

ORDINANCE NO. 2012- 01

AN ORDINANCE AMENDING AND RESTATING IN IT'S ENTIRETY THE ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE, TITLE 6 & 7, ELMORE COUNTY CODE TO PROVIDE FOR REGULATIONS INCLUDING A ORDINANCE, PURPOSE, INTERPRETATION AND ENACTMENT, DEFINITIONS, APPEALS, ENFORCEMENT, WAIVERS, VARIANCES, TIME EXTENSIONS, APPLICATION PROCEDURES, AUTHORITY AND DUTIES OF THE GROWTH AND DEVELOPMENT DIRECTOR, HEARING EXAMINER, PLANNING AND ZONING COMMISSION JURISDICTION AND DUTIES, ZONING AND OVERLAY DISTRICTS, NON CONFORMING PROPERTY, FARM DEVELOPMENT RIGHT, STANDARD REGULATIONS, FIRE PREVENTION AND WILD FIRE MITIGATION STANDARDS AND REGULATIONS, FLOOD HAZARD REQUIREMENTS, AREA OF CRITICAL CONCERN, HILLSIDE DEVELOPMENTS, ONE-TIME DIVISION OF PROPERTY, PROPERTY BOUNDARY ADJUSTMENTS, PUBLIC AND PRIVATE ROADS, MASTER SITE PLAN REQUIREMENTS, LANDSCAPING, PARKING REQUIREMENTS, TEMPORARY USE, WELLHEAD PROTECTION, ACCESSORY USES, CONDITIONAL USE PERMITS, SUBDIVISIONS, DEVELOPMENT AGREEMENTS, PLANNED COMMUNITIES, PLANNED UNIT DEVELOPMENTS, PLANNED UNIT DEVELOPMENT DISTRICTS, SURETY AGREEMENTS, CONFINED ANIMAL FEEDING OPERATIONS, COMMON DRIVEWAYS, FLAG LOTS, AIRPORT HAZARD ZONES, FAMILY BURIAL GROUNDS, MAYFIELD TOWNSITE PLANNED COMMUNITY ZONING ORDINANCE, CLUSTER SUBDIVISIONS, MOUNTAIN HOME AREA OF IMPACT, GLENNS FERRY AREA OF IMPACT

WHEREAS, Title 67, Chapter 65 of the Idaho Code ("Local Land Use Planning Act") and Article 12, Section 2 of the Idaho Constitution provides authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS, the Board of Commissioners of Elmore County (the "Board") adopted the 2004 Comprehensive Growth and Development Plan on August 9, 2004, which comprehensive plan was subsequently amended on December 3, 2007 and August 17, 2011 (the "Comprehensive Plan");

WHEREAS, the Board adopted the Elmore County Zoning and Development Ordinance on May 13, 2009 as Ordinance 2009-3; which was subsequently amended on December 1, 2010 and August 17, 2011 ("Existing Zoning Ordinance");

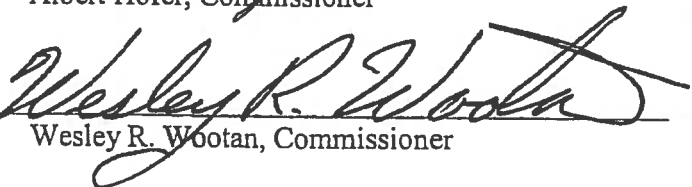
WHEREAS, the Elmore County Growth and Development Department along with the Elmore County Planning and Zoning Commission have proposed certain changes to the Existing Zoning Ordinance in the form of an amendment and restatement of the Existing Zoning Ordinance in the form attached hereto on Exhibit A (the "Amended and Restated Elmore County Zoning and Development Ordinance"), which exhibit is made a part hereof as if fully set forth herein. The Amended and Restated Elmore County Zoning and Development Ordinance, among

Dated this 12th day of March, 2012.


ELMORE COUNTY BOARD OF COMMISSIONERS

By: 
Arlen O. Shaw, Chairman

By: 
Albert Hofer, Commissioner

By: 
Wesley R. Wootan, Commissioner

ATTEST:


Barbara Steele, Elmore County Clerk

**SUMMARY FOR ORDINANCE NO. 2012-01
AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT
ORDINANCE**

PASSED, at a regular meeting of the Elmore County Board of Commissioners, on March 12, 2012. This ordinance will be in full force and effect from and after its passage, approval and publication. The following is a summary of Ordinance No. 2012-01, published in compliance with Idaho Code §31-715A. A full text of this ordinance is available for public inspection in the Elmore County Recorder's Office, Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho, or at the Growth and Development Office, 520 East 2nd South, Mountain Home, Idaho. Office hours are from 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

SECTION 1. ADOPTION OF THE AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE: The Amended and Restated Elmore County Zoning and Development Ordinance is hereby adopted as the new and amended and restated Elmore County Zoning and Development Ordinance, as summary of which follows:

Table of Contents - Title 6

- Chapter 1 – Ordinance, Purpose, Interpretation and Enactment
- Chapter 2 – Zoning and Development Ordinance Definitions
- Chapter 3 – Appeals, Enforcement, Waivers, Variances and Time Extensions
- Chapter 4 - Application Procedures
- Chapter 5 - Authority And Duties Of The Growth And Development Director
- Chapter 6 - Hearing Examiner
- Chapter 7 - Planning And Zoning Commission Jurisdiction, And Duties
- Chapter 8 - Zoning and Overlay Districts
- Chapter 9 - Non Conforming Property, Use Or Structure, And Grandfather Rights
- Chapter 10 - Farm Development Right
- Chapter 11 – Standard Regulations Applying To All Districts
- Chapter 12 – Fire Prevention And Wild Fire Mitigation Standards And Regulations Applying To All Districts
- Chapter 13 – Flood Hazard Mitigation And Development Requirements Pertaining To Flooding
- Chapter 14 – Areas Of Critical Concern And Hillside Development Requirements
- Chapter 15 – One-Time Division Of Property
- Chapter 16 – Property Boundary Adjustments
- Chapter 17 – Public And Private Roads
- Chapter 18 – Master Site Plan Requirements
- Chapter 19 – Landseaping Ordinance
- Chapter 20 – Off-Street Parking And Loading Requirements
- Chapter 21 – Lighting Standards And Plans
- Chapter 22 – Sign Standards
- Chapter 23 – Open Space Standards And Development Requirements
- Chapter 24 – Temporary Use And Development Requirements Pertaining To Temporary Uses

- Chapter 25 – Wellhead Protection Ordinance
- Chapter 26 – Accessory Uses And Regulations Pertaining To Accessory Type Land Uses
- Chapter 27 – Conditional Use Permit (Cup) Standards And Requirements
- Chapter 28 – Subdivision Requirements And Regulations
- Chapter 29 – Development Agreement (DA) Standards And Requirements
- Chapter 30 – Planned Community (PC) Standards
- Chapter 31 – Planned Unit Development (PUD) Standards
- Chapter 32 – Planned Unit Development District (PUDD) Standards
- Chapter 33 – Surety Agreements And Related Requirements
- Chapter 34 – Confined Animal Feeding Operations (CAFOs)
- Chapter 35 – Common Driveways And Flag Lots
- Chapter 36 – Airport Hazard Zones
- Chapter 37 – Family Burial Grounds
- Chapter 38 – Mayfield Townsite Planned Community
- Chapter 39 – Cluster Development

Table of Contents - Title 7

- Chapter 1 – Mountain Home Area of Impact
- Chapter 2 – Glens Ferry Area of Impact

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. The existing Zoning Ordinance is hereby repealed and replaced in its entirety with the Amended and Restated Elmore County Zoning and Development Ordinance. Additionally, any other ordinances of Elmore County, Idaho which are in conflict with the terms of the Amended and Restated Elmore County Zoning and Development Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Enacted by the Elmore County Board of Commissioners as Ordinance 2012-01 on March 12, 2012.

ELMORE COUNTY BOARD OF COMMISSIONERS

ARLEN O. SHAW, Chairman, Approving

ALBERT HOFER, Commissioner, Approving

WESLEY WOOTAN, Commissioner, Approving

ATTEST: BARBARA STEELE, Clerk

One Publication: March 21, 2012

AFFIDAVIT OF PUBLICATION

SUMMARY FOR ORDINANCE NO. 2012-01 AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE

PASSED, at a regular meeting of the Elmore County Board of Commissioners, on March 12, 2012. This ordinance will be in full force and effect from and after its passage, approval and publication. The following is a summary of Ordinance No. 2012-01, published in compliance with Idaho Code §31-715A. A full text of this ordinance is available for public inspection in the Elmore County Recorder's Office, Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho, or at the Growth and Development Office, 520 East 2nd South, Mountain Home, Idaho. Office hours are from 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays.

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Enacted by the Elmore County Board of Commissioners as Ordinance 2012-01 on March 12, 2012.

ELMORE COUNTY BOARD OF COMMISSIONERS

WEN O. SHAW, Chairman, Approving
ALBERT HOFER, Commissioner, Approving
WESLEY WOOTAN, Commissioner, Approving
ATTEST: BARBARA STEELE, Clerk

One Publication: March 21, 2012.

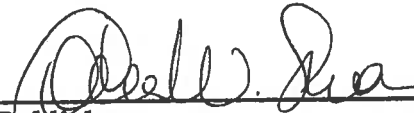
County of Elmore }
State of Idaho }ss.

I, **Coleen W. Swenson**, do solemnly swear that I am the Publisher of the:

Mountain Home News

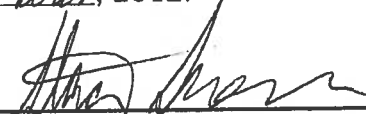
A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof; was published in said newspaper for 1 consecutive weeks, the first publication having been made on the 21st day of March, 2012, and the last publication having been made on the 21st day of March, 2012; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.



Publisher

Subscribed and sworn to me this 21st day of March, 2012.



Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2017**.

