

CHAPTER 2 - LAND USE TABLES, ZONING DISTRICTS AND THEIR BASE DENSITIES, OVERLAY DISTRICTS AND BOUNDARIES

Sections:

7-2-1:	Applicability
7-2-2:	Purpose
7-2-3:	Specific Uses Not Listed
7-2-4:	Districts, And Overlays Established
7-2-5:	Description and Intent
7-2-6:	Zoning Districts and Their Base Densities
7-2-7:	Cluster Development
7-2-8:	Zoning Ordinance Map Amendments
7-2-9:	Land Use / Zoning Ordinance Map Amendment Matrix
7-2-10:	Access to and Frontage on a Roadway
7-2-11:	Accumulation of Junk
7-2-12:	Agriculture
7-2-13:	Condominium Projects
7-2-14:	Contiguous Parcels
7-2-15:	Construction Sites
7-2-16:	Dwellings, Two or More Existing
7-2-17:	Property Created by Court Decree
7-2-18:	Pipeline Corridors
7-2-19:	Property Reduced by Governmental Action
7-2-20:	Utilities
7-2-21:	Wastewater Treatment Systems
7-2-22:	Water
7-2-23:	Grading
7-2-24:	Renovation, Repair, Expansion or Replacement of Dwelling
7-2-25:	Outdoor Storage
7-2-26:	Table of Allowed, Conditional and Prohibited Land Uses
7-2-27:	Zoning Setbacks, Bulk and Coverage Compliance
7-2-28:	Other Dimensional Standards and Requirements
7-2-29:	Zone Boundaries
7-2-30:	Interpretation of Boundaries
7-2-31:	Classification of Vacated Streets or Alleys
7-2-32:	Zoning Maps
7-2-33:	Zoning Compliance
7-2-34:	Overlay Districts Established
7-2-35:	Mayfield Overlay District
7-2-36:	Oasis Overlay District
7-2-37:	Tipanuk Overlay District
7-2-38:	North Mountain Home Aquifer Recharge Overlay District
7-2-39:	Chattin Flats Overlay District
7-2-40:	Recreation Overlay District

7-2-41:	Area of Critical Concern Overlay District
7-2-42:	General Standards Pertaining to Specific Land Uses and Specific Types of Developments or Improvements
7-2-43:	Accessory Structure
7-2-44:	Adult Entertainment Establishment
7-2-45:	Advertising Signs and Structures
7-2-46:	Agricultural Structure
7-2-47:	Agriculture Use (Routine or Standard)
7-2-48:	Aircraft Landing Field, Private
7-2-49:	Airpark Subdivision
7-2-50:	Airport, Private/Public
7-2-51:	Amusement or Recreation Facility, Indoor
7-2-52:	Amusement or Recreation Facility, Outdoor
7-2-53:	Animal Boarding with Outside Runs
7-2-54:	Animal Clinic, Grooming
7-2-55:	Animal Clinic, Hospital, or Veterinary Office
7-2-56:	Aquatic and Hydroponic Farming
7-2-57:	Archery Range, Indoors
7-2-58:	Archery Range, Outdoors
7-2-59:	Asphalt or Concrete Plant
7-2-60:	Assisted Living, Hospice
7-2-61:	Auction Establishment
7-2-62:	Baking or Bakery Goods Store
7-2-63:	Banks-Savings-Loan and other Financial Institutions
7-2-64:	Bar, Brew Pub, Lounge, or Nightclub
7-2-65:	Bed and Breakfast Establishment
7-2-66:	Beverage Bottling Plant
7-2-67:	Bowling, Alley
7-2-68:	Brewery or Distillery
7-2-69:	Business College-Trade School
7-2-70:	Cabinet Manufacturing
7-2-71:	Campground Public or Private
7-2-72:	Car Wash
7-2-73:	Cemetery
7-2-74:	Chemical Manufacturing
7-2-75:	Chemical Storage
7-2-76:	Child and Adult Daycare Facility
7-2-77:	Church
7-2-78:	Cleaning, Commercial Laundry
7-2-79:	Clinic, Medical, Non-Animal
7-2-80:	Club, Lodge, or Social Hall
7-2-81:	Cold Storage Plant, Non-Ag
7-2-82:	Composting Facility Commercial
7-2-83:	Concrete Batch Plant
7-2-84:	Contractor's Yard
7-2-85:	Crematory

7-2-86:	Dairy (CAFO Non-Permit Category)
7-2-87:	Dairy (CAFO Permit Category)
7-2-88:	Dairy Products Processing
7-2-89:	Dance, Music, Voice Studio
7-2-90:	Dangerous or Protected Animals
7-2-91:	Daycare Home, Group
7-2-92:	Drive-In Theater
7-2-93:	Drive-Up Window Service
7-2-94:	Drug and Alcohol Treatment Facility
7-2-95:	Dude Ranch
7-2-96:	Dwelling Unit, Accessory
7-2-97:	Dwelling, Additional Farm
7-2-98:	Dwelling, Additional Farm Seasonal
7-2-99:	Dwelling, Caretaker
7-2-100:	Dwelling, Multifamily
7-2-101:	Dwelling, Single Family
7-2-102:	Dwelling, Duplex
7-2-103:	Electrical Generating Facilities
7-2-104:	Electrical Appliance and Repair Shop
7-2-105:	Energy Production (≤ 25 kW), Home Use
7-2-106:	Energy Production Facilities
7-2-107:	Equipment Rental-Sales Yard Including Farm Equipment
7-2-108:	Explosive Manufacturing or Storage
7-2-109:	Extended-Care Facility
7-2-110:	Fairgrounds
7-2-111:	Farm, Ranch or Dairy, Non CAFO Category
7-2-112:	Feed Lots and Stock Yards, NON CAFO Category
7-2-113:	Fence, Barbed Wire, Electric Wire or Other
7-2-114:	Fireworks Stand, Seasonal or Temporary
7-2-115:	Fish Propagation
7-2-116:	Flea Market, Outdoor
7-2-117:	Food Processing and Packaging Plant
7-2-118:	Food Store, Convenience
7-2-119:	Food Store, Deli
7-2-120:	Foster Home, Group
7-2-121:	Foundry Small or Accessory
7-2-122:	Freight or Truck Terminal
7-2-123:	Frozen Food Lockers
7-2-124:	Fuel Cell Operation
7-2-125:	Fuel, Flammable Material Storage
7-2-126:	Fuel Sales, Service Station
7-2-127:	Furniture Refinishing
7-2-128:	Golf Course
7-2-129:	Golf Course, Miniature
7-2-130:	Grain Storage Elevator
7-2-131:	Greenhouse Operation

7-2-132:	Gym or Health Spa
7-2-133:	Hazardous Material Storage or Handling
7-2-134:	Heavy Equipment Sales or Service
7-2-135:	Highway Maintenance Shop
7-2-136:	Home Occupation
7-2-137:	Hospital
7-2-138:	Hotel or Motel
7-2-139:	Hunt Club, Resort
7-2-140:	Incinerators
7-2-141:	Industrial/Manufacturing Facility, Heavy
7-2-142:	Industrial/Manufacturing Facility, Light
7-2-143:	Junkyard or Automobile Wrecking Yard
7-2-144:	Kennel, Commercial
7-2-145:	Kennel, Hobby
7-2-146:	Kennel, Rescue
7-2-147:	Laboratory-Medical-Dental Optical
7-2-148:	Laundromat
7-2-149:	Laundry-Commercial Plant
7-2-150:	Lumber Processing
7-2-151:	Lumber Yard-Retail/Wholesale
7-2-152:	Machine Shop
7-2-153:	Manufacture or Processing of Hazardous Chemicals or Gases
7-2-154:	Manufactured Home Park
7-2-155:	Marina, Boat Moorage
7-2-156:	Mortuary
7-2-157:	Nursery, Retail
7-2-158:	Nursery, Wholesale
7-2-159:	Nursing Home or Facility
7-2-160:	Office Building
7-2-161:	Office, Temporary Construction
7-2-162:	Outdoor Storage Facility
7-2-163:	Package and Letter Delivery/Shipping Service
7-2-164:	Personal, Business, or Professional Service
7-2-165:	Park, Public
7-2-166:	Parking Lot, Garage or Facility
7-2-167:	Petroleum Storage
7-2-168:	Pistol Range
7-2-169:	Pit, Mine, or Quarry
7-2-170:	Portable Classroom
7-2-171:	Printing, Blueprinting or copy
7-2-172:	Printing, Off-Set, Press or Similar
7-2-173:	Processing Plants for Agricultural or Dairy Products
7-2-174:	Public Address System, Outdoor
7-2-175:	Public or Quasi-Public Use
7-2-176:	Public Storage
7-2-177:	Public Agency Utility Yard or Shop

7-2-178:	Racetrack, Animal or Vehicle
7-2-179:	Railroad Switching Yard
7-2-180:	Recreation Facilities (Outdoor)
7-2-181:	Recreational Vehicle Park
7-2-182:	Recreational Vehicle Sales or Service
7-2-183:	Recycling Collection Center, Small
7-2-184:	Recycling Plant or Processing Facility
7-2-185:	Research and Development Facility
7-2-186:	Residential Care Facility
7-2-187:	Restaurant or Eating Place
7-2-188:	Retail, Big Box
7-2-189:	Retail, Non-Big Box
7-2-190:	Roadside Produce Stand or Other
7-2-191:	Rodeo Arenas
7-2-192:	Rooming/Boarding/Halfway House
7-2-193:	Sanitary Landfill
7-2-194:	Sawmill or Planing Mill
7-2-195:	Service Station
7-2-196:	School, Public or Private
7-2-197:	Shooting Range
7-2-198:	Slaughterhouse
7-2-199:	Soil or Water Remediation
7-2-200:	Stable/Riding Arena or School Commercial
7-2-201:	Storage Facility, Self-Service
7-2-202:	Subdivision, Commercial
7-2-203:	Subdivision, Residential
7-2-204:	Subdivision, Industrial
7-2-205:	Swimming Pool, Private and Public
7-2-206:	Temporary Living Quarters
7-2-207:	Tower or Antenna Structure, Commercial
7-2-208:	Tower or Antenna Structure, Private
7-2-209:	Tower Collocation
7-2-210:	Transit Facility
7-2-211:	Trap or Skeet Club
7-2-212:	Truck and Tractor Repair
7-2-213:	Truck and Tractor Stop or Wash
7-2-214:	Vehicle Impound Yard
7-2-215:	Vehicle Repair and Service Shops
7-2-216:	Vehicle Sales, Service, Storage, Rental
7-2-217:	Vehicle, Hobby
7-2-218:	Veterinary Hospital or Research Facility
7-2-219:	Waste Disposal Facility
7-2-220:	Waste Transfer Facilities
7-2-221:	Winery
7-2-222:	Wireless Communication Facility
7-2-223:	Wrecking Yard

7-2-224: Zoo or Zoo Type Animals

Section 7-2-1: Applicability:

These regulations apply to of the development and use any property in unincorporated Elmore County.

Section 7-2-2: Purpose:

The purpose of this Chapter, is to provide zoning base and overlay districts whose boundaries are established on the official zoning maps of the unincorporated territory of Elmore County and to provide specific standards for all uses as set forth within the applicable base zone or overlay district. The official zoning maps are made a part of this Title, as well as such other map or maps that are duly adopted. Official zoning maps properly attested, shall be placed and remain on file in the office of the Clerk of the Board and in the Land Use and Building Department.

Section 7-2-3: Specific Uses Not Listed:

If a specific type of use or land use is not listed in this Chapter, then the Director shall have the authority to determine an appropriate related use or typical related use for regulatory and permit processing requirements.

Section 7-2-4: Districts, And Overlays Established:

The following zoning districts are hereby established. These designations have been made to realize the general purposes stated in the Comprehensive Plan. The specific purposes of each zoning district are stated as follows:

TABLE 7-2-4 Zoning Districts and Symbols	
ZONING DISTRICTS	SYMBOL
General Agriculture	Ag
Rural Residential / Mixed Use	RR/MU
Recreation/Tourism	Rec
Neighborhood Commercial	C1
Highway/Interstate Commercial	C2
Light Industrial/Manufacturing	M1
Heavy Industrial/Manufacturing	M2
Planned Community	PC
Planned Unit Development	PUD
Planned Unit Development District	PUDD

Public Airport Hazard Zone	PAZ
Air Base Hazard Zone	ABHZ
Air Base Commercial Zone	ACZ
OVERLAY ZONING DISTRICTS	SYMBOL
Area of Critical Concern Overlay Zone	ACC
Community Development Overlay Zone	CDO
Wildfire Urban Interface Overlay Zone	WUI

Section 7-2-5: Description and Intent:

- A. **General Agriculture:** The purpose of the Ag district is to preserve and protect the supply of agriculture and grazing land in Elmore County until development is appropriate. This district will also control the infiltration of urban development and other uses into agriculture areas, which will adversely affect agricultural operations. Uses that are compatible with farming, ranching, grazing, forest products, and limited mining may be considered in this district. Residential land use is allowed in the Ag zone subject to site development standards and compatibility with agricultural operations. The "Ag" land use designation is the base zone throughout Elmore County. It contains areas of productive irrigated croplands, grazing lands, forestland, mining lands, public lands as well as rangeland and ground of lesser agricultural value.

- B. **Rural Residential and Mixed Use:** The purpose of the RR/MU district is to permit the establishment of residential or multi-family development with lot sizes sufficient for individual water and sewer facilities or clustered development with community water and sewer facilities. A mix of land uses, such as commercial, residential, office, industrial and agricultural type land uses may be allowed in the RR/MU district depending upon site development standards and compatibility with adjacent land uses. Other types of land uses will only be approved if they are supportive and ancillary to the primary residential land uses. Multi-family dwellings may be allowed in the RR/MU District depending upon site development standards and compatibility with adjacent land uses. The RR/MU designation is a zone specifically set aside for residential development and a mix of supporting, secondary land uses that are near or adjacent to areas of City impact or near existing communities.

- C. **Recreation / Tourism:** The purpose of the Rec district is to permit the establishment of multiple and flexible types of land uses consistent with tourism communities and recreation areas. Central water and sewer facilities are encouraged in this zone. Commercial, residential, office, industrial and agricultural type land uses may be allowed in the Rec District depending upon site development standards and compatibility with adjacent land uses. Lands or areas within specific communities, which are designated "Rec", reflect the demand

for recreation and tourism-related developments including public and private resorts, recreation services, primary and secondary residential development, commercial services and business development. Certain allowed uses would be permitted along with a detailed list of "Conditional Uses" in the Rec Zone. The Rec Zone is a special planning tool, which allows development flexibility in a particular community or geographical area.

- D. **Neighborhood Commercial:** The purpose of the C1 district is to permit the small scale establishment of general neighborhood services, by providing opportunities for service related business, office use, multi-family, mixed-use, and commercial uses that will serve the community or neighborhood. These uses would be allowed in or near residential neighborhoods. The emphasis of the C1 district is to provide essential services in close proximity to where people live to promote less dependence on motorized vehicles, and to promote required services that are within a walkable distance of residential neighborhoods. These commercial nodes should provide walkability options and connectivity to neighborhoods and uses that are compatible with residential uses with relatively little or no impact. The zone is intended for small commercial uses, big box retail and similar uses would be prohibited. C1 districts should be limited to sites between five (5) to eight (8) acres in size. Uses will be restricted in the C1 district to those listed on the approved "C1 District Appropriate Commercial Use Table".
- E. **Highway/Interstate Commercial:** The purpose of the C2 district is to permit the establishment of general business and commercial uses that have direct access to State Highways and convenient access to the Interstate. Shopping centers will be encouraged and strip development shall be discouraged. This district may also be located on arterial thoroughfares or in areas where general commercial business is compatible with surrounding land uses. The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange.
- F. **Light Industrial/Manufacturing:** The purpose of the M1 district is to provide for commercial and light industrial development and opportunities for employment of Elmore County citizens and area residents and reduce the need to commute to neighboring cities. The M1 district will encourage the development of manufacturing, wholesale, and distribution establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare and that are operated entirely or almost entirely within enclosed structures or fenced yards; to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category may require a mix of commercial or light industrial uses that consists of clean types of manufacturing, processing, warehousing, repair and general industrial uses.

- G. Heavy Industrial/Manufacturing: The purpose of the M2 district is to manage the development and location of heavy industry. If requested by the Director, Commission or the Board, may be required to include and authorize a Memorandum of Understanding (MOU), which will specify certain required steps leading to the process of evaluating and developing. The Heavy Industrial designation is specifically established for heavy manufacturing and processing industries.
- H. Planned Community: The PC designation is a zone specifically designed to accommodate small town or urban type development that is self-sustainable and self-supporting, that places values and emphasis on community character, heritage, that provides a sense of place characterized by a variety of land uses, a variety of housing opportunities, community connectivity, conservation of open space, developed parks, and preservation of environmental and/or historical elements. Planned Communities are allowed in all districts and Zones except the Air Base Hazard Zone or as directed by this Ordinance.
- I. Planned Unit Development: The PUD designation is a zone specifically designed to allow flexibility in land use, site design and dimensional standards to develop residential, commercial, office and/or light industrial uses not allowed individually within a specific zoning district. Planned Unit Developments are allowed in all districts and overlay zones except the Air Base Hazard Zone or as directed by this Ordinance.
- J. Planned Unit Development District: The PUDD designation is a zone specifically designed to allow flexibility in land use, site design and dimensional standards to develop residential, commercial, office and/or light industrial uses not allowed individually within a specific zoning district with greater flexibility than a PUD as PUDD's are larger in scale. Planned Unit Development Districts are allowed in all districts and overlay zones except the Air Base Hazard Zone or as directed by this Ordinance.
- K. Public Airport Hazard Zone: The purpose of the PAZ zone is to protect the Mountain Home Airport and the Glenn's Ferry Airport from incompatible land uses. The PAZ will also apply to the private and quasi-public airstrips at Smith's Prairie, Pine and Atlanta. The PAZ zoning district allows these public airports and the private but public-accessible airports to continue to grow and function while providing the best possible use of private lands. The purpose is to keep encroachment to a minimum in order for airports to function safely in this zone. Height restrictions would also apply to the City of Mountain Home Municipal Airport, the Glenn's Ferry Airport, plus the airstrips at Prairie and Atlanta.
- L. Air Base Hazard Zone: The purpose of the ABHZ is to protect the Mountain Home Air Force Base from incompatible land use encroachment. The ABHZ further prevents the establishment or creation of hazards, which infringes upon Air Force military operations. The Air Base Hazard Zone is necessary for the land

surrounding the Mountain Home Air Force Base. The purpose is to prevent encroachment while allowing the best possible use of private lands in this zone as long as private uses do not conflict with Air Base operations. Significant Land Use restrictions will apply in this ABHZ area.

- M. Air Base Commercial Zone: The purpose of the ACZ is to reserve a specific area for commercial land uses near the Mountain Home Air Force Base. Another purpose of the ACZ is to protect the Mountain Home Air Force Base from incompatible land use encroachment. The Air Base Commercial Zone is necessary for the highway entrance to the Mountain Home Air Force Base. The purpose is to prevent encroachment while allowing the best possible use of private lands in this zone as long as private uses do not conflict with Air Base operations. Significant Land Use restrictions will apply in this ACZ area.
- N. Area of Critical Concern Overlay Zone: The purpose of the ACC designation is to preserve and protect natural areas that are critical to the County's water and land resources. Because the base zoning is Agriculture, traditional farming and ranching and related agricultural uses will continue. Residential and commercial uses may also be allowed; however, technical studies and an Environmental Impact Assessment may be required. Land use, lot size and density restrictions may be imposed if warranted.
- O. Community Development Overlay Zone: The purpose of the CDO is to give additional land development requirements and protection to specific area. The CDO is superimposed over the general zoning designations of specific areas and communities. The purpose of CDO districts is to ensure development is compatible with a specific area. The communities of Mayfield, Oasis, Tipanuk, Chattin Flats, Hammett and King Hill are not incorporated, but each has a unique development pattern and the residents have strong community values and a sense of identity. The CDO districts require greater land use compatibility and public review than the base land use zone. This allows the residents, the Director, Commission, and the Board greater opportunity to manage land use and to keep development consistent with the desires of the residents in these areas.
- P. Wildfire Urban Interface (WUI) Overlay Zone: The purpose of the WUI is to give additional land development requirements and protection to specific land areas that are threatened by potential for wildfire. The WUI is superimposed over the general zoning designations of specific areas.

Section 7-2-6: Zoning Districts and Their Base Densities:

The base residential densities in Elmore County are shown in Table 7-2-6 below:

**Table 7-2-6
Residential Densities by District**

ZONING CLASSIFICATIONS	BASE RESIDENTIAL DENSITY
General Agriculture/Grazing/Forest (Ag)	1 Dwelling Unit per 40 acres ⁽¹⁾
Recreation / Tourism (Rec)	1 Dwelling Unit per 10 acres ⁽¹⁾
Rural Residential / Mixed Use (RR/MU)	1 Dwelling Unit per 5 acres ⁽¹⁾
Neighborhood Commercial (C1)	25 Dwelling Units per acre
Highway/Interstate Commercial (C2)	45 Dwelling Units per acre
Light Industrial/Manufacturing (M1)	Residential Uses Prohibited
Heavy Industrial/Manufacturing (M2)	Residential Uses Prohibited
Public Airport Hazard Zone (PAZ)	Case by Case Basis
Air Base Hazard Zone (ABHZ)	1 Dwelling per 320 acres
Air Base Commercial Zone (ACZ)	Residential Uses Prohibited
Area of Critical Concern Overlay (ACC)	See Base Zone
Community Development Overlay (CDO)	
Mayfield	1 Dwelling Unit per 10 acres ⁽¹⁾
Oasis	1 Dwelling Unit per 5 acres ⁽¹⁾
Tipanuk	1 Dwelling Unit per 5 acres ⁽¹⁾
Chattin Flats	1 Dwelling Unit per 10 acres ⁽¹⁾
North Mountain Home	1 Dwelling Unit per 5 acres ⁽¹⁾
Wildfire Urban Interface Overlay (WUI)	See Base Zone
⁽¹⁾ Subject to applicable development requirements of this Chapter. Cluster Development, Conditional Use Approval & Administrative Approval & Overlay Zone opportunities may have higher densities.	

Section 7-2-7: Cluster Development:

Requirements for Cluster Development are found in Title 10, Chapter 9.

Section 7-2-8: Zoning Ordinance Map Amendments:

- A. Zoning Ordinance Map Amendment requests shall be in compliance with this Chapter and Ordinance and Comprehensive Plan.

- B. Process: Zoning Ordinance Map Amendment requests shall be subject to a public hearing, review, and approval subject to the regulations of this Chapter and Ordinance. The process shall be as follows:
1. An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Land Use and Building Department.
 2. A Development Agreement Application and approval shall be required for all Zoning Ordinance Map Amendment requests in compliance with this Ordinance.
- C. Zoning Ordinance Amendment Initiated by the Board: The Board may propose Zoning Ordinance Map Amendment in compliance with this Chapter, except that amendments initiated by the Board may not require a Development Agreement.
- D. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the Zoning Ordinance Map Amendment request and Development Agreement. The Board shall make the following findings:
1. The Zoning Ordinance Map Amendment complies with the regulations outlined for this Chapter; and
 2. The Zoning Ordinance Map Amendment shall not be materially detrimental to the public health, safety and welfare; and
 3. The Zoning Ordinance Map Amendment request is in compliance with the Land Use/Zoning Ordinance Map Amendment Matrix; and
 4. The development agreement meets the requirements of this Title; and
 5. That the approval by the Board, of a Zoning Ordinance Map Amendment request would not impede the normal flow of development; and
 6. The Zoning Ordinance Map Amendment is not in conflict with the Comprehensive Plan.
- E. Approval and Reversal of Action: If the Board approves a Zoning Ordinance Map Amendment pursuant to a request, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in Idaho Statute § 67-6511(d).
- F. Final approval of a Zoning Ordinance Map Amendment shall be contingent upon an executed and recorded development agreement in compliance with this

Chapter and Title, except that amendments initiated by the Board may not require a Development Agreement.

- G. Following the approval of Zoning Ordinance Map Amendment, the Board shall adopt an Ordinance, and within thirty (30) calendar days, publish a summary of the Ordinance and legal description in the official newspaper of general circulation in the County.

Section 7-2-9: Land Use / Zoning Ordinance Map Amendment Matrix:

- A. The Land Use / Zoning Ordinance Map Amendment Matrix, as shown in Table 7-2-9, shall identify the zoning districts that would be permissible through a Zoning Ordinance Map Amendment (re-zone) request and approval within each land use designation.
- B. Zoning Ordinance Map Amendment (re-zone) requests should be consistent with the Land Use / Zoning Map Amendment Matrix and the Comprehensive Plan where Commercial, Industrial Zones and Residential Zones are not arbitrarily being rezoned without first updating the Elmore County Land Use Map.
- C. Conformance with the Land Use/Zoning Ordinance Map Amendment Matrix shall be a necessary finding of approval for all Zoning Ordinance Map Amendment requests.

Section 7-2-10: Access To and Frontage on a Roadway:

- A. 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.

B. 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.

C. 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 7-2-11: Accumulation of Junk:

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 7-2-12: Agriculture:

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

Section 7-2-13: Condominium Projects:

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 7-2-14: 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 7-2-15: Construction Sites:

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

Section 7-2-16: Dwellings, Two or More Existing:

Any property that has two (2) or more existing dwellings that were built prior to January 20, 1994 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 Ordinance.

Section 7-2-17: Property Created By Court Decree:

Any property created by court decree shall be recognized as a property for transfer of ownership and shall 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 7-2-18: Pipeline Corridors:

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 7-2-19: Property Reduced By Governmental Action:

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 7-2-20: Utilities:

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.

Section 7-2-21: 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 7-2-22: 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 7-2-23: Grading:

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 7-2-24: 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 January 20, 1994, 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 20, 1994; 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 Ordinance for expansion or replacement of legal non-conforming structures.

Section 7-2-25: Outdoor Storage:

- A. All outdoor storage shall comply with the requirements of this Ordinance.
- 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 Ordinance.
- C. Outdoor storage areas shall not be used for the storage of junk, a "junkyard" or "automobile wrecking yard" as herein defined in this Ordinance.
- D. All outdoor storage shall comply with the flood hazard overlay as set forth in this Ordinance.

Table 7-2-9
Land Use / Zoning Map Amendment Matrix

Current Zoning District / Land Use	Ag	Rec	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ	PC	PUD	PUD
	Zoning Ordinance Map Amendment (Rezone) Opportunities												
General Agriculture/Grazing/Forest (Ag)	-	✓	✓	✓	✓	✓	✓	✓	-	✓	✓	✓	✓
Recreation / Tourism (Rec)	-	-	✓	✓	✓	-	-	✓	-	-	✓	✓	✓
Rural Residential / Mixed Use (RR/MU)	-	-	-	✓	-	-	-	✓	-	-	✓	✓	✓
Neighborhood Commercial (C1)	-	✓	✓	-	✓	-	-	-	-	-	✓	✓	✓
Highway/Interstate Commercial (C2)	-	-	-	✓	-	✓	✓	-	-	-	✓	✓	✓
Light Industrial/Manufacturing (M1)	✓	-	-	-	✓	-	✓	-	-	-	✓	✓	✓
Heavy Industrial/Manufacturing (M2)	✓	-	-	-	✓	✓	-	-	-	-	✓	✓	✓
Public Airport Hazard Zone (PAZ)	✓	✓	✓	-	-	-	-	-	-	-	-	-	-
Air Base Hazard Zone (ABHZ)	-	-	-	-	-	-	-	-	-	-	-	-	-
Air Base Commercial Zone (ACZ)	✓	-	-	✓	✓	-	-	-	-	-	-	-	-
Planned Community (PC) ¹	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development (PUD) ¹	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development District (PUDD) ¹	-	-	-	-	-	-	-	-	-	-	-	-	-
Planned Community (PC), Planned Unit Development (PUD), and Planned Unit Development District (PUDD) revert back to their original zoning district or as specified in the development agreement.													

Section 7-2-26: Table of Allowed, Conditional and Prohibited Land Uses:

The Official Schedule of Zoning District Regulations lists general types of land use categories. To determine which types of land uses are allowed or prohibited in a specific zoning designation see Table 7-2-26 (B) Elmore County Land Use Table Symbols Defined, as shown in Table 7-2-26 (A), find the land use name and then read across the table. Look at the column headings to determine the type of zoning district. The Director shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. When several combined land uses exist or are proposed, the most intensive land use shall be considered as a primary activity.

Table 7-2-26 (A) Land Use Table Symbols Defined	
SYMBOL	SYMBOL SPECIFICATION
AU	Allowed Use - Allowed and permitted land use Building Permits and related development permits are required.
AA	Administrative Approval - AA approval is required in addition to Building Permits and related development permits as applicable.
C	Conditional Use - CU Permit and approval is required in addition to other required applications, Building Permits and related development permits as applicable.
PC	Planned Community - PC Application and approval required in addition to other required applications, Building Permits and related development permits as applicable.
X	Prohibited - Use Prohibited and not allowed in that particular zoning district.

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
A										
Accessory Structure*	AA	AA	AA	C	C	C	C	C	C	C
Adult Entertainment Establishment*	X	X	X	X	AU	X	X	X	X	C
Advertising Signs and Structures	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C	AA/C
Agricultural Structure*	AU	AA	AA	X	X	X	X	X	AA	X
Agriculture Use (Routine, Standard)*	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU
Aircraft Landing Field – Private*	C	C	C	X	X	X	X	C	X	X
Airpark Subdivision	C	C	X	X	X	X	X	C	X	X
Airport, Private/Public*	C	C	X	X	X	X	X	C	X	X
Amusement Rec. Facility, Indoors	C	C	C	C	X	X	X	X	X	X
Amusement Rec. Facility, Outdoors*	C	C	C	C	X	X	X	C	X	C
Animal Boarding with Outside Runs*	AA	AA	AA	X	AU	AU	AU	C	X	C
Animal Clinic, Grooming	AA	AA	AA	AU	AU	AU	AU	C	X	C
Animal Clinic, Hospital or Veterinary*	C	C	C	AU	AU	AU	AU	C	X	C
Aquatic and Hydroponics' Farming	AU	AU	AA	X	X	X	X	X	AA	X
Archery Range, Indoors	C	C	C	AU	AA	AA	AA	C	X	C
Archery Range, Outdoors	C	C	C	X	X	X	X	C	X	C
Asphalt or Concrete Plant*	C	X	X	X	X	AA	AA	X	X	X
Assisted Living, Hospice	C	C	C	AU	X	X	X	C	X	X
Auction Establishment*	AA/C	AA/C	X	AA	AU	AU	X	C	X	C
B										
Baking or Bakery Goods Store	X	X	X	AU	AU	AU	X	C	X	C
Banks-Savings-Loan*	X	X	X	AU	AU	AU	X	C	X	C
Bar, Brew Pub, Lounge, or Nightclub*	C	X	X	AU	AU	X	X	C	X	C
Bed and Breakfast*	AA	AA	AA	AA	X	X	X	C	X	C

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Beverage Bottling Plant	X	X	X	X	X	AU	AU	X	X	X
Bowling, Alley	C	C	C	C	C	X	X	X	X	C
Brewery or Distillery*	C	X	X	C	C	AU	AU	X	X	X
Business College-Trade School	C	C	C	AU	AU	X	X	X	X	X
C										
Cabinet Manufacturing	C	X	X	AU	AU	AU	AU	C	X	C
Campgrounds Public or Private*	C	C	C	X	X	X	X	X	X	X
Car Wash*	C	X	X	AU	AU	AU	AU	C	X	C
Cemetery*	AA	C	C	X	X	X	X	C	X	C
Chemical Manufacturing	X	X	X	X	X	X	AA	X	X	X
Chemical Storage	X	X	X	X	C	C	C	X	X	X
Child and Adult Care Facility*	AA	AA	AA	AU	X	X	X	C	X	C
Church*	AU	AU	AU	AU	AU	X	X	C	X	C
Cleaning, Commercial Laundry	X	X	X	C	C	AU	AU	C	X	C
Clinic, Medical, Non-Animal	C	C	C	AU	AU	X	X	C	X	C
Club, Lodge, or Social Hall*	C	C	C	AU	AU	X	X	X	X	C
Cold Storage Plant, Non-Ag	AA	AA	AA	AA	AU	AU	AU	C	X	C
Composting Facility, Commercial*	C	C	X	X	X	AU	AU	X	X	X
Concrete Batch Plant	X	X	X	X	X	AU	AU	X	X	X
Contractors Yard*	C	C	X	AA	AA	AU	AU	C	X	X
Crematory*	X	X	X	X	AU	AU	AU	X	X	X
D										
Dairy (CAFO Non-Permit Category)*	AU	X	X	X	X	X	X	X	X	X
Dairy (CAFO Permit Category)*	C	X	X	X	X	X	X	X	X	X
Dairy Products Processing*	C	X	X	C	C	AU	AU	C	X	X
Dance, Music, Voice Studio	C	C	C	AU	AU	X	X	X	X	C
Dangerous or Protected Animals	C	X	X	X	C	X	X	C	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Daycare Home, Group*	AA	AA	AA	AA	X	X	X	C	C	C
Drive-In Theater	C	C	X	AU	AU	X	X	X	X	X
Drive-Up Window Service*	C	C	X	AU	AU	AA	X	C	X	C
Drug and Alcohol Treatment Facility*	C	C	X	C	AU	X	X	X	X	X
Dude Ranch	AA	AA	X	X	X	X	X	X	X	X
Dwelling, Accessory *	AA	AA	AA	X	X	X	X	X	AA	X
Dwelling, Additional Farm*	AA	X	X	X	X	X	X	X	X	X
Dwelling, Additional Farm, Seasonal*	AA	X	X	X	X	X	X	X	X	X
Dwelling, Caretaker*	AA	AA	X	C	C	X	X	X	X	X
Dwelling, Duplex	C	C	C	X	X	X	X	X	X	X
Dwelling, Multi-Family	C	C	C	X	X	X	X	X	X	X
Dwelling, Single-Family	AU	AU	AU	C	X	X	X	X	AA	X
E										
Electrical Generating Facilities*	C	X	X	X	X	C	C	X	X	X
Electrical Appliance and Repair Shop	CX	X	X	AU	AU	X	X	X	X	C
Energy Production (≤ 25 KW), Home Use *	AU	AU	AU	X	X	X	X	X	X	X
Energy Production Facilities *	X	X	X	X	X	C	C	X	X	X
Equipment Rental-Sales Yard Including Farm Equipment	C	X	X	X	AU	AU	AU	C	X	C
Explosive Manufacturing or Storage*	X	X	X	X	X	C	C	X	X	X
Extended-Care Facility	C	C	C	C	AU	X	X	C	X	X
F										
Fairgrounds	C	C	X	X	AU	X	X	C	X	C
Farm/Ranch or Dairy, Non CAFO Category	AU	X	X	X	X	C	C	X	X	X
Feed Lots/Stock Yards-Non CAFO	AA	X	X	X	X	C	C	X	X	X
Fence, All, Barbed Wire, Electric, or Other*	AU	AU	AU	AU	AU	AU	AU	AU	AU	AU
Fireworks Stand, Seasonal or Temporary	X	X	X	AU	AU	C	C	X	X	C

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Fish Propagation	AU	X	X	X	X	AA	AA	X	X	X
Flea Market, Outdoor	C	X	X	AU	AU	X	X	C	X	C
Food Store, Convenience	C	C	C	AU	AU	X	X	C	X	C
Food Store, Deli	C	C	C	AU	AU	X	X	C	X	C
Food Processing and Packaging Plant	X	X	X	X	X	AU	AU	X	X	X
Foster Home, Group*	AA	AA	AA	AU	X	X	X	C	X	X
Foundry Small or Accessory*	C	X	X	X	C	C	C	C	X	X
Freight or Truck Terminal*	X	X	X	X	X	AU	AU	X	X	X
Frozen Food Lockers	X	X	X	C	AU	AU	AU	C	X	X
Fuel Cell Operation*	X	X	X	X	X	AU	AU	X	X	C
Fuel or Flammable Material Storage*	X	X	X	X	C	AU	AU	X	X	X
Fuel Sales and/or Service Stations*	C	C	X	AU	AU	AU	AU	X	X	C
Furniture Refinishing	AA	X	X	X	AA	AU	AU	C	X	C
G										
Golf Course*	AU	AU	AU	X	X	X	X	C	X	X
Golf Course, Miniature*	C	C	C	C	AU	X	X	C	X	C
Grain Storage And/or Elevator*	C	X	X	X	X	AA	AA	X	X	X
Greenhouse Operation	AU	X	C	X	X	X	X	X	X	X
Gym or Health Spa	C	C	C	AU	AU	X	X	C	C	C
H										
Hazardous Materials Storage or Handling*	X	X	X	X	X	AA	AA	X	X	X
Heavy Equipment Sales and/or Service*	X	X	X	X	AU	AU	AU	C	X	C
Highway Maintenance Shop	AU	AU	AU	AU	AU	AU	AU	X	X	X
Home Occupation*	AA	AA	AA	AA	X	X	X	AA	AA	AA
Hospitals*	C	C	X	X	AU	X	X	X	X	X
Hotel, Motel*	C	C	X	X	AU	X	X	C	X	C
Hunt Club, Resort	C	C	X	X	X	X	X	X	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)

Elmore County Land Use Table

Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
I										
Incinerators	X	X	X	X	X	X	AA	X	X	X
Industrial/Manufacturing Facility, Heavy	X	X	X	X	X	X	AU	X	X	X
Industrial/Manufacturing Facility, Light	X	X	X	X	X	AU	X	C	X	X
J										
Junk Yard or Automobile Wrecking Yard*	X	X	X	X	X	C	C	X	X	X
K										
Kennel, Commercial*	C	X	X	X	X	AA	AA	C	X	X
Kennel, Hobby*	AA	AA	AA	AA	X	X	X	AA	AA	X
Kennel, Rescue*	AA	AA	AA	AA	X	X	X	AA	AA	X
L										
Laboratory, Medical, Dental, or Optical	C	C	X	AU	AU	AU	AU	C	X	C
Laundromat*	C	C	X	AU	AU	X	X	C	X	C
Laundry-Commercial Plant	X	X	X	C	C	X	X	X	X	X
Lumber Processing	C	X	X	X	X	AA	AA	C	X	X
Lumber Yard - Retail/Wholesale	C	X	X	X	C	AU	AU	C	X	C
M										
Machine Shop	X	X	X	X	X	AU	AU	C	X	X
Manufacture or Processing of Hazardous Chemicals or Gasses*	X	X	X	X	X	X	AA	X	X	X
Manufactured Home Park*	C	C	C	X	X	X	X	X	X	X
Marina, Boat Moorage	C	C	C	C	X	X	X	X	X	X
Mixed-Use Development	C	C	AU	C	C	X	X	X	X	X
Mortuary*	C	X	X	C	AU	C	C	X	X	C
N										
Nursery, Retail*	C	C	X	C	AU	X	X	X	X	C

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Nursery, Wholesale*	C	C	X	X	AU	X	X	X	X	C
Nursing Home or Facility*		C	C	C	C	X	X	X	X	X
O										
Office Building	C	C	X	AU	AU	X	X	X	X	C
Office, Temporary Construction*	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA
Outdoor Storage Facility*	C	C	X	C	AU	AU	AU	C	X	C
P										
Package and Letter Delivery/Shipping Service*	X	X	X	AU	AU	AU	AU	X	X	C
Park, Public	AU	AU	AU	C	C	X	X	X	X	X
Parking Lot/Garage or Facility, Commercial	X	X	X	C	AU	C	C	C	X	X
Personal Business or Professional Service	C	C	X	AU	AU	X	X	X	X	C
Petroleum Storage	C	X	X	X	X	C	C	X	X	X
Pistol Range	C	X	X	X	X	X	AU	X	X	X
Pit, Mine, or Quarry*	C	X	X	X	X	C	C	X	X	X
Portable Classroom*	C	C	C	C	C	X	X	C	X	C
Printing, Blue Printing or Copy Service	X	X	X	AU	AU	AU	AU	C	X	C
Printing, Off-Set, Press, or Similar	X	X	X	AU	AU	AU	AU	C	X	C
Processing Plant for Agricultural or Dairy Products*	C	X	X	X	C	C	C	X	X	X
Public Address System, Outdoor*	C	X	X	X	C	AU	AU	C	X	X
Public or Quasi Public Use*	C	C	C	C	C	C	C	C	X	C
Public Storage	C	X	X	X	AU	AU	AU	C	X	C
Public Agency Utility Yard or Shop	C	X	X	X	AU	C	C	C	X	C
R										
Race Track, Animal or Vehicle*	C	C	X	X	C	C	C	C	X	X
Railroad Switching Yard*	C	X	X	X	X	AU	AU	C	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
Recreation Facilities (Outdoor)	C	C	C	C	X	X	X	X	X	X
Recreational Vehicle Park*	C	C	X	X	C	X	X	C	X	X
Recreational Vehicle Sales or Service*	X	X	X	X	AU	AU	AU	C	X	C
Recycling Collection Containers, Small*	X	AA	C	AA	AU	AU	AU	C	X	C
Recycling Plant or Processing Center*	C	X	X	X	C	C	C	C	X	X
Residential Care Facility*	C	C	C	AU	X	X	X	X	X	X
Research and Development Facility	X	X	X	X	AU	AU	AU	C	X	C
Restaurant or Eating Place*	C	C	X	AU	AU	X	X	C	X	C
Retail, Big Box*	C	X	X	X	AU	X	X	C	X	X
Retail, Non-Big Box*	C	X	X	AU	AU	C	C	X	X	C
Roadside Produce Stand or Other*	AA	AA	AA	AA	AA	X	X	X	AA	AA
Rodeo Arenas	C	C	X	X	AU	X	X	C	X	X
Rooming/Boarding/Halfway House	C	C	C	AU	C	X	X	X	X	X
S										
Sanitary Landfill*	C	X	X	X	X	X	C	X	X	X
Sawmill or Planing Mill*	C	X	X	X	X	AU	AU	C	X	X
Schools, Public and Private*	AU	AU	AU	C	X	X	X	X	X	C
Service Station	C	C	C	AU	AU	C	C	C	X	C
Shooting Range*	C	X	X	X	X	AU	AU	X	X	X
Slaughterhouse*	C	X	X	X	X	AU	AU	X	X	X
Soil or Water Remediation Site*	C	C	C	C	C	AU	AU	C	X	X
Stable/Riding Arena/ School, Commercial*	C	C	X	X	X	C	C	C	C	C
Storage Facility, Self Service*	C	X	X	C	AU	AU	AU	X	X	C
Swimming Pool, Private or Public*	AU/C	AU/C	AU/C	C	C	X	X	C	X	AU/C
Subdivision, Commercial*	X	X	X	C	C	X	X	X	X	C
Subdivision, Residential*	C	C	C	X	X	X	X	C	X	X
Subdivision, Industrial*	X	X	X	X	X	C	C	X	X	X

* Indicates other requirements may apply

Table 7-2-26 (B)
Elmore County Land Use Table
Allowed Use (AU), Administrative (AA), Conditional (C) and Prohibited Land Use (X)

LAND USE	AG	REC	RR/MU	C1	C2	M1	M2	PAZ	ABHZ	ACZ
T										
Temporary Living Quarters	AA	AA	AA	AA	X	X	X	X	X	X
Tower, Antenna or Structure, Commercial*	C	C	C	C	C	AA	AA	C	C	C
Tower, Antenna or Structure, Private*	AA	AA	AA	C	C	AA	AA	C	C	C
Tower Collocation*	AA	AA	AA	AA	AA	AA	AA	AA	X	X
Transit Facility*	X	X	X	C	AU	AU	AU	C	X	C
Trap or Skeet Club*	C	C	X	X	X	AU	AU	X	X	X
Truck and Tractor Repair	C	X	X	X	X	AU	AU	C	X	C
Truck and Trailer Stop and/or Wash*	X	X	X	X	AU	C	C	C	X	C
V										
Vehicle Impound Yard*	C	X	X	C	C	AU	AU	C	X	C
Vehicle Repair and Service Shops*	C	C	C	AU	AU	AU	AU	C	X	C
Vehicle Sales, Service, Storage, Rental*	X	X	X	X	AU	AU	AU	C	X	C
Vehicle, Hobby*	AA/C	AA/C	AA/C	X	X	X	X	X	C	X
W										
Waste Disposal Facility	X	X	X	X	X	C	C	X	X	X
Waste Transfer Facilities	C	X	X	X	X	C	C	X	X	X
Winery*	AU	AU	X	X	X	X	X	C	C	C
Wireless Communication Facility*	C	C	C	C	C	C	C	X	X	C
Wrecking Yard	C	X	X	C	C	C	C	C	X	X
Z										
Zoo or Zoo Type Animals	C	C	X	X	C	C	C	C	X	X

* Indicates other requirements may apply

Section 7-2-27: Zoning Setbacks, Bulk and Coverage Compliance:

A. Regulations for Each Zoning District: As set forth by this Chapter and Title, excluding Planned Community, Planned Unit Development, and Planned Unit Development Districts, Table 7-2-27 (A), (B), and (C) indicates the minimum regulations for each zoning district.

B. Other Regulations for Each Zoning District:

1. Single-family dwellings in any zone shall comply with the development standards shown in this Chapter and Title.
2. Minimum lot size may be larger in size than those required by this Chapter as listed in Table 7-2-27 (A), (B), and (C) as required by the Central District Health Department.
3. Height of structures in the PAZ and ABHZ zone shall be regulated or required by the FAA and/or Military requirements.
4. A Planned Community, Planned Unit Developments, and Planned Unit Development Districts have the ability to establish site-specific uses, setbacks, bulk, and coverage among other requirements and controls.
5. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and other easements when considered necessary as determined by the Director. Easements, where considered necessary be centered on the interior property lines. Said easements shall have a minimum width of ten (10') feet or greater as determined by the Director. All property lines fronting a public or private road, street or prescriptive easement shall be ten (10') feet in width from the exterior of the property line.
6. No structure or portion of a structure (i.e.: roof overhang) shall extend into any setback areas, except as provided by this Chapter or Ordinance
7. All subdivisions and land parcel splits shall provide road easement and access for connectivity and to aid in facilitating future public and/or private access to adjoining properties and developable areas as required by the Director, Commission, or Board.

C. Building Setbacks Exemptions

1. Parcels of record with the Elmore County Assessor prior to January 20, 1994 that are less than 5.00 acres in size, within a platted subdivision or

considered Rifle Lots. These parcels of record are subject to minimum setbacks standards of Table 10-9-1.

2. Cluster Subdivision as defined by this Ordinance.
3. Subdivisions as approved by the Commission and/or Board.

Table 7-2-27 (A)
Agricultural and Residential Zoning Districts
CONTROLS FOR RESIDENTIAL DEVELOPMENT BY DISTRICT

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE, DEPTH, AND HEIGHT CONTROLS				
Zoning District	Front Yard	Rear Yard	Side Yard	Street Side	Minimum Lot Size	Maximum Lot Coverage in Percent	Minimum Lot Frontage in Feet	Minimum Lot Width to Depth Ratio	Maximum Building Height in Feet
Ag	50	50	50	50	40 Ac. ⁽⁴⁾	25	50	1W to 3D ⁽¹⁾	35/70 ^{(2)/80⁽³⁾}
Rec ⁽¹⁾	20	20	15	20	10 Ac. ⁽⁴⁾	25	50	1W to 3D ⁽¹⁾	35/70 ⁽²⁾
RR/MU ⁽¹⁾	20	20	30	20	5 Ac. ⁽⁴⁾	25	50	1W to 3D ⁽¹⁾	35/70 ⁽²⁾

Controls for Mixed Use and Multi-Family Development

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE, DEPTH, AND HEIGHT CONTROLS				
Ag	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Rec ⁽¹⁾	30	30	30	30	10 Ac.	80	300	N/A	35/70 ⁽²⁾
RR/MU ⁽¹⁾	30	30	30	30	5 Ac.	80	200	N/A	35/70 ⁽²⁾

⁽¹⁾ The Director may approve alternate widths to depth ratios based on parcel configuration, but long "rifle lots" shall be prohibited.

⁽²⁾ Seventy (70) foot maximum height for church spire or steeple, belfry, or cupolas only.

⁽³⁾ Ag structure can go to 80'.

⁽⁴⁾ Minimum lot sizes may be reduced due to approval of a Conditional Use Permit for a cluster subdivision development or Farm Development Right. Overlay zones may have alternate minimum lot sizes.

The Director has the authority to use the City of Mountain Home residential setbacks in a platted subdivision in the Area of City Impact (ACI).

Table 7-2-27 (B)
Other Zoning Districts Not Adjacent to Residential Uses or Districts
Controls for Commercial, Office or Industrial Development By District

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE, DEPTH, AND HEIGHT CONTROLS				
Zoning District	Front Yard	Rear Yard	Side Yard	Street Side	Minimum Lot Size	Maximum Lot Coverage in Percent	Minimum Lot Frontage in Feet	Minimum Lot Width to Depth Ratio	Maximum Building Height in Feet
C1	20	10	10	10	0 ⁽²⁾	N/A	30	N/A	45
C2	20	10	10	10	0 ⁽²⁾	N/A	30	N/A	80
M1	20	10	10	10	0 ⁽²⁾	80	30	N/A	80
M2	20	10	10	10	0 ⁽²⁾	80	30	N/A	80
PAZ	20	10	10	10	0 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ABHZ	20	10	10	10	320 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ACZ	20	10	10	10	5 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾

- ⁽¹⁾ The maximum height allowed may be reduced or restricted based on surrounding airport operations with input from local, State, Federal and military aviation officials.
- ⁽²⁾ The lot size shall be appropriately sized and configuration to meet setback requirements and to provide for required off-street parking.
- ⁽³⁾ The Director may approve alternate width to depth ratios based on parcel configurations, but long "rifle lots shall be prohibited.

Table 7-2-27 (C)
Other Zoning Districts Not Adjacent To Residential Uses or Districts
Controls for Multi-Family or Mixed-Use Development By District

BUILDING SETBACKS IN FEET					LOT, COVERAGE, FRONTAGE AND HEIGHT CONTROLS				
Zoning District	Front Yard	Rear Yard	Side Yard	Street Side	Minimum Lot Size	Maximum Lot Coverage in Percent	Minimum Lot Frontage in Feet	Minimum Lot Width to Depth Ratio	Maximum Building Height in Feet
C1	20	20	20	20	Multi-Family 5 Acres Mixed Use – 10 Acres	N/A	30	N/A	45
C2	20	20	20	20	Multi-Family 10 Acres Mixed Use – 15 Acres	N/A	30	N/A	80
M 1	20	40	40	20	N/A	80	30	N/A	80
M 2	20	40	40	20	0 ⁽²⁾	80	30	N/A	80
PAZ	20	20	20	20	0 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ABHZ	20	20	20	20	320 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾
ACZ	20	20	20	20	5 ⁽²⁾	80	30	1 to 2 ⁽³⁾	35 ⁽¹⁾

⁽¹⁾ The maximum height allowed may be reduced or restricted based on surrounding airport operations with input from local, State, Federal and military aviation officials.

⁽²⁾ The lot size shall be appropriately sized and configuration to meet setback requirements and to provide for required off-street parking.

⁽³⁾ The Director may approve alternate width to depth ratios based on parcel configuration, but long "rifle lots" shall be prohibited.

Section 7-2-28: Other Dimensional Standards and Requirements:

- A. Minimum Area and Dimension Requirements: No property size, yard, parking area, or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required. If a dimension is already less than the minimum required by this Ordinance, said area or dimension shall not be further reduced. This provision shall not apply to non-buildable properties or lots including, but not limited to, landscape lots, lots for private roads, drainage facilities, pump stations, metering stations and transmission/distribution substations.
- B. Setbacks:
1. Approved signs shall be exempt from the setback requirements in compliance with this Chapter and Ordinance.
 2. Setbacks for corner lots shall be determined as follows:
 - a. The front yard setback shall be required along the property line where the dwelling fronts the right-of-way or where the driveway enters the property, whichever is more consistent with existing development patterns as determined by the Director.
 - b. The side yard setbacks shall be provided along the side street property line as applicable to the roadway classification and along the remaining property line (rear or interior side) as applicable.
 - c. The rear yard setback shall be provided either along the interior side property line or rear property line, opposite the front yard setback.
- C. Required Yards: The required front, side, and rear yards shall not be occupied by any use or structure except fencing, landscaping, off street parking, drives, streets, signs, lighting, and/or certain architectural features as detailed below:
1. Where the required setback is greater than ten (10') feet:
 - a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding two and one-half (2 ½') feet into the required yard; and
 - b. Fire escapes may project a distance not exceeding four point five (4.5') feet into the required yard; and

- c. Bay windows, balconies, and chimneys may project a distance not exceeding three (3') feet into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located; and

2. Where the required setback is ten (10') feet or less:

- a. Cornices, canopies, eaves, or other architectural features may project a distance not exceeding one (1') foot into the required yard.
- b. Fire escapes may project a distance not exceeding two (2') feet into the required yard.
- c. Bay windows, balconies, and chimneys may project a distance not exceeding two (2') feet into the required yard, provided that such features do not occupy, in the aggregate more than one-third (1/3) of the building wall on which they are located.

3. Where the side yard setback is twenty (20') feet or less:

- a. The parking of vehicles, boat, or other recreational vehicles shall be prohibited in the side yard setback area where not screened by a six (6') foot fence and where the height of any vehicle, boat, or recreational vehicle exceeds ten (10') feet in height as measured from the existing grade in a straight horizontal line.

D. Height Limit Exceptions:

- 1. The maximum height limitations set forth in the applicable base zone shall not apply to the following architectural features: church spire or steeple, belfry, or cupola. Such architectural features shall have a maximum height limit of seventy (70') feet. The maximum height may be reduced or restricted based on surrounding airport operations with input from local, State, and Federal and military aviation officials.
 - a. Exceeding the maximum height limitations set forth in the applicable base zone shall require a conditional use application and approval as listed below:
 - 1.) Amateur radio antenna; and
 - 2.) Windmill; and
 - 3.) Water tower; and

- 4.) Fire and hose tower; and
 - 5.) Observation tower; and
 - 6.) Communication facilities including paging facility, cellular phone facility, cellular tower, television tower, bridge tower, or other commercial or personal tower and/or antenna structure.
 - 7.) Wind Turbine / Tower for Electricity Generating Facilities
- b. The following are exempt from the conditional use application and approval requirement:
- 1.) Public communication facilities utilized for emergency services such as but not limited to emergency 911, ambulance, fire, and law enforcement.

Section 7-2-29: Zone Boundaries:

- A. Unless otherwise defined on the zoning maps, district boundaries shall be lot lines, the centerlines of streets and alleys, highway right of way lines, the centerline between the two (2) main tracks of any railroad line, extended quarter section, half section or section lines, contour lines, municipal corporate boundaries, center lines or banks of streambeds or other bodies of water or noticeable points of change in natural landforms.
- B. Where district boundaries appear approximately parallel to the centerlines or street lines of streets or parallel to the centerlines or right of way of highways, such lines shall in fact constitute the boundaries on the Official Zoning Map. If no distance is indicated, the boundary shall be determined by the use of the scale shown on the Official Zoning Map.
- C. Where district boundaries appear to follow lot lines, such lot lines shall constitute boundaries.
- D. The boundary determination for any floodplain is explained in the Floodplain section of this Title. Where revisions to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps cause land to be removed from the boundaries of the Floodplain, as defined in this Chapter and Ordinance, that land shall be included within the boundary of the adjacent zoning district. The Director shall make the final determination of the zoning district.

Section 7-2-30: Interpretation of Boundaries:

The Director, in consultation with the County Engineer or his/her designated representative, shall have the authority to interpret zoning and overlay district boundaries in accordance with this Chapter and Ordinance. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where the boundary of a district follows a railroad line or river, such boundary shall be deemed to be located in the middle of the tracks or river. Interpretation by the Director may be appealed to the Commission and/or Board according to the procedures and time requirements of this Ordinance.

Section 7-2-31: Classification of Vacated Streets or Alleys:

Whenever a street is vacated and that street has not been given a zone classification, the land of the vacated street shall have the same zone classification as the land adjacent or abutting land owned or on the same side of the center line of former street to whom such land reverts or in whom said land becomes vested by operation of law.

Section 7-2-32: Zoning Maps:

- A. Official Zoning Maps: The boundaries of the zoning districts described in this Chapter are hereby established as shown on the Official Zoning Maps of the unincorporated territory of Elmore County, Idaho. These Official Zoning Maps, approximately twenty-four (24") inches by thirty-six (36") inches (24" X 36") in size, are located in the Director's office in the Land Use and Building Department, Mountain Home, Idaho, and are hereby adopted by reference thereto.
- B. Upon adoption of Elmore County Zoning and Development Ordinance, wherein the revised Flood Insurance Study and Flood Insurance Rate Maps effective date October 1, 1994, are duly adopted by the County.

Section 7-2-33: Zoning Compliance:

- A. The regulations for each district set forth by this Chapter and Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, as hereinafter provided. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. No building or other structure shall be erected or altered to:
 - 1. Provide for greater height or bulk; and/or
 - 2. Accommodate or house a greater number of families; and/or

3. Occupy a greater percentage of lot area; and/or
4. Having narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any manner be contrary to the provisions of this Chapter and Title; and/or
5. Without the necessary building permits showing compliance and conformity with all of the regulations herein specified for the district in which it is located; and/or
6. No yard or lot existing at the time of passage of this Chapter and Title shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Chapter and Title shall meet at least the minimum requirements set forth herein.

Section 7-2-34: Overlay Districts Established:

- A. The overlay districts described in this Chapter and Title are superimposed over the underlying districts.
- B. Within the area thereby defined, the provisions of each particular overlay district shall be supplemental to the underlying district. Unless otherwise stated, the uses permitted within each overlay district are in addition to those specified for the underlying district. Unless otherwise stated, the base density established for the underlying district shall apply also within each overlay district.
- C. A use that is allowed in the underlying base zone may be prohibited subject to the regulations of an overlay district. With the exception of Planned Communities, Planned Unit Developments, Planned Unit Development Districts which may be allowed. Cluster Development may also be allowed per the requirements of this Title. A lagoon system may be allowed for an interim period with Commission approval for a specific period, not to exceed twenty-four (24) months if the applicant provides a bond in compliance with this Title to remove the lagoon system and for the installation of the MBR or SBR system prior to the expiration period granted by the Commission. The Commission may also consider wastewater treatment systems other than the MBR or SBR systems provided the proposed systems are similar in design, water quality output or further advance wastewater treatment systems through technological advances. A community water system shall also be required. Where a property is subject to the regulations of more than one overlay district as outlined in this Chapter, the requirements of an overlay district shall not be waived or modified unless specifically authorized through procedures set forth in this Chapter and Ordinance.

Section 7-2-35: Mayfield Overlay District:

Residents of Mayfield have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to have clustered developments and manage land use development consistent with community values. The Elmore County Zoning and Development Regulations include a CDO provision specifically for the community of Mayfield. Please refer to the Elmore County Zoning map for the Mayfield CDO boundaries. The Mayfield CDO provides a minimum lot size of ten (10) acres as shown in Table 7-2-135

Table 7-2-35 Mayfield Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Mayfield	10 Acre minimum Lot	10 Acre Minimum Lot Size with the opportunity to cluster new developments with one acre lots based on one dwelling unit per 10 acres base density.

Section 7-2-36: Oasis Overlay District:

Residents of Oasis have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning and Development Regulations include a CDO provision specifically for the community of Oasis. Please refer to the Elmore County Zoning map for the Oasis CDO boundaries. The Oasis CDO provides a larger minimum lot size of five (5) acres and therefore as shown in Table 7-2-36.

Table 7-2-36 Oasis Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Oasis	5 Acre minimum Lot	5 Acre Minimum Lot Size

Section 7-2-21: Tipanuk Overlay District:

Residents of Tipanuk have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning Development Regulations includes a CDO provision specifically for the community of Tipanuk. Please refer to the Elmore County Zoning map for the Tipanuk CDO boundaries. The Tipanuk CDO provides a larger minimum lot size of five (5) acres as shown in Table 7-2-37.

Table 7-2-37 Tipanuk Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Tipanuk	5 Acre minimum Lot	5 Acre Minimum Lot Size

Section 7-2-38: North Mountain Home Aquifer Recharge Overlay District:

- A. The City of Mountain Home and residents of the North Mountain Home Aquifer Recharge area have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning Ordinance includes a CDO provision specifically for the community north of Mountain Home. Please refer to the Elmore County Zoning map for the North Mountain Home CDO boundaries. The North Mountain Home CDO provides a minimum lot size of five (5) acres as shown in Table 7-2-38.
- B. Technical studies shall be required for all proposed development with densities greater than one (1) dwelling unit per five (5) acres or as directed by the Elmore County Planning and Zoning Commission. However, Elmore County reserves the right to have final determination in this matter. All subdivision and any residential development with a density greater than one (1) dwelling unit per five (5) acres must be connected to an approved central sewer system as a condition of approval. Development requests will be processed through the conditional use review procedures.
- C. No development shall be allowed if there is any potential for adverse impacts to ground or surface water or which would increase or contribute surface drainage to the Mountain Home Reservoir as identified through a technical study where such negative impacts cannot be mitigated or eliminated.

Table 7-2-38 North Mountain Home Ground Water Aquifer Recharge Area Overlay District		
Community Area	Lot Size Requirement	Development Requirement
North Mountain Home	5 Acre minimum Lot	5 Acre Minimum Lot Size

Section 7-2-39: Chattin Flats Overlay District:

Residents of Chattin Flats have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. The Elmore County Zoning Development Regulations includes a CDO provision specifically for the community of Chattin Flats. Please refer to the Elmore County Zoning map for the Chattin Flats CDO boundaries. The Chattin Flats CDO provides a minimum lot size of ten (10) acres as shown in Table 7-2-39.

Table 7-2-39 Chattin Flats Overlay District		
Community Area	Lot Size Requirement	Development Requirement
Chattin Flats	10 Acre minimum Lot	10 Acre Minimum Lot Size

Section 7-2-40: Recreation District:

Residents of Atlanta, Prairie, Fall Creek, Pine and Featherville have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development consistent with community values. This overlay does not apply to Planned Communities. The Elmore County Zoning Ordinance includes a CDO provision specifically for the communities of Atlanta, Prairie, Fall Creek, Pine and Featherville. Please refer to the Elmore County Zoning map for the Recreation Overlay CDO boundaries. The Recreation CDO provides a mix of land uses oriented to tourism and recreation development as shown in Table 7-2-40 and therefore supplements the County's

agriculture zoning within these communities, subject to approval through the Conditional Use.

Table 7-2-40 Recreation Community Development Overlay (CDO)		
Community Area	Lot Size Requirement	Development Requirement
Recreation	Ag Zoning	Resort and Recreation Land Uses and related Developments by CUP, PC, PUD, or PUDD

Section 7-2-41: Area of Critical Concern Overlay District:

- A. Residents of Elmore County have requested supplemental regulations in the form of a Community Development Overlay (CDO) regulation to allow a greater opportunity to manage land use development within the Boise River drainage areas consistent with community values. These are areas with unique environmental qualities that need environmental protection. Development within this area is allowed; however, to ensure that it is compatible, requirements may be made such as environmental assessments and technical studies. The Elmore County Zoning Ordinance includes a CDO provision specifically for areas along the Boise River. Please refer to the Elmore County Zoning map for the Area of Critical Concern Overlay CDO boundaries. The Area of Critical Concern Overlay provides a special land use review process and therefore supplements the county's agriculture zoning within these areas, as shown in Table 7-2-41, subject to approval through the Conditional Use Permit.
- B. In reviewing any proposed development requests in the Area of Critical Concern (ACC), the Director, Hearing Examiner, Commission or Board will follow these development standards:
1. Proposed land use must demonstrate a compatibility with the natural surrounding environment; and
 2. Technical studies, funded by the applicant, may be required at the discretion of the Director, Commission or Board to identify impacts and to determine the feasibility of the proposed use; and
 3. Agriculture and ranching operations may be developed or expanded. Natural and scenic environment should be protected; and

4. Single-family dwellings and all structures must be built to fit into the natural terrain with little or no gouging of hillsides or altering of the landscape. Grading of roads that are used as access to property will be kept to a minimum to prevent erosion and the destruction of scenic value.
- C. Home Occupations shall only be allowed through a Conditional Use Permit and approval.
- D. Historic areas in and around the Atlanta and Rocky Bar shall be protected.
- E. Subdivisions shall not be allowed if there is a significant impact to historical features.
- F. One single-family dwelling per mining claim or lot of record shall be allowed provided there is no impact or alteration to any historical features.
- G. Historical character shall be maintained as much as possible.
- H. Mining in the area may be allowed subject to Idaho DEQ and Federal EPA standards if historical features are not impacted.
- I. All development shall comply with the Subdivision and other requirements of this Chapter and Title as applicable.
- J. Conditional Use Permits are required for all uses unless otherwise indicated in the Elmore County Land Use Table contained in this Chapter.

Table 7-2-41 Area of Critical Concern Community Development Overlay (CDO)		
Community Area	Lot Size Requirement	Development Requirement
Boise River Drainage Areas	Ag Zoning	All Development by CUP, PC, PUD, or PUDD.

Section 7-2-42: General Standards Pertaining To Specific Land Uses and Specific Types of Developments or Improvements:

Sections 7-2-43 through Section 7-2-224 provide additional or specific requirements for specific land uses and development as applicable.

Section 7-2-42: Accessory Structure:

A. General Standards:

1. A principal permitted dwelling with a valid certificate of occupancy, or a principal permitted dwelling under construction with a valid building permit, shall be present on the subject property.
2. The structure shall not be used as an additional dwelling, except as provided for by this Ordinance.
3. The structure shall not be used for commercial or industrial purposes, or to store commercial vehicles except as provided for by this Ordinance.
4. All accessory structures shall be included in the maximum coverage calculations for a particular property.

B. Location Standards: The location of accessory structures shall be restricted as follows:

1. Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements.
2. Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.
3. Accessory structures located in the front yard shall not block the view of the main entrance to the principal permitted dwelling.

C. Size Standards: The size of accessory structures shall be restricted as follows:

1. Accessory structures in the front yard shall not exceed fifty percent (50%) of the square footage of the footprint of the principal permitted dwelling or one thousand five hundred (1,500') square feet, whichever is less.

D. Height Standards: The height of an accessory structure shall be restricted as follows:

1. An accessory structure shall not exceed a height of the principal dwelling or twenty- four (24') feet, whichever is less restrictive.
2. In a residential base zone, accessory structures located in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen (15') feet behind the front wall of the principal

permitted dwelling, shall not exceed the height of the principal permitted dwelling.

E. Design Standards:

1. All accessory structures shall meet all of the following design standards:
 - a. The roofing and finish materials shall be similar in color to the principal permitted dwelling; and
 - b. The roof shall have a similar pitch to that of the principal permitted dwelling.
2. Accessory structures equal to or greater than one thousand five hundred (1,500') square feet, located in residential base zone, in the front yard, or within a side yard if any portion of the structure lies between the front property line and a distance of fifteen (15') feet behind the front wall of the principal permitted dwelling, shall meet the following additional standards:
 - a. The accessory structure shall portray the architectural character of the principal permitted dwelling.

Section 7-2-44: Adult Entertainment Establishment:

A. Separations: In recognition of Idaho Statute § 67-6533, the following distance separations shall be required:

1. No adult entertainment establishment shall be located within two thousand five hundred (2,500') feet of any school, church or place of worship as herein defined.

B. Signs:

1. All adult entertainment establishments shall comply with the regulations of this Title. Further, signs for adult entertainment establishments shall not contain any emphasis, either by movement, picture, or otherwise, on matter relating to "adult entertainment" as herein defined.
2. Any business providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign (as defined herein) stating "Persons under 18 years of age not permitted". The sign shall be no less than 0.5 square feet and no greater than one square foot in area. Such sign shall not require administrative approval as set forth in the "Sign Regulations" of this Title.

Section 7-2-45: Advertising Signs and Structures:

There are no additional standards or requirements for this use.

Section 7-2-46: Agricultural Structure:

- A. The structure shall be located on a "farm" as herein defined in this Title.
- B. The structure shall be exclusively for agricultural uses.
- C. The structure shall comply with the dimensional standards for the applicable base and overlay districts.
- D. The applicant shall obtain a zoning approval prior to construction; however, the structure shall be exempt from requirements of a building permit, however, an Agricultural Exempt permit is required.

Section 7-2-47: Agriculture Use (Routine or Standard):

The use shall be conducted on a "farm" as herein defined in this Title. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the agricultural use.

Section 7-2-48: Aircraft landing Field, Private:

- A. Prior to application, the applicant or owner shall receive airspace approval from the federal aviation administration.
- B. The runway design shall comply with the design and construction standards and recommendations in the federal aviation administration handbook Title "Airport Design" advisory circular 150/5300-13.
- C. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:
 - 1. Federal Aviation Administration.
 - 2. Idaho Transportation Department (Bureau of Aeronautics).
 - 3. Idaho Military Division-National Guard.
 - 4. The City of Mountain Home and Glenns Ferry airport officials.

- D. Any accessory uses including, but not limited to, fuel storage areas, structures or facilities for storing and maintenance of aircraft, and any outdoor storage or tie down areas shall be included on the master site plan for the aircraft landing field.
- E. As applicable, the applicant shall obtain written approval for fuel tanks from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.
- F. The aircraft landing field shall not be located within the Snake River natural area birds of prey and canyon preservation as noted on the Comprehensive Plan Generalized Future Land Use Map or within the Snake River Birds of Prey National Conservation Area.

Section 7-2-49: Airpark Subdivision:

There are no additional standards or requirements for this use.

Section 7-2-50: Airport, Private/Public:

- A. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:
 - 1. Federal Aviation Administration.
 - 2. Idaho Transportation Department (Bureau of Aeronautics).
 - 3. Idaho Military Division-National Guard.
 - 4. The US Department of Defense
 - 5. City of Mountain Home airport.
 - 6. City of Glenns Ferry airport.
- B. The proposed airport shall meet the design standards of the Federal Aviation Administration for the particular class or field.

Section 7-2-51: Amusement or Recreation Facility, Indoor:

There are no additional standards or requirements for this use.

Section 7-2-52: Amusement or Recreation Facility, Outdoor:

- A. General Standards:

1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred (100') feet from all abutting residential districts.
2. Any outdoor speaker system associated with the amusement or recreation facility shall comply with the noise regulations of this Title.
3. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to nine thirty o'clock (9:30) P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after ten o'clock (10:00) P.M. except to conclude a scheduled event that was in progress before ten o'clock (10:00) P.M. and circumstances prevented concluding before ten o'clock (10:00) P.M. All illumination shall be terminated no later than one hour after conclusion of the event. All normal school related activities, sporting or otherwise shall be exempt from this requirement.

B. Drive-In Theater:

1. The projection screen shall not be located nearer than fifty (50') feet from any public street, shall not be visible from a public street, and shall not be located nearer than three hundred (300') feet from a residential district.
2. The site shall have access from a principal or minor arterial. Vehicle stacking lanes shall be available on the property, but outside the theater entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by theater patrons.
3. A six (6') foot sight obscuring fence, wall, or screen shall be included in the landscape plan for all property lines abutting a residential district.
4. No central loudspeakers shall be permitted. Individual loudspeakers shall be designed to be heard by the occupants of one vehicle only.
5. Accessory retail uses (including, but not limited to, food or beverage service) associated with the theater may be allowed if designed for use by patrons of the drive-in theater only.

C. Golf Driving Range: Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

D. Swimming Pool: Any outdoor swimming pool shall be completely enclosed within a six (6') foot barrier that meets the requirements of the Elmore County Building Code as set forth in this Title.

Section 7-2-53: Animal Boarding With Outside Runs:

- A. A six hundred (600') foot separation shall be maintained between the area and structures where animals are housed and any property line.
- B. Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
- C. Adequate fencing shall be provided to restrain animals from running at large. At a minimum, the animals shall be enclosed within a six (6') foot fence or wall. Electronic fences shall not be used as the sole method of restraining animals. In residential districts, visual screening shall be required to buffer adjacent land uses
- D. If located within airport influence area, the animals shall not spend more than two (2) hours each day outside a structure as set forth in this Title.
- E. Five (5%) percent of the building floor area, excluding the kennel area, may be used for related retail sales.
- F. A grooming facility is allowed, but not to occupy more than thirty-five (35%) percent of the building floor area, excluding the kennel area.

Section 7-2-54: Animal Clinic, Grooming:

There are no additional standards or requirements for this use.

Section 7-2-55: Animal Clinic, Hospital, or Veterinary Office:

The facility shall comply with all County, State and Federal regulations relative to such use.

Section 7-2-56: Aquatic and Hydroponics' Farming:

There are no additional standards or requirements for this use.

Section 7-2-57: Archery Range, Indoors:

There are no additional standards or requirements for this use.

Section 7-2-58: Archery Range, Outdoors:

There are no additional standards or requirements for this use.

Section 7-2-59: Asphalt or Concrete Plant:

- A. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an Agricultural district.
- B. Any structure or equipment shall be a minimum of one thousand (1,000') feet from any dwelling other than the dwelling of the owner or caretaker of the subject property.
- C. Outdoor storage areas shall comply with this Title.

Section 7-2-60: Assisted Living, Hospice:

There are no additional standards or requirements for this use.

Section 7-2-61: Auction Establishment:

- A. Outdoor livestock and merchandise auctions shall be allowed in the Agricultural districts. In all other districts, only outdoor merchandise auctions shall be allowed. See this Chapter for indoor auctions.
- B. A three hundred (300') foot separation shall be maintained between the area and structures where animals are housed and any residential district. This requirement may be waived where the owner and/or operator of the establishment can demonstrate that the area or structure in which the animals are housed shall not allow sound or odors to be transmitted to the residential district.
- C. Outdoor storage areas shall comply with this Chapter.

Section 7-2-62: Baking or Bakery Goods:

There are no additional standards or requirements for this use.

Section 7-2-63: Banks-Savings-Loans and other Financial Institutions:

There are no additional standards or requirements for this use.

Section 7-2-64: Bar Brew Pub, Lounge, or Nightclub:

- A. The facility shall comply with all Idaho Statute regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- B. The bar, brew pub, or nightclub shall not be located within one thousand (1,000) feet of a church or school property.

- C. For properties abutting a residential district, no outside activity or event shall be allowed on the site, except as provided for in the "Temporary Use", regulations of this Chapter and Ordinance.

Section 7-2-65: Bed and Breakfast Establishment:

- A. The minimum property size for a bed and breakfast establishment shall be one (1) acre.
- B. Any such facility shall be an owner occupied dwelling. For the purposes of this Subsection, an "owner" shall be defined as a person with a fifty percent (50%) or greater interest in the bed and breakfast establishment.
- C. If remodeling an existing structure, the exterior appearance of the structure shall be that of a single-family dwelling. Fire escapes and other features may be added to protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.
- D. No more than ten (10) occupants (including, but not limited to, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).
- E. The maximum stay shall be two (2) weeks for any guest.
- F. Breakfast shall be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms may not be equipped with cooking facilities including, but not limited to, stoves, hot plates, or microwave ovens.
- G. Only business signs referring solely to a principal permitted use of the bed and breakfast are permitted pursuant to this Title.

Section 7-2-66: Beverage Bottling Plant:

There are no additional standards or requirements for this use.

Section 7-2-67: Bowling Alley

There are no additional standards or requirements for this use.

Section 7-2-68: Brewery or Distillery:

The facility shall comply with all Idaho Statute regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

Section 7-2-69: Business College-Trade School:

There are no additional standards or requirements for this use.

Section 7-2-70: Cabinet Manufacturing:

There are no additional standards or requirements for this use.

Section 7-2-71: Campground Public or Private:

A. Access: The campground site shall have access from a principal or minor arterial.

B. Design Standards:

1. The applicant shall indicate the specific location of each proposed cabin, campsite, or recreational vehicle space on the master site plan.
2. A fifty (50') foot landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries abutting private property shall require a landscape setback of fifty (50') feet with protective fencing.
3. A three hundred (300') foot separation shall be maintained between any outdoor activity area (including campsites and recreation facilities) and any residential district.
4. Any outdoor speaker system associated with the campground shall comply with the noise regulations of this Title.

C. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational structures, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:

1. Such uses shall be restricted in their use to occupants of the campground.
2. Such uses shall present no visible evidence of their commercial character to attract customers other than occupants of the campground.
3. The structures enclosing such uses shall not be located closer than one hundred (100') feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the campground.

- D. Use of Spaces and Maximum Stay: Tents or temporary shelter arrangements or devices including recreational vehicles may use Spaces. The maximum stay shall be fourteen (14) calendar days for any guest.

Section 7-2-72: Car Wash:

- A. All businesses providing self-service or drive-through car wash facilities shall identify the stacking lane and wash location on the master site plan.
- B. If within a commercial district, a car wash facility shall be allowed as an accessory use to a gasoline or diesel fuel sales facility. The car wash facility shall be limited in capacity to a single vehicle.
- C. A one hundred (100') foot separation shall be maintained between any car wash facility and any residential district.
- D. Any outdoor speaker system associated with the car wash shall comply with the noise regulations of this Title.
- E. Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten (10') feet of any residential district.

Section 7-2-73: Cemetery:

- A. For the purposes of this Subsection, the term "structures" shall include, but not be limited to, mausoleum, columbaria, and crypts. No structure, exclusive of fences or walls, shall be located within one hundred (100') feet from any existing dwelling other than the dwelling of the owner or caretaker. Structures shall conform to the height limitation and required yards for the applicable base zone.
- B. Graves and monuments shall not be located within fifteen (15') feet from any property line.
- C. All cemeteries shall be platted according to the regulations of Title 10, Chapter 1.
- D. If the cemetery is privately owned, the cemetery shall be established as a perpetual care cemetery in accordance with Idaho Statute § 27-401

Section 7-2-74: Chemical Manufacturing:

There are no additional standards or requirements for this use.

Section 7-2-75: Chemical Storage:

There are no additional standards or requirements for this use.

Section 7-2-76: Child and Adult Daycare Facility:**A. General Standards for Childcare and Adult Daycare Facility:**

1. There shall be a minimum of thirty-five (35') square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
2. On site vehicle pick up and turnaround areas shall be provided to ensure safe discharge and pick up of clients.
3. The decision-making body shall specify the maximum number of allowable clients as a condition of approval, based on health and safety requirements, considerations of site and building design and capabilities, and recommendations from applicable government agencies.
4. The decision-making body shall consider the uses of the surrounding properties in the determination of the compatibility of the proposed daycare center with such uses. The decision-making body may require additional conditions as are necessary to protect the public health, safety, and welfare of the clients.
5. The use shall comply with the flood hazard overlay as set forth in this Title.
6. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

B. Additional Standards for Child Daycare Facility:

1. The applicant or owner shall secure and maintain a basic daycare license from the state of Idaho Department of Health and Welfare Family and Children's Services Division.
2. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The minimum play area requirement may be waived if: a) there is greater or equal area of parks that abut the facility that can be used by the children, or b) the program design is such that the number of children using the play area at any one time conforms to the one hundred (100') square feet/child criteria.

- a. All outdoor play areas shall be completely enclosed by minimum six (6) foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
 - b. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
3. The proposed use shall be located and designed to protect the health, safety, and welfare of the children.

Section 7-2-77: Church:

Schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Section 7-2-78: Cleaning, Commercial Laundry:

There are no additional standards or requirements for this use.

Section 7-2-79: Clinic, Medical, Non Animal:

There are no additional standards or requirements for this use.

Section 7-2-80: Club, Lodge, or Social Hall:

- A. All structures shall meet the minimum required setbacks for the applicable base zone, or a minimum setback of thirty-five (35') feet from any public street and twenty-five (25') feet from any other property line, whichever is greater.
- B. Any food service shall be approved by the Central District Health Department.

Section 7-2-81: Cold Storage Plant, Non-Ag:

There are no additional standards or requirements for this use.

Section 7-2-82: Composting Facility Commercial:

- A. The use shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of commercial composting facilities including, but not limited to, Federal, State, and local statutes, rules, and/or Titles.

- B. Grass composting shall only be allowed when the applicant can demonstrate that the use will not cause undue adverse impacts on surrounding properties.
- C. All structures, outdoor storage areas, or any areas where compost is stored shall be located a minimum of one hundred (100') feet from any residential district and shall meet the standards (outdoor storage) of this Chapter.
- D. For the purposes of this Subsection, compost material shall not be considered a fertilizer, and shall not be restricted by "Outdoor Storage of Chemicals and Fertilizers", of this Title.
- E. The site for the composting facility shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-83: Concrete Batch Plant:

There are no additional standards or requirements for this use.

Section 7-2-84: Contractor's Yard:

- A. All structures or outdoor storage areas shall be located a minimum of one hundred (100') feet from any residential district.
- B. Outdoor storage areas shall comply with this Chapter.
- C. The site shall not be used as a "junkyard" or "automobile wrecking yard" as herein defined in this Title.

Section 7-2-85: Crematory:

- A. The applicant or owner shall obtain written approval from the State of Idaho Division of Environmental Quality.
- B. A crematory, whether lying within or without the limits of a cemetery, shall be a minimum of one hundred (100') feet from any property line. The applicant shall provide written documentation that the crematory structures and equipment shall not create a public nuisance by reason of smoke or odor extending beyond or outside of the property lines of the subject premises.
- C. The site for the crematory shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-86: Dairy (CAFO Non-Permit Category):

Dairy shall meet the requirements of the applicable health department, DEQ and Idaho Department of Agriculture.

Section 7-2-87: Dairy (CAFO Permit Category):

Additional standards found in Chapter 34 of this Title.

Section 7-2-88: Dairy Products Processing:

Development shall meet the requirements of the applicable health department, DEQ and Idaho Department of Agriculture.

Section 7-2-89: Dance, Music, voice Studio:

There are no additional standards or requirements for this use.

Section 7-2-90: Dangerous or Protected Animals:

The owner or caretaker of dangerous or protected animals shall comply with all State and/or Federal regulations regarding the maintaining, raising, harboring, possession, training, or boarding of such animals.

Section 7-2-91: Daycare Home, Group:

- A. The applicant or owner shall secure and maintain a basic daycare certification from the State of Idaho Department of Health and Welfare Family and Children's Services Division.
- B. If the proposed group daycare home results in more than ten (10) persons occupying a dwelling at any one time, the applicant shall concurrently apply for a change of occupancy as required by the Elmore County Building Code as set forth in this Title
- C. Off street parking shall be provided as outlined in this Title, in addition to the required off-street parking for the dwelling.
- D. There shall be an off-street client pick up area in addition to the required off-street parking for the dwelling. On arterial or collector streets, a circular driveway or an off-street turnaround (which does not involve any space from a required off-street parking space) shall be provided for the client pick up area.
- E. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The Director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.

- F. All outdoor play areas shall be completely enclosed by minimum six (6') foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
- G. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
- H. Hours of client pick up and/or drop off shall be set by Administrative Approval or Conditional Use Permit.
- I. No portion of the facilities used by clients shall be within three hundred (300') feet of explosive or hazardous material storage including, but not limited to, the following uses: brewery or distillery, explosive manufacturing or storage, flammable substance storage, gasoline or diesel fuel sales facility, manufacture or processing of hazardous chemicals or gases, and winery.

Section 7-2-92: Drive-In Theater:

There are no additional standards or requirements for this use.

Section 7-2-93: Drive-Up Window Service:

- A. All businesses providing drive-up window service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the master site plan.
- B. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking. The stacking lane shall not be located within ten (10') feet of any residential district.
- C. Any outdoor speaker system associated with the drive-up window service shall comply with the noise regulations of this Ordinance.

Section 7-2-94: Drug and Alcohol Treatment Facility:

The owner of the facility shall secure and maintain a license from the State of Idaho Department of Health and Welfare Mental Health and Substance Abuse Division.

Section 7-2-95: Dude Ranch:

There are no additional standards or requirements for this use.

Section 7-2-96: Dwelling Unit, Accessory:

- A. This Section provides standards for an accessory dwelling unit (ADU) to be added to a single-family dwelling, or as a detached ADU. The purpose of accessory dwelling units is to provide more affordable housing; provide additional density with minimal costs and disruption to existing neighborhoods. A house with an accessory dwelling unit is similar to that of a duplex, but can be distinguished from a duplex because of its less intense use, smaller size and that the principle dwelling with and attached ADU must retain the appearance of a single-family dwelling.
- B. Process: ADUs are reviewed as administrative applications. ADU application shall be submitted to the Director on the forms provided by Land Use and Building with the appropriate fee. The Director shall review the application and either approve or deny the application based on the required findings.
 - 1. Upon receiving tentative approval, the applicant shall have ninety (90) days to complete all required conditions.
 - 2. Upon completing all required conditions, the applicant/owner shall submit a letter to the Director prior to the expiration date of the tentative approval that all conditions have been satisfied. The applicant shall submit proof with the letter that all conditions have been satisfied.
 - 3. Upon verifying the submitted documents, the Director shall submit a final approval letter, subject to conditions and compliance with the terms contained in the final approval letter.
- C. Applicability: An ADU may be rented and no more than one (1) ADU shall be allowed on a legal lot or parcel of record located in any zoning district except industrial or commercial where they are prohibited, unless residential uses are allowed through a use exception.
- D. Standards and Findings: ADUs shall be subject to specific standards and approval herein contained in Subsection 7-9-3. The Director shall make the following findings prior to granting tentative approval of an ADU and the ADU shall comply with the following requirements and Findings:
 - 1. That the ADU shall not be larger than nine hundred (900') square feet; and
 - 2. That the ADU shall not contain more than two bedrooms; and
 - 3. That the accessory dwelling unit shall be created through one of the following:
 - a. An internal conversion of an existing living area, basement or attic; or

- b. The conversion of a garage, where the required parking can be sited legally elsewhere on the property; or
 - c. Through an addition to the primary dwelling unit; or
 - d. Through an addition to an accessory structure such as a detached garage or shop; or
 - e. Through the construction of a new single-family detached house with an internal or detached accessory dwelling unit; or
 - f. The construction of a detached accessory unit; or
 - g. The conversion of an existing detached accessory structure; or
 - h. Through an addition of a manufactured home on the property.
4. That the ADU meets all of the dimensional requirements of the underlying zoning classification as well as the provisions of the Elmore County Building Code; and
 5. That the design of the ADU is compatible with the existing neighborhood by taking into account height, bulk, and site location; and
 6. That the design of the ADU incorporated the materials, colors and a design motif of the principal dwelling and that the proposed design is compatible with and complements the architectural theme and style of the principle dwelling unit; and
 7. The primary and the ADU shall be designed to portray the character of a single-family dwelling. Only one entrance to the structure may be located on the front building elevation of the house unless multiple entrances are already in existence; and
 8. That one parking space is provided for the ADU in addition to the existing minimum parking requirement for the primary dwelling. The driveway apron (driveway space within the front yard setback) may be utilized for this requirement.
- E. Noticing Requirements: Noticing of the proposed ADU shall be required. The applicant shall notify all adjacent property owners within three hundred (300') feet abutting the subject property where the proposed ADU is to be sited. For the purpose of this Chapter, abutting is defined as any portion of the subject property boundary sharing a common boundary or reference point with an abutting property

even if separated by a barrier, public or private right-of-way or any other conveyance. For notification purposes, the applicant/owner shall indicate that an ADU application is pending, the location of the ADU on the subject property, the proposed use and size. The applicant shall provide proof of noticing by either of the following methods:

1. The applicant/owner shall send certified letters (notice) to all adjacent property owners and provide notice of the proposed ADU; or
2. Meet individually or as a group with the adjoining property owners in which each one owner, if jointly owned shall sign a statement indicating that:

"[Insert owner's name] have been notified of the proposed ADU application, the location of the ADU on the subject property, and the proposed use and size. By signing this statement I'm only indicating that I have been notified. My signature does not indicate my support or opposition, only notification."

[Property owner's signature]

3. Any input from adjacent property owners should be considered in the design and siting of an accessory dwelling unit in order to maintain privacy between adjacent housing units.

F. Final Approval and Noticing: Prior to receiving final approval the applicant shall:

1. Submit a letter requesting final approval in compliance with Title 7, Chapter 2 Subsection 7-2-80; and
2. Prior to issuing a final approval letter, the Director shall notice all property owners and residents within three-hundred (300') feet of the subject property, of the final decision of the Director and of their right to appeal the Director's decision in pursuant this Title.
3. The Director or Building Department shall not issue any building permits for the development or construction of the ADU, or conservation of any accessory structure to an ADU until the appeal period as expired in accordance with this Title.

Section 7-2-97: Dwelling, Additional Farm:

- A. The additional farm dwelling shall be located on a "farm" as herein defined in this Title.

- B. No more than one permanent additional dwelling (including, but not limited to, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.
- C. The additional farm dwelling shall be occupied by households where at least one individual performs a "substantial amount of work" (as herein defined) on the farm.
- D. The location of the additional farm dwelling shall be:
 - 1. On an existing or previously abandoned farmstead; or
 - 2. Not on prime agricultural land as herein defined. If such alternatives are not available, the farthest extent of the additional farm dwelling shall be located within one hundred (100') feet of the existing farm dwelling. The additional farm dwelling shall not conflict with existing or proposed wastewater treatment systems.
- E. The applicant shall demonstrate the need for the additional farm dwelling based on characteristics of the farm and/or farm operation. Such characteristics shall include, but are not limited to:
 - 1. The size of the entire farm including all other property used for such farm operation within the immediate area.
 - 2. The types of farm crops and acreage for each type.
 - 3. The operational requirements for the particular farm activity.
 - 4. The number of other permanent or temporary dwellings on the farm.
 - 5. The numbers of owners/employees/workers on the farm (including permanent and seasonal).

Section 7-2-98: Dwelling, Additional Farm Seasonal:

- A. The applicant shall specify the season and crop for which the housing is required. The facility shall not be occupied or otherwise used as dwelling units other than during the specifically permitted period.
- B. All dwellings or dormitories within the facility shall have adequate sewage facilities as provided for in this Title. If recreational vehicles are proposed as dwelling units, such recreational vehicles shall have power, water, and sewer hookups. The applicant or owner shall provide written documentation that the Central District Health Department has approved the proposed wastewater system, and the state of Idaho Division of Environmental Quality has approved the water supply.

- C. Accessory uses including, but not limited to, management headquarters, recreation areas, coin operated laundry facilities, and communal toilets and showers, may be allowed if such facilities are designated on the facility master site plan and are to be used only by residents of the facility.
- D. No structure shall be closer than one hundred (100') feet from an abutting property within a residential district. No structure shall be closer than ten (10') feet from any other structure.
- E. Access drives and parking areas shall have a durable and dust free surface, and the area shall be graded so as to drain all surface water from the driveways.
- F. If the applicant and/or owner are found to be in violation of any of the standards listed in this Section, the facility approval shall be revoked. Upon revocation of a permit, the owner may not reapply for a facility for any location in the county for a period of three (3) years following the date of revocation

Section 7-2-99: Dwelling, Caretaker:

- A. The caretaker dwelling is needed to house the owner or the owner's employee of an approved use.
- B. Need for the caretaker dwelling shall be justified for reasons of upkeep on the property, supervision of operations, and/or guarding materials stored on site.
- C. No more than one permanent additional dwelling (including, but not limited to, principally permitted dwelling, accessory dwelling unit, caretaker dwelling, additional farm dwelling, or secondary dwelling) shall be permitted on a property.

Section 7-2-100: Dwelling, Multifamily:

There are no additional standards or requirements for this use.

Section 7-2-101: Dwelling, Single Family:

There are no additional standards or requirements for this use.

Section 7-2-102: Dwelling, Duplex:

There are no additional standards or requirements for this use.

Section 7-2-103: Electrical Generating Facilities:

- A. Additional standards or requirements for this use. Certain types of electricity generation facilities are permitted as conditional uses in zones as specified in Title 7, Chapter 2, Table 7-2-27 (B) and must adhere to the following conditions:
1. The facility shall use only natural gas, solar cells, water (hydroelectric) or wind power to produce electricity for sale. The use of diesel fuel is allowed only for emergency generation of electricity for fire suppression or winding down turbines.
 2. The owner or operator of the facility shall show compliance with all applicable Idaho Public Utility, and Federal Agency rules and regulations before receiving a zoning permit and shall operate the facility in conformance with those same regulations.
 3. Facility improvements shall be at least 2,500 feet away from any residence existing at the time of the application for permit. This distance shall be measured from the centerline of the power producing turbine to the closest edge of the residence. The distance may be shortened if the applicant applies for and is granted a waiver using the standards and procedures contained in this ordinance. A distance waiver shall be granted by the Commission provided, the owner(s) of affected residence(s) waive, in writing, the two thousand five hundred (2,500') foot setback requirements. If such waiver(s) are submitted to the Administrator for each residence within the two thousand five hundred (2,500') foot setback no variance approval shall be required.
 4. Operation of the facility shall not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of affected property waive in writing the 58Db noise requirement.
 5. The applicant, with its building permit application, shall submit and thereafter follow a landscaping, screening and noise control plan to comply with section 4 above. The plan's ability to comply with section 4 shall be certified by a licensed engineer employed by the applicant. All improvements on the facility shall be enclosed by an appropriate security fence.
 6. The applicant shall demonstrate and maintain an adequate fire protection and fire-fighting capacity, including entering into an agreement with a public firefighting agency when the applicant's project is within the jurisdiction of such an agency.
 7. Before a zoning approval is granted, the applicant shall hold at least two (2) public meetings. Notice of those meetings shall be by publication in local

newspaper and by mail to property owners within one (1) mile of the proposed facility.

8. The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.
9. Towers and structures that seek to exceed the building height restrictions from Table 6-8-11 (C) must be compatible with the flight operations of MHAFB and the City of Mountain Home and Glenns Ferry public airport operations. The proposed plan should be coordinated and approved by local, state, federal and military aviation officials.
10. Towers and height variances shall not be granted within 5 miles of Mountain Home AFB or along depicted flight corridors.
11. Within the Mountain Home or Glenns Ferry airport influence areas overlay district, the height limits on the tower or facility structures shall be as required by the Code of Federal Regulations 14 CFR 77.
12. Notification distance shall be increased at the discretion of the Director to accommodate for visual impacts.

Section 7-2-104: Electrical Appliance and Repair Shop

There are no additional standards or requirements for this use.

Section 7-2-105: Energy Production (≤ 25 KW), Home Use:

A. Additional standards or requirements for this use.

1. Operation of the facility shall not result in any noise louder than 58 decibels at any property line. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of affected property waive in writing the 58Db noise requirement.
2. The Director shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.

Section 7-2-106: Energy Production Facilities:

A. Additional general standards or requirements for this use.

1. Prior to receiving final approval and zoning approval, the owner or operator of an Energy Production Facility shall show compliance with all applicable Idaho Public

Utility and Federal Agency rules and regulations and shall operate the facility in conformance with those same regulations.

2. Facility improvements shall be at least two thousand five hundred (2,500') feet away from any existing residential dwelling at the time of the application for permit. This distance shall be measured from the centerline of the main power production turbine (support equipment, outbuildings, offices, etc. shall be excluded) to the closest edge of the residence.
3. The applicant shall demonstrate and maintain an adequate fire protection and firefighting capacity, including entering into an agreement with a public firefighting agency when the applicant's project is within the jurisdiction of such an agency.
4. Operation of the facility shall not result in any noise louder than 58 decibels on the A-weighted decibel scale as measured from 750 feet from the centerline of the power producing turbine. A higher decibel reading would require a variance unless the Commission grants a noise waiver. The Commission may grant a noise waiver provided the owner(s) of all affected property waive in writing the 58Db noise requirement.
5. The Administrator shall cause the applicant to provide information detailing possible adverse impacts and require mitigation of same.
6. The applicant, with its building permit application, shall submit and therefore follow a landscaping, screening and noise control plan to comply with section 4 above. The plan's ability to comply with section 4 shall be certified by a licensed engineer employed by the applicant. All improvements on the facility shall be enclosed by an appropriate security fence.
7. Before zoning approval is granted, the applicant shall hold at least two (2) public meetings. Notice of those meetings shall be by publication in local newspaper and by mail to property owners within one (1) mile of the proposed facility.
8. Public notification shall be increased at the discretion of the Director to accommodate notification for all potential impacts.

B. Biomass:

1. The applicant shall identify the specific location and type of all fuel sources for the biomass facility and the method of gathering and delivering the fuel to the site.

2. Mass burn facilities shall not use waste containing hazardous materials as a fuel source. The applicant shall provide a plan for the handling and disposal of hazardous materials that may be contained in the waste products.

C. Geothermal:

1. Direct use of geothermal resources for heating spas, greenhouses, and other similar uses shall not constitute an Energy Production Facility.

Section 7-2-107: Equipment Rental-Sales Yard Including Farm Equipment:

There are no additional standards or requirements for this use.

Section 7-2-108: Explosive Manufacturing or Storage:

The following standards apply to explosive manufacturing or storage as a non-accessory use. This Section shall not apply to gasoline fueling stations or research and development facilities.

- A. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. The facility shall be enclosed by an eight (8') foot high security fence or wall. Entrance and exit shall be through a gate that shall be locked during non-business hours. See also (fence, barbed wire, electric wire, or other) requirements of this Chapter.
- C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- E. The use shall comply with the flood hazard overlay as set forth this Title.

Section 7-2-109: Extended-Care Facility:

There are no additional standards or requirements for this use.

Section 7-2-110: Fairgrounds:

There are no additional standards or requirements for this use.

Section 7-2-111: Farm, Ranch or Dairy, Non CAFO Category:

There are no additional standards or requirements for this use.

Section 7-2-112: Feed Lots and Stock Yards, NON CAFO Category:

There are no additional standards or requirements for this use.

Section 7-2-113: Fence; Barbed Wire, Electric Wire or Other:

- A. No sight-obscuring fence, hedge, wall, latticework, or screen shall violate the "clear vision triangle", as defined herein, requirements at a street intersection.
- B. Barbed wire and electric wire fencing shall only be allowed on properties that meet one or more of the following standards:
 - 1. The property is a "farm", as herein defined in this Title; or
 - 2. The property is in the agriculture base zones; or
 - 3. The property has a livestock confinement facility; or
 - 4. The use of barbed wire and/or electric wire fencing was allowed as part of an approved use where the applicant proposed security fencing.
- C. No fence, wall, latticework, or screen on the perimeter boundary or within any required setback area shall exceed a height of seven (7') feet unless approved by a variance by the Board or as part of an approved use. Any fence over seven (7') feet in height shall also require a building permit with construction drawings prepared by a Qualified and licensed engineer or architect.
- D. Where any sight-obscuring fence or wall is required by this Ordinance to protect adjacent properties, said fence or wall shall be kept free from advertising and graffiti and maintained in good repair.
- E. Security fencing that is not associated with an agricultural use or a livestock confinement facility shall only be used as the top section of the fencing and shall be a minimum of seven (7') feet above grade

Section 7-2-114: Fireworks Stand, Seasonal or Temporary:

There are no additional standards or requirements for this use.

Section 7-2-115: Fish Propagation:

There are no additional standards or requirements for this use.

Section 7-2-116: Flea Market, Outdoor:

There are no additional standards or requirements for this use.

Section 7-2-117: Food Processing and Packaging Plant:

There are no additional standards or requirements for this use.

Section 7-2-118: Food Store, Convenience

There are no additional standards or requirements for this use.

Section 7-2-119: Food Store, Deli

There are no additional standards or requirements for this use.

Section 7-2-120: Foster Home, Group:

- A. Off-street parking shall be provided as per this Title, in addition to the required off-street parking for the dwelling.
- B. If the proposed group foster home results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the Elmore County Building Code as set forth in this Title.
- C. The applicant shall provide a minimum outdoor play area of one hundred (100') square feet per child. The Director may waive the minimum play area requirement if there is a park that abuts the property that can be used by the children.
- D. All outdoor play areas shall be completely enclosed by minimum six (6') foot barriers to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
- E. The proposed use shall be properly located and designed to protect the health, safety, and welfare of the children.

- F. Outdoor play equipment over six (6') feet high shall not be located in a front yard or within any required yard.
- G. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-121: Foundry Small or Accessory:

All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.

Section 7-2-122: Freight or Truck Terminal:

- A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- B. The use shall be located a minimum of three hundred (300') feet from any residential district and a minimum of one thousand (1,000') feet from any hospital.
- C. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with this Chapter.
- D. Installation of underground fuel tanks shall require written approval from Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.

Section 7-2-123: Frozen Food Lockers:

There are no additional standards or requirements for this use.

Section 7-2-124: Fuel Cell:

The use shall not be a "power plant" as defined in this Title.

Section 7-2-125: Fuel, Flammable Material Storage:

The following standards apply to flammable substance storage as a non-accessory use. This Section shall not apply to gasoline fueling stations or research and development facilities.

- A. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.

- B. The facility shall be enclosed by an eight (8') foot high security fence or wall. Entrance and exit shall be through a gate that shall be locked during non-business hours. See also (fence, barbed wire, electric wire, or other) of this Chapter.
- C. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- D. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been or shall be eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.
- E. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-126: Fuel Sales, Service Station:

- A. When allowed as an accessory use; gasoline or diesel fuel sales facilities shall not occupy more than twenty-five (25%) percent of the subject property.
- B. Installation of underground fuel tanks shall require written approval from Idaho division of environmental quality, Idaho Department of Water Resources and the appropriate fire authority.
- C. The use shall comply with the flood hazard overlay as set forth in this Title.
- D. Structures and pump station canopies on corner properties shall observe a minimum setback of thirty-five (35') feet from any public street. There shall be a minimum setback of twenty-five (25') feet from any residential district.
- E. The total height of any overhead canopy or weather protection device shall not exceed twenty (20') feet.
- F. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten (10') feet of any residential district.
- G. All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline or diesel fuel sales facility.

Section 7-2-127: Furniture Refinishing:

There are no additional standards or requirements for this use.

Section 7-2-128: Golf Course:

- A. To be eligible for an accessory country club and/or sale of alcoholic beverages, the golf course shall be a bona fide golf course as defined by Idaho Statute § 23-903.
- B. Accessory sales and rental of golf equipment shall be allowed.
- C. The golf driving range shall be designed to protect abutting property and roadways from golf balls. See this Chapter for non-accessory driving ranges.
- D. All other accessory structures to the golf course shall not be located within one hundred (100') feet of an abutting property within a residential district. No outdoor recreation area associated with the country club shall be located within fifty (50') feet of any property line. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six (6') foot barrier that meets the requirements of the Elmore County Building Code as set forth in this Title.
- E. Any outdoor speaker system associated with the golf course or country club shall comply with the noise regulations of this Title.

Section 7-2-129: Golf Course, Miniature

- A. Any outdoor speaker system associated with the miniature golf course shall comply with the noise regulations of this Title.
- B. Any outdoor lighting system associated with the miniature golf course shall comply with the lighting regulations of this Title.

Section 7-2-130: Grain Storage Elevator:

The applicant shall provide written documentation that the appropriate fire authority has approved the design and location of the grain elevator.

Section 7-2-131: Greenhouse Operation:

There are no additional standards or requirements for this use.

Section 7-2-132: Gym or Health Spa:

There are no additional standards or requirements for this use.

Section 7-2-133: Hazardous Material Storage or Handling:

The storage of any hazardous materials, as defined by Ordinance 40 Code of Federal Regulations part 261, or subsequent amendments there to, shall require a list of those materials to be submitted to the Elmore County Sheriff's Office, the Elmore County Emergency Medical Services, the Land Use and Building Department, the applicable Fire District, and the Elmore County Emergency Management Office, prior to issuance of zoning approval.

Section 7-2-134: Heavy Equipment Sales or Service:

- A. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- B. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.
- C. Inoperable or dismantled equipment shall be stored behind a sight obscuring fence, wall or screen or within an enclosed structure, and shall not be visible from any street or private road.

Section 7-2-135: Highway Maintenance Shop

There are no additional standards or requirements for this use.

Section 7-2-136: Home Occupation:

A. General Standards:

- 1. In no way shall the home occupation cause the premises to differ from its residential character in the appearance, lighting, signs, or in the emission of noise, fumes, odors, vibrations, or electrical interference.
- 2. Except as provided in this title, the home occupation shall be conducted entirely in the dwelling, and not more than twenty-five (25%) percent of the floor area, excluding garages, storage attics, and unfinished basements of said dwelling shall be used for a home occupation or for storing goods associated with the home occupation. Materials may be stored in an attached garage or storage area, provided it shall not reduce the required off-street parking below the standard established for that district.
- 3. No activity connected to the home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in any detached accessory structure.

4. The home occupation shall not involve the use of more than one commercial vehicle.
5. The home occupation shall not receive more than two (2) pickups per day.
6. Signs shall comply with this Title.

B. Home Occupation Involving Customers and/or Clients:

1. The home occupation shall be conducted by the inhabitants of the dwelling and no more than one nonresident employee shall be permitted. The home occupation shall not serve as a headquarters or main office where employees come to the site and are dispatched to other locations.
2. No retail sales shall be permitted from the dwelling except the sale of:
 - a. Services or items produced or fabricated on the premises as a result of the home occupation; or
 - b. Products related to the home occupation.
3. Off street parking shall be provided as per this Title, in addition to the required off-street parking for the dwelling.
4. All visits by clients and/or customers shall occur between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.
5. Group instruction may be permitted for swimming if limited to no more than five (5) students at one time. The use of an outdoor swimming pool shall meet the requirements of the Elmore County Building Code as set forth in this Title.

Section 7-2-137: Hospital:

- A. The use shall have frontage on an arterial street.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only.
- C. The use shall comply with the flood hazard overlay as set forth in this Title.
- D. No hospital shall be located within one thousand (1,000') feet of the following uses:
 1. Explosive manufacturing or storage; or

2. A livestock confinement facility with three hundred one (301) or more animal units; or
3. A flammable substance storage facility; or
4. A foundry; or
5. A freight and truck terminal; or
6. A facility that manufactures or processes hazardous chemicals; or
7. A power plant; or
8. A processing plant for agricultural and dairy products; or
9. A slaughterhouse; or
10. A soil or water remediation facility; or

Section 7-2-138: Hotel or Motel:

- A. No structure or driveway shall be located within one hundred (100') feet of a property line abutting a residential district.
- B. Accessory retail uses including, but not limited to, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel or motel structure. A bar or nightclub shall require separate or concurrent approval subject to the regulations of this Title.
- C. No outdoor recreation area associated with the hotel or motel shall be within one hundred (100') feet of a residential district. If an outdoor swimming pool is proposed on site, the pool shall be enclosed with a six (6') foot barrier that meets the requirements of the Elmore County Building Code as set forth in this Title.

Section 7-2-139: Hunt Club, Resort:

There are no additional standards or requirements for this use.

Section 7-2-140: Incinerators:

There are no additional standards or requirements for this use.

Section 7-2-141: Industrial/Manufacturing Facility, Heavy:

A facility that manufactures, processes, and tests good and materials predominately from extracted or raw materials, or a use engaged in storage of such materials shall be considered a heavy industrial/manufacturing facility.

Section 7-2-142 Industrial/Manufacturing Facility, Light:

A facility that manufactures, processes, and tests goods and materials from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products shall be considered a light industrial/manufacturing facility.

Section 7-2-143: Junkyard or Automobile Wrecking Yard:

A. Screening:

1. Outdoor storage areas shall comply with this Chapter. The fence or wall and screening materials shall be a minimum of ten (10') feet in height.
2. No portion of the junkyard or automobile wrecking yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards:

1. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district.
2. The master site plan shall designate an area for processing vehicles as they are brought to the site. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.
3. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.
4. No person shall establish, operate, or maintain a junkyard or automobile wrecking yard, any portion of which is within one thousand (1,000') feet of the nearest edge of the right of way and visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined in this Title. See Idaho Statute § 40-313.
5. The use shall comply with the flood hazard overlay as set forth in this Title.

6. The applicant shall submit review comments from the Idaho Division of Environmental Quality with the conditional use permit application.

Section 7-2-144: Kennel, Commercial:

- A. The owner and/or operator shall have an obligation to comply with all county and state regulations relative to the operation of the commercial kennel.
- B. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance, public health hazard and to reduce noise and odor.
- C. If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in this Chapter.

Section 7-2-145: Kennel, Hobby:

- A. Other than exempted by this section, a maximum of six (6) dogs shall be allowed as a hobby kennel. For the purposes of this Section, a litter of puppies together with the mother shall count as one dog until the litter reaches six (6) months of age. Each puppy over six (6) months of age shall be counted as one dog. Farming, ranching or agricultural operations, working/service dogs shall be exempt from this Section indicate the kennel and dogs are located on a legitimate farm, ranch, or agricultural operation and such dogs are use in the activities of such operations.
- B. Facilities in which dogs are housed and the designated location for feeding and watering shall be in the rear yard and a minimum of fifty (50') feet from any property line. In residential areas, all dogs shall be housed indoors during the night.
- C. The owner shall have a continuing obligation to maintain adequate housekeeping and sanitation practices designed to prevent the creation of a public nuisance and to reduce to a minimum the factors of noise and odor.

Section 7-2-146: Kennel, Rescue:

- A. The owner and/or operator shall have an obligation to comply with all county and state regulations relative to the operation of the commercial kennel.
- B. The owner and/or operator shall maintain sanitary practices so as not to create a public nuisance, public health hazard and to reduce noise and odor.
- C. If applicable, the facility shall meet the specific use standards for animal boarding with outside runs in this Chapter.

Section 7-2-147: Laboratory-Medical-Dental Optical:

There are no additional standards or requirements for this use.

Section 7-2-148: Laundromat:

If abutting a residential district, the hours of operation shall be seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

Section 7-2-149: Laundry-Commercial Plant:

There are no additional standards or requirements for this use.

Section 7-2-150: Lumber Processing:

There are no additional standards or requirements for this use.

Section 7-2-151: Lumber Yard - Retail/Wholesale:

There are no additional standards or requirements for this use.

Section 7-2-152: Machine Shop:

There are no additional standards or requirements for this use.

Section 7-2-153: Manufacture or Processing Of Hazardous Chemicals or Gases:

The following standards shall apply to the manufacture or processing of hazardous chemicals or gases as a principal permitted use. The standards shall not apply to research and development facilities.

- A. All structures shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. All hazardous chemicals or gases shall be stored and/or used within an enclosed structure.
- C. The facility shall be enclosed by a minimum eight (8') foot high security fence or wall. Entrance and exit shall be through a gate that shall be locked during non-business hours.
- D. The application materials shall include written documentation from the appropriate fire authority approving the proposed location and plan specifications of the facilities.
- E. The application materials shall include maps and engineering drawings showing proposed drainage, proposed sewer system design, the depth of the water table,

soil composition, all existing surface water, and all existing uses within one-fourth (1/4) mile of the property. The applicant shall also furnish evidence that the dangerous characteristics of the particular process or activity in question have been, or shall be, eliminated or minimized sufficiently so as not to create a public nuisance or be detrimental to the public health, safety, or welfare.

F. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-154: Manufactured Home Park:

A. Density: The maximum density of a manufactured home park shall not exceed the maximum density of the corresponding base zone.

B. Use Standards:

1. Accessory uses shall be in conformance with the accessory uses of the corresponding base zone.
2. A single-family detached dwelling or a manufactured home may be allowed for the sole use of a caretaker.
3. A recreational center and clubhouse may be allowed for the use of park residents. (Any sale, manufacturing, or distribution of alcoholic beverages shall require approval for a bar; brew pub, or nightclub as set forth in this Title.)
4. Manufactured home parks shall accommodate only manufactured homes not vacation trailers or other recreational vehicles except when stored within a designated storage area. A manufactured home shall not remain overnight in a manufactured home park unless it is parked in a manufactured home space. Not more than one manufactured home shall be parked at one time in a manufactured home space.
5. Manufactured home parks approved subject to the regulations of this Section may be expanded or altered after approval is obtained from the decision-making body. The application, filed by the owner or other party in interest, shall be filed and processed in the same manner as an application for a new manufactured home park.

C. Manufactured Home Space Design Standards:

1. No manufactured home space shall contain less than two thousand (2,000') square feet. The gross average areas of all spaces in the park shall not be less than three thousand (3,000') square feet. No drives, common play area, or service area shall be considered as providing any part of the required manufactured home space.

2. No manufactured home space shall be less than thirty (30') feet in width and/or depth.
 3. The boundaries of each manufactured home space shall have an approved fence, wall, planting, or other permanent marker defining the perimeter of the space.
 4. An outdoor living area shall be provided in each manufactured home space. Such outdoor living area shall be a minimum of ten (10%) percent of the individual space, but in no case, shall such area be less than three hundred (300') square feet nor required to be more than five hundred (500') square feet. The minimum dimension of such area shall not be less than fifteen (15') feet.
- D. Drives: Drives shall comply with the following standards and are subject to plan review, field inspection, and approval by the county engineer:
1. The following construction standards apply to all drives in manufactured home parks:
 - a. A minimum of one drive shall originate at a public street and terminate at a public street. This standard is not intended to require two (2) access points to the manufactured home park.
 - b. Drives shall have rolled concrete curb and gutter Sections along both sides of the drive and extending the length of the drive.
 - c. Drives shall be a minimum of thirty (30') feet wide from back of curb to back of curb. The entire width of the drive shall be improved.
 - d. Drive slope to or from centerline (perpendicular to the drive centerline) shall be a minimum of two (2%) percent and runoff shall be disposed of in a manner that protects life and property.
 - e. The improved surface shall include two-point five (2.5") inches of asphalt plant mix paving on top of the base course of six (6") inches of compacted crushed gravel no larger than one-point five (1.5") inch. Compaction shall be to ninety (90%) percent of maximum density at optimum moisture. All soft or unstable subgrade material shall be removed before the base course is placed. Where the subgrade has an R-value of less than sixty (60), the base course thickness and asphalt thickness shall be designed by a professional engineer registered in the State of Idaho, and the design approved by the County Engineer. As an alternative to asphalt plant mix, concrete shall be allowed with the approval of the County Engineer.
 - f. Bridge and culvert crossings shall be designed for a minimum H-16 loading.

- g. The maximum allowable grade shall be ten (10%) percent slope.
 - h. The minimum centerline curve radius shall be fifty (50') feet.
 - i. The minimum curb radius at intersections shall be twenty (20') feet.
2. The county engineer may approve, or recommend approval of, alternative drive designs when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Title and shall not be detrimental to public health, safety, and welfare.
 3. Sidewalks shall be constructed along one side of the drive and constructed to the standards for local streets in the most current edition of the development policy manual as adopted by the applicable Highway District.

E. Park Design Standards:

1. Two (2) off-street parking spaces shall be provided for each manufactured home space. All off-street parking shall be improved to the same standards as drives as noted in Title 7, Chapter 2, Subsection 7-2-154 (D) of this Section. Parking areas for accessory uses shall be paved in a like manner. For the purposes of this Section, off-street parking spaces shall mean off-drive parking spaces.
2. Outdoor lighting shall be provided to illuminate drives and sidewalks. Lighting shall be subject to the regulations of this Title.
3. Manufactured home parks that accommodate children less than fourteen (14) years of age shall provide a common play area restricted to that use. Parks that qualify as housing for older persons subject to the federal fair housing act are exempt from this regulation.
 - a. A minimum of one hundred (100') square feet of common play area shall be provided per manufactured home space; provided, however, that no such common play area, regardless of the number of manufactured home spaces, shall be less than two thousand five hundred (2,500') square feet.
 - b. The common play area shall be protected from all streets, drives, driveways, and parking areas by a minimum thirty-six (36") inch barrier. The fencing material shall meet the swimming pool barrier requirements of the Elmore County Building Code as set forth in this Title.
4. All manufactured home parks shall comply with the Americans with Disabilities Act accessibility guidelines.

5. Manufactured home parks shall provide a side and rear yard of a minimum of twenty (20') feet.
 - a. Where the neighboring property is in a residential base zone, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - b. Where the neighboring property is in an agricultural, commercial, or industrial base zone such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
- F. Screening: The following standards shall be in addition to the landscaping and screening standards in this Title.
 1. Along the perimeter of the manufactured home park, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
 2. Fences, walls, and/or vegetative screening along the perimeter of the manufactured home park shall be provided to protect park residents from undesirable views, lighting, noise, or other off-site influences, or to protect occupants of neighboring residential districts from potential adverse influences within the manufactured home park including, but not limited to, undesirable views, lighting, and/or noise.
 3. Off-street parking areas with five (5) or more parking spaces and service areas shall be screened from view of park residents.
- G. Manufactured Home Placement Standards:
 1. Carports, cabanas, awnings, and all other structures, whether herein defined or not, that are attached to the manufactured home shall be considered as a portion of the manufactured home. Such additions and structures shall conform to the requirements of the Elmore County Building Code as set forth in this Title.
 2. Trailer hitches shall not project beyond the manufactured home space.
 3. The minimum distance between a manufactured home (exclusive of trailer hitches) and:
 - a. Any other manufactured home shall be fifteen (15') feet.
 - b. Any structure shall be ten (10') feet.

- c. Any property line (excluding manufactured home space boundaries) shall be equal to or greater than the required setback for the base zone.
 - d. Any public street shall be equal to the required setback for the base zone.
 - e. Any common drive or walkway shall be five (5') feet.
4. Not more than sixty (60%) percent of a manufactured home space may be occupied by a manufactured home and any other accessory structures.
- H. Where a manufactured home abuts any district without a manufactured home designation that does not have an intervening street, alley, or other permanent open space a minimum of twenty (20') feet in width, a yard of twenty (20') feet in minimum dimension shall be provided.
- 1. Where the neighboring district is residential, such yard may be used for open space but shall not contain carports, storage structures, or any other structures.
 - 2. Where the neighboring district is Agricultural, commercial, or industrial, such yard may be used for open space, group or individual parking, recreational facilities, carports, or storage structures.
- I. Along the perimeter of a manufactured home district, fences, walls, and/or vegetative screening shall be provided to screen off-street parking areas with more than five (5) spaces and service areas.
- J. Subdivision of property within a manufactured home park shall be approved by the Board, subject to the regulations of this Title.
- K. Manufactured home parks shall meet the standards listed in this Chapter.

Section 7-2-155: Marina, Boat Moorage:

There are no additional standards or requirements for this use.

Section 7-2-156: Mortuary:

A mortuary may be allowed as an accessory use to a cemetery when located within a fire district and where fire flow is available.

Section 7-2-157: Nursery, Retail:

- A. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty (50') feet of a property line. To reduce noise,

permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

- B. Outdoor storage areas for materials shall comply with this Chapter. The following nursery materials shall be exempt from this requirement:
 - 1. Growing plants in ground or in containers; and
 - 2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six (6') feet in height.
- C. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
- D. Additional standards for retail nursery within a residential district or adjoining a residential district:
 - 1. All proposed lighting shall comply with the provisions of this Title.
 - 2. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred (100') feet from any property line.
 - 3. No aerial spraying of the property shall be allowed.
- F. Retail nurseries in the rural residential and mixed-use district shall also comply with the following:
 - 1. The total amount of enclosed retail space shall not exceed five thousand (5,000') square feet. Greenhouses (as defined by this Title) shall not be considered retail space.
 - 2. The property shall have frontage to an arterial street.

Section 7-2-158: Nursery, Wholesale:

- A. Outdoor mechanical equipment (including, but not limited to, heaters and fans) shall not be located within fifty (50') feet of a property line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.
- B. Outdoor storage areas for materials shall comply with this Chapter. The following nursery materials shall be exempt from this requirement:
 - 1. Growing plants in ground or in containers; and

2. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six (6') feet in height.
- C. Any outdoor speaker system associated with the nursery shall comply with the noise regulations of this Title.
- D. The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
- E. Additional standards for wholesale nursery within a residential district or adjoining a residential district:
 1. All proposed lighting shall comply with the provisions of this Title.
 2. Any storage area for material in the process of being converted into compost shall be located a minimum of one hundred (100') feet from any property line.
 3. No aerial spraying of the property shall be allowed.

Section 7-2-159: Nursing Home or Facility:

- A. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho Department of Health and Welfare facility standards division.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents only.
- C. The use shall comply with the flood hazard overlay as set forth this Title.

Section 7-2-160: Office Building:

There are no additional standards or requirements for this use.

Section 7-2-161: Office, Temporary Construction:

Any offices or accessory structures shall be removed from the property within thirty (30) calendar days of completion of the construction project.

Section 7-2-162: Outdoor Storage Facility:

- A. Screening: Outdoor storage areas shall be screened according to the regulations of this Title. As required by this Title, outdoor storage of chemicals and/or fertilizers shall be prohibited.

- B. Prohibited Locations: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.
- C. Use of Site: Use of the site shall not constitute a "pit, mine, or quarry" or "contractor's yard" as herein defined in this Title.
- D. Prohibited Uses: The site shall not be used as a "junkyard", "automobile wrecking yard", or vehicle impound yard as herein defined in this Title.
- E. Compliance: The use shall comply with the flood hazard overlay as set forth in this Title.
- F. Additional Standards for Outdoor Storage as an Accessory Use: Accessory outdoor storage shall be allowed for approved uses subject to the following standards:
 - 1. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
 - 2. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
 - 3. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
 - 4. Outdoor storage for a multi-family development, recreational vehicle park, or manufactured home park, shall be only for recreational vehicles or personal recreation items of the tenants.

Section 7-2-163: Package and Letter Delivery/Shipping Service:

- A. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty (20') feet of a residential district unless a six (6') foot sound reduction wall is provided.
- B. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- C. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Outdoor storage areas shall comply with this Chapter.

Section 7-2-164: Personal, Business, or Professional Service:

There are no additional standards or requirements for this use.

Section 7-2-165: Park, Public:

There are no additional standards or requirements for this use.

Section 7-2-166: Parking Lot, Garage or Facility

There are no additional standards or requirements for this use.

Section 7-2-167: Petroleum Storage

Additional standards and requirements are found in section 7-2-113.

Section 7-2-168: Pistol Range

Additional standards and requirements are found in section 7-2-185.

Section 7-2-169: Pit, Mine, or Quarry:

All pits, quarry, or mine shall be reviewed as a conditional use.

A. General Use Standards:

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.
2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, quarry, or mine in an industrial or Agricultural district. See standards in this Chapter.
3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.
4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the standards of this Chapter. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.
5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water from the haul roads.
6. The pit, quarry, or mine shall comply with the regulations this Title, if applicable.

7. For any pit, mine, or quarry requiring an administrative or conditional use approval, the Director shall notify all property owners within one thousand (1,000') feet of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the Director.
8. In accordance with this Title, the storage and/or disposal of solid waste on the proposed site shall be prohibited.
9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.

B. General Design and Reclamation Standards:

1. The applicant shall provide documentation (from the appropriate agency) that the proposed pit, quarry, or mine operation and reclamation plan comply with federal and state regulations in regard to air and water quality and site reclamation.
2. For a pit, quarry, or mine where the excavation area results in a pond, the following standards shall apply:
 - a. The extraction areas shall be designed to create a meandering edge.
 - b. The applicant shall provide written documentation from Idaho Fish and Game that the proposed pond is designed to create viable fish and/or wildlife habitat.
 - c. The applicant shall provide documentation from central district health department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
 - d. For the purposes of this Section, a "pond" shall be defined as any pit, quarry, or mine area where the rehabilitation plan results in an area that contains water to within six (6') feet of the surface year-round.
3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet the requirements of "Minimum Plant Size Standards", of this Title.
4. The applicant or owner shall comply with all requirements of "Best Management Practices for Mining in Idaho" published by the Idaho Department of Lands.

C. Standards for Temporary Use Approval:

1. The property has not received previous approval for a pit, quarry, or mine as a temporary use.
2. The maximum area of the extraction site shall be six (6) acres.
3. The proposed extraction activities shall be completed within five (5) years.
4. The pit, quarry, or mine shall meet the standards in Subsections 7-2-157 (A) and (B) of this Section.
5. Stockpiles shall be a maximum of fifteen (15') feet in height.
6. All extraction and hauling activities shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.
7. Haul roads shall not pass through existing residential neighborhoods. For the purpose of this Subsection C, the term "residential neighborhood" shall be any residential subdivision development at a density of one or more units per acre. This standard shall not apply to a pit, quarry, or mine that is located in rural residential and mixed-use base zone.

D. Additional standards for a pit, quarry, or mine located in a rural residential and mixed-use base zone:

1. The maximum extraction area shall be limited to the equivalent of the maximum allowed coverage of this Title.
2. Stockpiles shall be a maximum of six (6') feet in height.
3. No rock crushing shall be done on site.
4. The proposed extraction activities shall be completed within one year.

E. Standards for Conditional Use Approval:

1. The pit, quarry, or mine shall meet the standards in Subsections 7-2-156 (A) and (B) of this Section.
2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.

3. Rock crushing may be allowed as an accessory use.
4. The applicant shall show the extraction and reclamation-phasing plan on the master site plan.
5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended, whichever occurs first.
6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than five (5) years, the Commission shall review the status of the pit, quarry, or mine after two-point five (2.5) years and consider amendments or additions to the approval.

Section 7-2-170: Portable Classroom:

Portable classrooms that are not indicated on an approved conditional use shall require administrative approval. If the proposed use cannot meet all of the following specific use standards, the use shall require conditional use approval:

- A. A school site shall be allowed a maximum of three (3) portable classrooms as an accessory use with administrative approval; no limit shall be enforced with conditional use approval.
- B. The portable classroom shall not be located in the front yard of the principal school structure.
- C. The portable classroom shall not be located in any required yard.
- D. The placement of the portable classroom shall not reduce the number of required off street parking spaces.
- E. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-171: Printing, Blueprinting or Copy:

There are no additional standards or requirements for this use.

Section 7-2-172: Printing, Off-Set, Press, or Similar:

There are no additional standards or requirements for this use.

Section 7-2-173: Processing Plants for Agricultural or Dairy Products:

- A. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district or approved hospital use.
- B. The application materials shall include written documentation that the proposed facility meets any applicable Federal, State, or local standards regarding such use including, but not limited to, those of the Environmental Protection Agency, the U.S. Department of Agriculture, Central District Health Department, and Idaho Department of Water Resources.

Section 7-2-174: Public Address System, Outdoor:

Outdoor public-address systems or speakers for nonresidential uses shall only be allowed within the commercial and industrial districts, or as part of an approved master site plan, accessory use, or conditional use. The outdoor public-address system shall comply with the noise regulations of this Title.

Section 7-2-175: Public or Quasi-Public Use:

- A. Minimum Setbacks; Compatibility: All structures shall meet the minimum required setbacks for the applicable base zone, except within a residential district where there shall be a minimum setback of thirty-five (35') feet from any public street and twenty-five (25') feet from any other property line. Structures shall be designed and constructed to be compatible with the surrounding properties including, but not limited to, building materials and building mass.
- B. Public Recreation Facilities: The standards as set forth for amusement and recreation facilities shall apply for all public recreation facilities.
- C. Storm Drainage and Storm Detention Facilities: A storm drainage facility and/or storm detention facility that are an accessory use to a roadway on the same property shall be exempt. For the purposes of this standard, the contiguous parcel regulations of this Title shall not apply.
- D. Underground Utilities: Underground utilities within an easement or within a public street right of way shall not require additional approval.
- E. Power Distribution Facilities:
 - 1. Electric distribution lines shall be principal permitted uses.
 - 2. Electric sub transmission lines shall be principal permitted uses.

3. Electric transmission lines and substations shall require conditional use approval.
 4. All electric transmission, sub transmission, and distribution line rights of way shall be exempt from the landscaping regulations of this Ordinance.
 5. Electric substations and other utility structures shall be deemed outdoor storage areas and shall meet the standards in this Ordinance.
 6. Towers for the purpose of communicating from the substation to remote devices shall be deemed an accessory use to an approved substation, provided that the pole and antenna are no taller than the existing towers.
 7. All wire fences, metal structures, and metal objects shall be grounded as required by this Title.
- F. Correctional Facilities: Any privately owned correctional facility designed for residence by incarcerated individuals shall meet the following standards:
1. No structure or outdoor recreation area shall be located within one thousand (1,000') feet of a property line that abuts a residential district.
 2. No structure or outdoor recreation area shall be located within one thousand (1,000') feet of a public or private school, daycare center, or church.

Section 7-2-176: Public Storage:

There are no additional standards or requirements for this use.

Section 7-2-177: Public Agency Utility Yard or Shop:

There are no additional standards or requirements for this use.

Section 7-2-178: Racetrack, Animal or Vehicle:

- A. If the racetrack provides animal Boarding; such facilities shall be subject to the regulations of "Animal Boarding with outside Runs", of this Chapter. If the racetrack provides horse Boarding, such facilities shall be subject to the regulations in "Stable or Riding Arena, Commercial", of this Chapter.
- B. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000') feet from any residential district.

- C. Any outdoor speaker system associated with the racetrack shall comply with the noise regulations of this Ordinance.
- D. Lighted facilities shall maintain a three hundred (300') foot setback from any property line abutting a residential district and shall comply with the lighting standards set forth in this Ordinance. Setback requirements may be reduced at time of master site plan approval when conditions warrant a reduction. Possible conditions include, but are not limited to, building orientation, topography, distance to offsite improvements, and physical obstructions.
- E. Accessory retail uses including, but not limited to, retail shops and food or beverage service, may be allowed if designed to serve patrons of the facility only, and is approved by the Central District Health Department and the applicable fire authority.

Section 7-2-179: Railroad Switching Yard:

All structures shall be located a minimum of one hundred (100') feet from any residential district. No outdoor storage of material shall be permitted.

Section 7-2-180: Recreation Facilities (Outdoor):

There are no additional standards or requirements for this use.

Section 7-2-181: Recreational Vehicle Park:

- A. Use of Spaces: Spaces may be used by recreation vehicles, tents, or other shelter arrangements or devices.
- B. Accessory Uses: Accessory uses including, but not limited to, management headquarters, recreational facilities, caretaker dwelling, coin operated laundry facilities, toilets, and showers may be allowed, subject to the following restrictions:
 - 1. Such uses shall be restricted in their use to occupants of the park.
 - 2. The structures housing such uses shall not be located closer than one hundred (100') feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a drive within the park.
- C. Design Standards:

1. The park shall have direct access to a collector or arterial street. No entrance or exit shall be permitted which moves traffic from the park through a residential district.
2. Internal drives shall meet the drive standards required for a manufactured home park
3. The applicant shall indicate the specific location of each proposed space on the master site plan.
 - a. All recreational vehicle spaces shall have an all-weather surface and be drained to prevent standing water.
 - b. Spaces shall be a minimum size of one thousand five hundred (1,500') square feet.
 - c. Recreational vehicles shall not be located closer than ten (10') feet to any other recreational vehicle, structure, manufactured home, public street, or property line.
 - d. Recreational vehicle spaces shall not be located in any required off-street parking space or required yard.
4. Any outdoor speaker system associated with the recreational vehicle park shall comply with the noise regulations of this Title.
5. A dump station for discharging wastewater-holding tanks shall be provided unless each space is equipped with a sewer connection. Such discharge facilities shall be approved by the Central District Health Department.

Section 7-2-182: Recreational Vehicle Sales or Service:

- A. The use shall not constitute a junkyard.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.
- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.

- E. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in this Title.

Section 7-2-183: Recycling Collection Center, Small:

- A. Outdoor storage areas shall comply with this Chapter. No storage, excluding truck trailers, shall be visible above the required screening material.
- B. Except for after hour's donation containers, no unsorted material shall be stored outdoors.
- C. Any container provided for after hour's donation of recyclable materials shall be a minimum of fifty (50') feet from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- D. Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
- E. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-184: Recycling Plant or Processing Facility:

- A. Outdoor storage areas shall comply with this Chapter. No storage, excluding truck trailers, shall be visible above the required screening material.
- B. Except for after hour's donation containers, no unsorted material shall be stored outdoors.
- C. Any container provided for after hour's donation of recyclable materials shall be a minimum of fifty (50') feet from a residential district, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- D. Power driven processing (including, but not limited to, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
- E. All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

Section 7-2-185: Research and Development Facility:

There are no additional standards or requirements for this use.

Section 7-2-186: Residential Care Facility:

- A. The owner of the facility shall secure and maintain a license from the Idaho Department of Health and Welfare, facility standards division.
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve residents and/or staff only.
- C. The use shall comply with the flood hazard overlay as set forth in this Title.

Section 7-2-187: Restaurant or Eating Place:

- A. In a commercial district, no additional standards are required for this specific use except as provided in Subsection 7-2-174 (B).
- B. An eating-place within an industrial district completely enclosed within the structure housing the industrial use, and owned or operated by the industrial use shall be subject to the following regulations:
 - 1. The eating-place completely enclosed within the structure housing the industrial use, and owned or operated by the industrial use, shall not qualify as a "restaurant" as herein defined in this title.
 - 2. If located on the ground level, the gross square footage of the area devoted to the eating-place shall not exceed twenty-five percent (25%) of the gross floor area on the ground level.
 - 3. The eating-place shall be completely enclosed within the structure housing the industrial use.
 - 4. No sign advertising the eating-place shall be visible from a public right of way or private road.

Section 7-2-188: Retail, Big Box:

- A. Retail sales facility exceeding ten thousand (10,000') square feet in size or occupies more than twenty-five (25%) percent of the gross floor area of the approved use.

B. Big Box retail shall provide ten (10%) percent more off-street parking spaces and accessible parking spaced than required by this Title.

C. Big Box retail shall be located on an arterial street.

Section 7-2-189: Retail, Non-Big Box:

Accessory retail sales shall be allowed for an approved commercial or industrial use. The area devoted to retail sales shall not occupy more than twenty-five (25%) percent of the gross floor area of the approved use. Unless otherwise permitted in this Title or as a condition of approval.

Section 7-2-190: Roadside Produce Stand or Other:

A. The roadside produce stand shall be located on a "farm" or as herein defined in this Title.

B. The stand shall sell produce that is grown on the site or on neighboring properties.

C. Sales shall be conducted on a temporary or seasonal basis.

D. Access to the roadside produce stand shall be from a roadway and shall be approved by the applicable highway district.

E. Off street parking shall be provided as per this Title.

F. Roadside produce stands that do not meet these standards must apply for temporary use approval for a seasonal stand.

Section 7-2-191 Rodeo Arenas:

There are no additional standards or requirements for this use.

Section 7-2-192: Rooming/Boarding/Halfway House:

There are no additional standards or requirements for this use.

Section 7-2-193: Sanitary Landfill:

A. All structures shall be located a minimum of three hundred (300') feet from any property line. Active landfill disposal sites shall be located a minimum of one thousand (1,000') feet from any residential district.

B. The use shall comply with the flood hazard overlay as set forth in this Title.

- C. The decision-making body may specify definite time limits for daily operation and for termination of such use.
- D. The applicant shall comply with all applicable regulations pertaining to designation, licensing, and maintenance of restricted sanitary landfills and disposal sites as set forth in this Ordinance; Idaho Statute Title 31, Chapter 44; and Idaho Statute Title 39, Chapters 65, 70, and 74.

Section 7-2-194: Sawmill Or Planing Mill:

- A. The use shall be conducted within an enclosed structure.
- B. There shall be a one thousand (1,000') foot separation from the mill structure and any residential district.
- C. Outdoor storage areas shall comply with this Chapter and Ordinance.

Section 7-2-195: Service Station:

There are no additional standards or requirements for this use.

Section 7-2-196: School, Public or Private:

- A. The applicant shall provide written documentation that the facility meets the minimum site area guidelines as established by the Idaho State Department of Education.
- B. Locations for public school sites shall be determined in conformance with the applicable Comprehensive Plan. The following location criteria shall apply unless in conflict with the applicable Comprehensive Plan:
 - 1. Elementary schools shall take access off a local street.
 - 2. Middle schools, junior high schools, and senior high schools shall take access off a designated arterial or urban collector street.
 - 3. No elementary, middle, or junior high schools shall abut a commercial or industrial district.
 - 4. No school shall be located in a floodplain or adjacent to a hazardous land use.
- C. All structures shall meet a minimum setback of forty (40') feet from any public street and thirty (30') feet from any other property line.

- D. Accessory uses including, but not limited to, daycare centers, community services, social services, meeting facilities for clubs and organizations, and administrative offices for the individual school facility may be allowed.

Section 7-2-197: Shooting Range:

- A. Written Approval: The applicant or owner shall obtain written approval from the Federal Bureau of Alcohol, Tobacco, and Firearms.

- B. Outdoor Range:

1. The proposed use shall be within an agricultural district, but outside the Snake River Birds of Prey National Conservation Area or wildlife habitat area as depicted in the Comprehensive Plan.
2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.
3. The range shall be designed and located so no ammunition travels off site.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

- C. Indoor Range:

1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.
2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty-five (25%) percent of the gross floor area on the ground level.
3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid Federal Firearms License from the Bureau of Alcohol, Tobacco, And Firearms.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

- D. Alternative Development Proposal: The Director may approve, or recommend approval of, an alternative development proposal when the overall design, as

proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to public health, safety, and welfare.

Section 7-2-198: Slaughterhouse:

- A. The slaughterhouse facility shall be located in an agriculture, light industrial or heavy industrial zone.
- B. The slaughterhouse facility shall be in compliance with all environmental regulations, requirements and permits imposed by state or federal law or any regulatory agencies;
- C. The location of Animal Waste Management Systems, corrals, wells, and septic systems shall conform to all applicable rules, regulations and specifications as required by any regulatory agencies and this Ordinance.
- D. All buildings, feed storage areas, feed bunks or feed racks shall be setback a minimum of one hundred (100') feet from property lines and public rights of way.
- E. Lights shall be placed and shielded to direct the light source down and inside the property lines of the facility. All direct glare from the facility lights shall be contained within the facility area.
- F. No new slaughterhouse facility area shall be approved and/or located within a minimum of one and one quarter miles of a parcel of property in a residential zone or a platted, approved or developed subdivision or an unincorporated townsite.
- G. The animal waste management system shall not be located or operated closer than a minimum of one thousand three hundred twenty (1,320') feet from an existing residence belonging to someone other than the Applicant, or be located and/or operated closer than a minimum of one hundred (100') feet from property lines.
- H. No animal waste management system shall be located and/or operated closer than a minimum of five hundred (500') feet from a well.
- I. No animal waste management system shall be located closer than a minimum of three hundred (300') feet from a public right of way.
- J. No new slaughterhouse facility area shall be approved and/or located within a minimum of one and one-half (1 ½) miles of the Snake and/or Boise Rivers or within a floodplain as set out on the most recent Federal Emergency Management Agency Flood Insurance Rate Map for Elmore County.
- K. Live animal storage shall comply with all state of Idaho regulations and this title.

L. A slaughterhouse facility area shall not be located within any aquifer recharge area or Community Development Overlay as adopted and defined by the Comprehensive Plan Land Use Map or this Title.

Section 7-2-199: Soil or Water Remediation:

The following standards apply to establishments that import soil and/or water for remediation. The standards do not apply to in situ (existing or in place) remediation of soil and/or water.

- A. The minimum property size shall be forty (40) acres.
- B. The proposed use shall not be located in the Snake River birds of prey national conservation area or wildlife habitat area as depicted in the Comprehensive Plan.
- C. The applicant or owner shall obtain written approval from the state of Idaho Division of Environmental Quality. The approval shall make specific reference to the location, substance being treated, and method of treatment, monitoring methods, and the ability of the site to support the proposed use.
- D. The applicant or owner shall obtain written approval from Central District Health Department.
- E. The use shall comply with the flood hazard overlay as set forth in this Title.
- F. All structures shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand (1,000) feet from any residential district or approved hospital use.

Section 7-2-200: Stable/Riding Arena or School Commercial:

- A. Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:
 - 1. The riding arena is open to the general public, a homeowners' association or a club.
 - 2. The riding arena is for private use, but is enclosed within a structure that exceeds twenty-four (24') feet in height and/or the total area of the structure exceeds two thousand (2,000') square feet.
 - 3. The riding arena can be rented by an individual or group.
 - 4. Spectator seating for more than fifty (50) people is provided at the arena.

5. Retail sales accessory to the stable or riding arena are conducted on site.
6. Group lessons are provided to the general public for a fee.
- B. All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
- C. The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.
- D. Only off-site catering is permitted, and must be approved by the Central District Health Department.

Section 7-2-201: Storage Facility, Self-Service:

- A. Storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item from or at a self-service storage facility is specifically prohibited.
- B. The maximum size of individual storage areas shall be five hundred (500') square feet.
- C. The distance between structures shall be designed to allow a twelve (12') foot travel lane for emergency vehicles to pass while tenant's vehicles are parallel parked nine (9') foot width at the entrance to their storage areas.
- D. The perimeter of the storage facility shall be completely fenced, walled, or enclosed and screened from public view. Fencing materials shall complement the exterior building materials.
- E. No structure, facility, drive lane, parking area, nor loading area shall be located within twenty (20') feet of a residential district unless a six (6') foot sound reduction wall is provided.
- F. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- G. Storage of any hazardous materials as defined by Title 40 code of Federal Regulations part 261 or subsequent amendments thereto shall be prohibited.

Section 7-2-202: Subdivision, Commercial

Additional requirements and standards apply for this use. See Title 10, Chapter 1:

Subdivision Requirements and Regulations.

Section 7-2-203: Subdivision, Residential

Additional requirements and standards apply for this use. See Title 10, Chapter 1: Subdivision Requirements and Regulations.

Section 7-2-204: Subdivision, Industrial

Additional requirements and standards apply for this use. See Title 10, Chapter 1: Subdivision Requirements and Regulations.

Section 7-2-205: Swimming Pool, Private and Public:

All swimming pools shall be provided with a barrier, which meets the requirements of the Elmore County Building Code as set forth in this Ordinance.

Section 7-2-206: Temporary Living Quarters:

There are no additional standards or requirements for this use.

Section 7-2-207: Tower or Antenna Structure, Commercial:

A. Applicability:

1. The following regulations shall apply to tower structures and associated equipment for the purpose of commercial radio, television, telephone, paging, or satellite reception and/or transmission.
2. A facility that meets one of the following standards shall be reviewed as an accessory use. Any other facility shall be reviewed as a conditional use.
 - a. The proposed tower or antenna structure is located on an existing structure or on the ground and the proposed tower or antenna structure does not exceed thirty-five (35') feet in height.
 - b. The tower or antenna structure does not exceed thirty-five (35') feet in height, is accessory to a permitted or approved use, and the proposed facility meets all conditions of the previously approved use.

B. General Standards for Commercial Tower Structures and Associated Equipment:

1. **Radio Frequency Emissions:** The facility shall comply with FCC standards regarding radio frequency (RF) emissions.

2. **Approval Required:** The facility shall have approval from the Federal Aviation Administration and the chief of the Idaho Bureau of Aeronautics prior to operation.
3. **Additional Approval:** The facility shall have approval from the Mountain Home or Glenn's Ferry airport authorities prior to operation. The approval shall include specific reference to the site location, height of the facility, lighting, and issuance of an aviation easement.
4. **Permits Required:** The applicant or owner shall be required to obtain all necessary permits, as may be required under Federal, State or local statutes, regulations, or Titles including, but not limited to, building permits. The applicant shall provide verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - a. Federal Aviation Administration.
 - b. Idaho Transportation Department (Bureau of Aeronautics).
 - c. The US Department of Defense.
5. **Maintenance of Facility:** The facility shall be maintained in compliance with all Federal, State, and local regulations and the construction standards set forth in this Section.
6. **Public Nuisance Prohibited:** The owners of the facility shall have a continuous obligation to ensure the maintenance and upkeep and to prevent the creation of a public nuisance.
7. **Outdoor Storage Areas:** The proposed facility shall meet the standards for outdoor storage areas in this Chapter.
8. **Conditional Use Approval:** For any facility requiring conditional use approval, the Director shall notify all property owners within a minimum of one thousand (1,000') feet of any property boundary (or lease boundary lines, if applicable) of the proposed site.
9. **Removal:** The tower and associated facilities shall be removed within sixty (60) calendar days of cessation of use.
10. **Tower Construction, Setback, and Fall Zone Standards:**
 - a. The tower shall be constructed to the Telecommunications Industry Association/Electronic Industries Association (TIA/EIA) 222 Revision F,

"Structural Standards for Steel Antenna Supporting Structures", or as hereinafter may be amended.

- b. Within the Mountain Home or Glenn's Ferry airport influence areas overlay district, the height limit on the tower or antenna structure shall be as required by the Code of Federal Regulations 14 CFR 77.
 - c. Towers over twenty (20') feet in height must be designed to allow for future arrangements of antennas upon the tower. Such towers must also be designed to accept antennas mounted at varying heights.
 - d. If the tower does not exceed the height limitations of the applicable base zone, the tower shall meet the setback requirements of the district. If the tower exceeds the height limitation of the applicable base zone, the tower shall meet the setback requirements of the district or it shall be set back one (1') foot for every ten (10') feet of total tower height from all property lines, whichever is greater.
 - e. In addition to the setback requirement noted in the preceding paragraph, a fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one (1') foot for every ten (10') feet of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.
 - f. Towers shall be architecturally and visually compatible with the existing structures, vegetation, and/or uses in the area or likely to exist in the area under the terms of the applicable base zone and/or Comprehensive Plan. The decision-making body shall consider, but shall not be limited to, the following factors: similar height, color, bulk, and/or shape, or camouflage techniques to disguise the facility. This shall not preclude towers requiring FAA painting and/or marking from meeting those standards.
- C. Application Requirements: The application materials shall include the following written documentation:

1. Suitability Analysis of The Proposed Site: The analysis shall include, but is not limited to, the following:
 - a. Description of the surrounding area within one mile of the subject site including topography;
 - b. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be placed at the chosen location.
 2. Signed Lease Agreement: If applicable, relevant portions of a signed lease agreement that requires the applicant to remove the tower and/or associated facilities upon cessation of use.
- D. Additional Application Requirements for Facilities That Require a Conditional Use Approval:
1. Engineering data showing that the tower is designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of one additional user if the tower is over twenty (20') feet in height. If the tower is over one hundred ten (110') feet in height, it shall be designed structurally, electrically, and in all other respects to accommodate both the applicant's equipment and comparable equipment for a minimum of two (2) additional users.
 2. A report from a qualified and licensed professional engineer that describes the facility height and design (including a cross Section and elevation); documents the height above grade for the recommended mounting position for co-located antennas and the minimum separation distances between antennas; describes the facility's capacity; and any other information necessary to evaluate the request. The report must include the engineer's stamp and registration number.
 3. A letter of intent committing the facility owner and successors to allow the shared use of the facility, as required by this Title, if additional users agree in writing to meet reasonable terms and conditions for shared use.
 4. Written analysis demonstrating that the facility cannot be accommodated on an existing or approved tower within:
 - a. A two (2) mile radius for towers with a height over one hundred ten (110') feet; or
 - b. A one (1) mile radius for towers with a height over eighty (80') feet but not more than one hundred ten (110') feet; or

- c. A one-half (1/2) mile radius for towers with a height over fifty (50') feet, but not more than eighty (80') feet; or
 - d. A one-fourth (1/4) mile radius for towers with a height of fifty (50') feet or less.
5. It shall be the burden of the applicant to demonstrate that the proposed facility cannot be accommodated on an approved tower or structure within the required search radius due to one or more of the following reasons:
- a. Unwillingness of a property owner, or tower or facility owner to entertain shared use.
 - b. The planned equipment would exceed the structural capacity of the existing tower or structure, as documented by a qualified and licensed professional engineer, and the existing tower or facility structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - c. The planned equipment would cause radio interference with material impacting the usability of other existing or planned equipment at the tower or structure, and the interference cannot be prevented at a reasonable cost as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - d. Existing or approved towers or other structures within the search radius cannot accommodate the planned equipment at a height necessary to be commercially functional as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
 - e. The proposed co-location with an existing tower or structure would be in violation of a local, state, or federal law.
 - f. Any other unforeseen reasons that make it unfeasible to co-locate upon an existing or approved tower or structure as documented by a qualified and licensed professional engineer or other professional qualified to provide necessary documentation.
6. Towers and structures that seek to exceed the building height restrictions from Table 7-2-27 (A) must be compatible with the flight operations of Mountain Home AFB and the City of Mountain Home and Glenns Ferry public airport operations. The proposed plans should be coordinated and approved by local, state federal and military aviation officials.

Section 7-2-208: Tower or Antenna Structure, Private:

- A. Applicability: The following regulations shall apply to tower structures for the purpose of private radio, television, or satellite reception and antennas for amateur radio. Towers shall not be subject to the accessory structures regulations of this Chapter.
- B. General Standards:
1. The tower or antenna structure is only for private, not commercial, use.
 2. The tower or antenna structure is accessory to a permitted or approved use.
 3. If the tower structure is less than six (6') feet in height and/or does not exceed the height limit for the applicable base zone, it shall not require administrative approval.
 4. Any tower over six (6') feet in height shall not be located in the front yard or in any required yard.
 5. The applicant shall provide verification of compliance with the regulations and requirements of the following agencies, as applicable:
 - a. Federal Aviation Administration.
 - b. Idaho Transportation Department (Bureau of Aeronautics).
 - c. The US Department of Defense.
 6. An amateur radio tower for a licensed amateur radio operator that exceeds the height limit for structures in the applicable base zone shall require accessory use approval by the Director. The applicant must be a licensed amateur radio operator. Any other tower that exceeds the height limit for structures in the applicable base zone shall require conditional use approval.
- C. Tower Construction Standards:
1. Within the Mountain Home or Glenn's Ferry airport influence areas overlay district, the height limit on the tower shall be as required by the Code of Federal Regulations 14 CFR 77.
 2. If the tower does not exceed the height limitations of the applicable base zone, the tower shall meet the setback requirements of the district.

3. If the tower exceeds the height limitation of the applicable base zone, the following standards shall apply:
 - a. The tower shall meet the setback requirements of the district or it shall be set back one (1') foot for every ten (10') feet of total tower height from all property lines, whichever is greater.
 - b. The applicant shall submit a report from a qualified and licensed professional engineer and be installed in accordance with the manufacturer's specification's that describes the facility height and design (including a cross section and elevation). The report must include the engineer's stamp and registration number.
 - c. The applicant shall provide a copy of the notice of construction filed with the Federal Aviation Administration (FAA).
 - d. A fall zone for each tower shall be delineated and permanently restricted from future development, as follows:
 - (1) The fall zone shall consist of the land area centered beneath the tower and circumscribed by a circle with a radius equal to a length of one (1') foot for every ten (10') feet of tower height.
 - (2) If the fall zone does not lie completely within the subject property, the applicant must obtain a non-revocable easement from all owners of property within the fall zone that prohibits the construction or placement of new structures within the fall zone, except as may be specifically permitted through the conditional use process. If an easement is utilized, a copy of the fully executed easement agreement shall be submitted as part of the application.
4. Towers not requiring FAA painting and/or marking shall have either a galvanized finish or shall be painted a non-contrasting blue, gray, or black finish or an alternative color or finish materials may be approved by the Director.

Section 7-2-209: Tower Collocation:

A. Requirements:

1. Signed collocation agreement with tower owner.
2. Signed lease agreement with property owner.
3. Access to the site must be provided.

4. Improvements shall not interfere with existing tower or communication facilities.
5. Improvements must be approved by the Elmore County Building Official to verify structural safety of the tower.

Section 7-2-210: Transit Facility:

The master site plan shall designate sufficient areas to accommodate the maximum number of buses, vans, or other transit vehicles anticipated at any one time. No queuing areas shall be located within the required yards.

Section 7-2-211: Trap or Skeet Club:

A. Written Approval: The applicant or owner shall obtain written approval from the Federal Bureau of Alcohol, Tobacco, and Firearms.

B. Outdoor Range:

1. The proposed use shall be within an agricultural district, but outside the Snake River Birds of Prey National Conservation Area or wildlife habitat area as depicted in the Comprehensive Plan.
2. The master site plan shall designate the layout of the range including, but not limited to, shooting platforms, targets, target backstops, and berms.
3. The range shall be designed and located so no ammunition travels off site.
4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges in "The NRA Range Source Book" published by the National Rifle Association.

C. Indoor Range:

1. All related activities shall be housed totally within an enclosed structure and designed with full consideration for safety and noise factors involved in the type of use.
2. If located on the ground level, accessory uses such as gun sales, gun repair, and training courses may be allowed when such uses take up no more than twenty-five (25%) percent of the gross floor area on the ground level.
3. If gun sales or gun repair are conducted within the facility, the owner of the indoor shooting range shall secure and maintain a valid Federal Firearms License from the Bureau of Alcohol, Tobacco, And Firearms.

4. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges in "The NRA Range Source Book" published by the National Rifle Association.
- D. Alternative Development Proposal: The Director may approve, or recommend approval of, an alternative development proposal when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to public health, safety, and welfare.

Section 7-2-212: Truck and Tractor Repair:

There are no additional standards or requirements for this use.

Section 7-2-213: Truck and Tractor Stop or Wash:

- A. The use shall be located on a principal arterial that is within one thousand three hundred twenty (1,320') feet of an interstate interchange.
- B. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- C. Installation of underground fuel tanks shall require written approval from the Idaho Division of Environmental Quality, Idaho Department of Water resources, and the appropriate fire authority.
- D. If the truck stop has been designated a safe haven facility by the Board for trucks transporting hazardous materials, accessory-sleeping quarters may be allowed.
- E. Other accessory uses including, but not limited to, office, restaurant, and convenience retail, may be allowed if such facilities are completely within the truck stop facility

Section 7-2-214: Vehicle Impound Yard:

- A. Screening:
 1. Outdoor storage and outdoor activity areas shall comply with this Chapter. The fence or wall and screening materials shall be a minimum of ten (10') feet in height.
 2. No portion of the vehicle impound yard outdoor storage areas and/or outdoor activity areas may be visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.

3. All materials or parts shall be stored and located within the fenced or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

B. Site Related Standards:

1. All structures or outdoor activity areas shall be located a minimum of three hundred (300') feet from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential district.
2. No person shall establish, operate, or maintain a vehicle impound yard, any portion of which is within one thousand (1,000') feet of the nearest edge of the right of way and visible from any "highway", "interstate", "principal arterial", or "minor arterial" as herein defined.
3. The use shall comply with the flood hazard overlay as set forth this Title.

Section 7-2-215: Vehicle Repair and Service Shops:

- A. The use shall not constitute a "junkyard" as herein defined in this Title.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.
- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
- E. Compliance with all applicable regulations regarding chemicals, solvents, and the transfer and disposal of such.

Section 7-2-216: Vehicle Sales, Service, Storage, Rental:

- A. The use shall not constitute a junkyard.
- B. All repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.
- C. Outdoor storage of accessories, replacement parts, or discarded parts shall comply with this Chapter.

- D. Inoperable or dismantled motor vehicles shall be stored behind a sight obscuring fence, wall, or screen or within an enclosed structure and shall not be visible from any street or private road.
- E. Automotive sales and rental areas shall be subject to the landscape and screening requirement of parking areas in this Title.

Section 7-2-217: Vehicle, Hobby:

It is the intent of this regulation to allow for restoration, maintenance, and/or preservation of motor vehicles as a hobby. The following standards shall apply:

- A. There shall be no wholesale or retail sale of automotive parts or supplies.
- B. There shall be no commercial restoration, repair, or maintenance of motor vehicles.
- C. The site for an automotive hobby shall be maintained in an orderly manner so as not to create a public nuisance.
- D. Not more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from any street or private road. All other inoperable, dismantled, or unregistered motor vehicles shall be stored:
 - 1. In the rear or side yard behind a sight obscuring fence, wall, or screen that is not less than six (6') feet in height; or
 - 2. Within a completely enclosed structure.

Section 7-2-218: Veterinary Hospital or Research Facility:

There are no additional standards or requirements for this use.

Section 7-2-219: Waste Disposal Facility:

There are no additional standards or requirements for this use.

Section 7-2-220: Waste Transfer Facilities:

There are no additional standards or requirements for this use.

Section 7-2-221: Winery:

- A. A winery and/or a wine tasting room may be allowed as accessory uses for an agricultural property engaged in growing or cultivating grapes or other fruits from

which wine is made. Wine tasting rooms shall not be allowed in an industrial base zone.

- B. The facility shall comply with all Idaho Statute regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- C. Retail sales are limited to wine and related nonfood items when the use is located within an Agricultural district.
- D. A restaurant associated with a winery operation may be permitted as a conditional use in the Agricultural base zones, subject to the following standards:
 - 1. Notwithstanding other provisions of this Title, signs for a restaurant approved as a conditional use shall be regulated through conditions of approval.
 - 2. The restaurant shall be located on the same property as the winery.

Section 7-2-222: Wireless Communication Facility:

There are no additional standards or requirements for this use.

Section 7-2-223: Wrecking Yard:

There are no additional standards or requirements for this use.

Section 7-2-224: Zoo or Zoo Type Animals:

There are no additional standards or requirements for this use.