the Commission determines that any of the conditions existing in subsection B above so require, the Commission may amend the terms and conditions of the conditional use permit or deny the extension.

Section 6-26-7: Required Findings:

- A. The decision making body shall make the following findings for both administrative and conditional use applications:
1. The proposed use shall not be detrimental to the public health, safety, or welfare; and
 2. The proposed use shall not adversely impact the health and safety of surrounding residents, nor shall it create undue adverse impacts on surrounding properties; and
 3. The proposed use is consistent with the applicable Comprehensive Plan; and
 4. The proposed use complies with the purpose statement of the applicable base zone and with the specific use standards as set forth in this Chapter; and
 5. The proposed use complies with all applicable State and Federal regulations; and
 6. The proposed use and facilities shall not adversely affect or conflict with abutting uses; and
 7. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use; and
 8. For private tower structures, the proposed tower complies with any applicable Federal Communications Commission decisions and regulations.

Additional Finding for Applications for Group Daycare Homes:

- A. For group daycare homes, the proposed use is properly located and screened from adverse impacts to the public health, safety, and welfare of the children.

Additional Finding for Applications with Signs:

- A. For signs, the sum of the area of all building and freestanding signs on the property conforms to the standards specified in this Title.
- B. The size, characteristics, location, and number of signs on the property conform to the standards specified in this Title.