

ORDINANCE NO. 94-2

AN ORDINANCE WHICH IMPLEMENTS ZONING WITHIN THE COUNTY OF ELMORE, IDAHO, WHICH ESTABLISHES SEVEN (7) ZONING DISTRICTS AND SETS FORTH REGULATIONS FOR EACH DISTRICT WHICH INCLUDES THE FOLLOWING: TITLE, INTERPRETATION AND ENACTMENT; DEFINITIONS; ADMINISTRATION; ESTABLISHMENT, PURPOSE, AND SCHEDULE OF DISTRICTS; PROVISIONS FOR OFFICIAL ZONING MAP; DISTRICT REGULATIONS; COMMUNITY DEVELOPMENT OVERLAY AND AREA OF CRITICAL CONCERN DISTRICTS; GENERAL DEVELOPMENT STANDARDS; AIRPORT ZONING AND DEVELOPMENT STANDARDS; ACCESSORY PROVISIONS; RESIDENTIAL HOUSING STANDARDS; LIVESTOCK CONFINEMENT OPERATIONS; CONDITIONAL USE PERMITS; PLANNED UNIT DEVELOPMENTS; FLOODPLAIN DEVELOPMENT; NON-CONFORMING USES; SIGNS; OFF-STREET PARKING AND LOADING FACILITIES; APPEALS, VARIANCES, AND ACTION BY AFFECTED PERSONS; ENFORCEMENT; AMENDMENT; SCHEDULE OF FEES, CHARGES, AND EXPENSES; INCORPORATING THE ELMORE COUNTY SUBDIVISION ORDINANCE NO. 73-12 WHICH INCLUDES PROVISIONS FOR THE FOLLOWING: GENERAL PROVISIONS; PROCEDURES FOR SUBDIVISION APPROVAL; DESIGN STANDARDS; IMPROVEMENT STANDARDS; SPECIAL DEVELOPMENT SUBDIVISIONS; VACATIONS; VARIANCES; ENFORCEMENT AND PENALTIES; AND AMENDMENT PROCEDURES; PROVIDING COPIES OF THE ZONING AND DEVELOPMENT ORDINANCE AT THE COURTHOUSE AND THE PLANNING AND ZONING COMMISSION OFFICE; PROVIDING FOR CHARGE FOR COPIES OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 67, Chapter 65, Idaho Code The Local Planning Act of 1975, requires that Elmore County, Idaho adopt a zoning ordinance which shall be known as the Elmore County Zoning and Development Ordinance, and which includes the Elmore County Subdivision Ordinance, and where necessary, makes amendments thereto;

WHEREAS, the Elmore County Board of County Commissioners have concluded that it is in the best interest of said County to accept and enact the zoning and development plan and that it be effective upon approval thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF ELMORE COUNTY, IDAHO:

ARTICLE 1

GENERAL PROVISIONS

SECTION 1. PURPOSE OF THE ORDINANCE. The purpose of this ordinance is to comply with Title 67, Chapter 65, Idaho Code, the Local Planning Act of 1975, which requires that Elmore County, Idaho, adopt a zoning ordinance that will be enforced throughout the unincorporated territory of the County of Elmore.

SECTION 2. TITLE. This ordinance, as presented in its entirety to the Board of County Commissioners by those person duly appointed to the Elmore County Planning and Zoning Commission by the Board, shall be cited as the "Elmore County Zoning and Development Ordinance".

SECTION 3. PROVISIONS OF THE ORDINANCE. That said Ordinance includes the zoning and development regulations for Elmore County, Idaho such as the following:

(1) Chapter 1 - Zoning Standards - which set forth the regulations for each district; and,

(2) Chapter 2 - Subdivision Development Standards - which provides for the orderly development and the subdividing of land within Elmore County.

SECTION 4. ADOPTION OF ORDINANCE. The Board of Commission for Elmore County, Idaho, shall, under Title 67-6511, IDAHO CODE, adopt the "Elmore County Zoning and Development Ordinance" which provides for the establishment of zoning districts and the general development standards for each district; which specifies and sets forth standards in areas where problems are

frequently encountered; which regulates height and density where applicable; and which provides for orderly growth and development of land in Elmore County.

SECTION 5. ADOPTION OF OFFICIAL ZONING MAP. The Board of County Commissioners shall adopt the "Official Zoning Maps for Elmore County" as a part of the Elmore County Zoning and Development Ordinance; which shows the boundaries for the separate zoning district; and which is available for review in the office of the Elmore County Planning and Zoning Commission.

SECTION 6. FEES AND CHARGES. The Board of County Commissioners shall charge a reasonable schedule of Fees to cover permits, subdivision plats, and such costs incurred in administering the Zoning and Development Ordinance. The Board shall also set a cost for copies of the Ordinance. Such Fees and Charges may be increased when deemed necessary by the Board. The full text of the Elmore County Zoning and Development Ordinance No. 94-1, is available at the offices of the Elmore County Clerk and at the Elmore County Planning and Zoning Commission during business hours nine o'clock a.m. (9:00 a.m.) and five o'clock p.m. (5:00 p.m.).

SECTION 7. LIMITATION ON RESPONSIBILITY. Neither the approval nor a permit granted shall constitute permission or authority, or be interpreted as a waiver, for violation of any statute, ordinance or regulations. Neither the County of Elmore nor its offices or employees shall assume liability through the


administration or enforcement of the Elmore County Zoning and Development Ordinance.

SECTION 8. SAVING CLAUSE. In the event any of the Articles, Sections, or Paragraphs, or combination thereof, are declared unconstitutional and unlawful, each Article, Section, Paragraph, or combination thereof, shall be declared independent of the other.

SECTION 9. EFFECTIVE DATE. This ordinance, in its entirety, shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED by the Elmore County Board of Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, on the 14th day of March, 1994.

M. A. "BUD" RIDDLE
CHAIRMAN OF THE BOARD OF COMMISSIONERS




JOHN W. SHRUM
COMMISSIONER



BARRY PETERSON
COMMISSIONER

ATTEST:



DOLORES ROBISON
CLERK OF THE BOARD OF
COUNTY COMMISSIONERS

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