Land Use and Building Department

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Supplemental Staff Report
Planning and Zoning Commission
PUBLIC HEARING STAFF REPORT

Hearing Dates: April 30, 2026, May 28, 2026, July 30, 2026, September 2, 2026
Continued Hearing Date: September 24, 2026
Supplemental Report Compiled: September 17, 2026

Agenda Item: Continuation of Public Hearing for Zoning Ordinance Amendment to include updated provisions necessary for implementing the updated Comprehensive Plan

Applicant: Elmore County, Idaho

Case Numbers: ZOA-2026-01

Associated Cases: CPA-2026-01

County Staff: James Roddin, Director
Mitra Mehta-Cooper, Consulting Planner
Michelle Barron, Consulting Planner

Zoning Designation: All

Parcel Number: Countywide

Property Size: Countywide

EXECUTIVE SUMMARY:

The Planning and Zoning Commission authorized the Land Use and Building Department ("Department") on February 12, 2026, to initiate a Zoning Ordinance Text and Map Amendment to ensure that the County is seamlessly able to start implementation of the newly adopted Envision Elmore County Comprehensive Plan (“Comprehensive Plan”).

- On April 30, 2026, the Planning and Zoning Commission ("Commission") conducted the first duly advertised public hearing to consider ZOA-2026-01. At the hearing, the

Commission heard a Staff presentation that outlined the proposed changes to the Zoning Ordinance to implement the updated Comprehensive Plan as well as updates to assist with clarity of the Zoning Ordinance. The hearing was continued to a date certain of May 28, 2026.

- On May 28, 2026, the Commission conducted the continued public hearing where the Commission clarified the scope of ZOA-2026-01 to be limited to the implementation of the Comprehensive Plan and separated the larger Zoning Ordinance update to a future date.

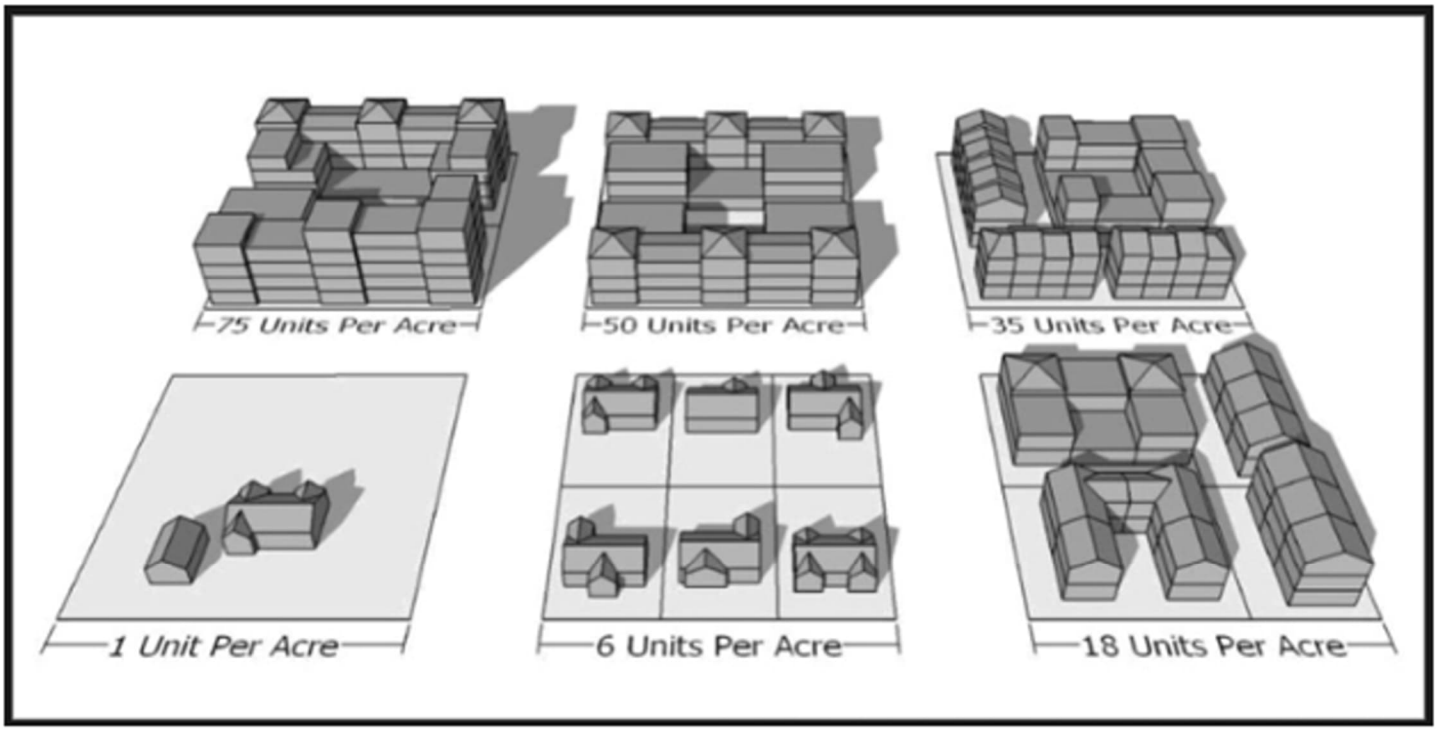
- After scoping ZOA-2026-01, a request for initiation of zoning ordinance amendment was brought to the Board of County Commissioners ("Board") on June 5, 2026. The Board approved the initiation of zoning ordinance amendment - ZOA-2026-01 with the proposed scope.

- The Commission public hearing was continued to a date certain of June 18, 2026 and July 30, 2026. The Commission conducted the continued public hearing where Staff reviewed the Zoning Ordinance in an interactive line-by-line consideration of proposed changes in regard to Chapter 1 of Title 7. The hearing was continued to a date certain of September 2, 2026.

- On August 11, 2026, the Department met with affected agencies to discuss the proposed update and requested their feedback for the proposal. Three agencies provided their feedback to Title 7 Chapter 1, which was provided to the Commission for the August 27, 2026 public workshop.

- The Commission conducted a public workshop August 27, 2026 to review the draft Title 7 Chapter 1 and started providing guidance on draft Title 7 Chapter 2.

- The Commission conducted a public hearing on September 2, 2026 to review changes to Chapter 1, Title 7 (Exhibit A) and continued discussion on Chapter 2, Title 7. The Commission had requested a visual representation of multi-family housing densities. Staff provided examples of various densities at the hearing, including the following for their consideration at the next hearing:



City of Hayward, California Official website

STAFF RECOMMENDATION:

The proposal will comply with the foregoing requirements of the Zoning Ordinance and Idaho Code for a Zoning Ordinance Text and Map Amendment subject to evidence being presented at the public hearing and Staff's analysis contained within the Staff Report. Staff recommends that the Commission continue review of the proposed changes (Exhibit B), accept public testimony, provide feedback, and continue the public hearing for ZOA-2026-01 to a date certain of the regularly scheduled meeting of the Commission on October 22, 2026 or a special meeting date.

Exhibit A

CHAPTER 1 – ZONING AND DEVELOPMENT ORDINANCE DEFINITIONS

Section 7-1-1: Definitions:

For the purpose of this Ordinance, certain terms or words herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual. The present tense includes the future tense, the singular number includes the plural, the plural number includes the singular, and the masculine includes the feminine. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement. The word "used" or "occupied" includes the words "intended", "designed", or "arranged" to be used or occupied; and the word "lot" includes the words "plot",

"parcel" and "tract".

Words not defined in this chapter shall be interpreted in accordance with their common usage as defined by dictionaries in common use.

Certain terms and words are hereby defined for the purpose of this Ordinance. When consistent with the context, the present tense includes the past or future tense, the singular includes the plural and the plural includes the singular. The following words and terms shall have the meanings ascribed to them as follows:

A

ABATE: To repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the Code Enforcement Staff shall determine is necessary in the interest of the general health, safety and welfare of the community.

ABANDONED: To cease or discontinue a use or activity for twelve (12) months without intent to resume.

ABUT OR ABUTTING: Having a common border with the subject property.

ACCESSORY STRUCTURE (appurtenant structure): A~~a~~ structure on the same lot or parcel as a principal structure, the use of which is incidental and subordinate to the principal structure, dwelling, or use.

ADDITION (TO AN EXISTING BUILDING): A~~a~~n extension or increase in the floor area or height of a building or structure.

ADULT ENTERTAINMENT: Any modeling, posing, exhibition, display, or exposure, of any type, whether through book, pictures, film, displays, live performance, dance, or modeling,

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that has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: a) any actual or simulated specified sexual activities, b) specified anatomical areas, c) the removal of ordinances of clothing, or d) appearing nude or seminude.

AFFECTED PERSON: A person or legal entity having an interest in real property, which may be affected by the issuance or denial of a permit authorizing development.

AGENCY: A public or independent quasi-public body entity at federal, state, or local level; corporate and political or public official of the county, , city, or other political subdivision; school district, municipal corporation, districts, including but not be limited to, irrigation districts, fire districts, highway districts, school districts, public health districts, transit authorities, etc.;political subdivision, or any agency thereof, and or any committee of a local agency, or any combination thereof, or any state agency.

AGRICULTURAL BUSINESS: An agricultural business shall be a commercial use incidental and accessory to the main agricultural purposes and activities occurring on the site and compatible with the surrounding agricultural lands. It shall occupy and use to the extent possible existing on site agricultural facilities, buildings and other structures. Such businesses shall be operated by the owner of the farm or ranch on which they are located. Such businesses shall meet the qualifications of the Idaho State Tax Commission to be taxed as a legitimate agricultural business. Such agricultural businesses shall include, and not be limited to, the following:

A. Storage and sales of seeds and other agricultural produce.
B. The care, raising, breeding and/or boarding of animals.
C. Storage, fabrication and sales of irrigation systems.
D. Production, processing, storage, and sales of grain and livestock feed.
E. Greenhouses and horticulture plants.
F. Nurseries.
G. Stables and riding schools.
H. Guest or dude ranches.
I. Processing of milk products.
J. Storage, mixing, blending, and sales of fertilizers.
K. Transportation services for hauling locally produced agricultural products.
L. Post and pole fabrication.
M. Production of poultry and poultry products.
M. N. Roadside Stands less than 5,000 square feet.

AGRICULTURAL EXEMPTION: Activities or developments that take place on, or are a

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normal part of a "farm or ranch", as herein defined, that are classified by the Elmore County assessor's office tax categories and the Idaho State Tax Commission as having a legitimate agricultural exemption. If such activities or developments are within a Special Flood Hazard Area as defined herein, it must meet the requirements of Title 8 Chapter 2.

AGRICULTURAL LAND, PRIME: Land that contains class I, II, or III agricultural soils as defined by the natural resources conservation service.

AGRICULTURE PRODUCTION: Activities or conditions conducted on land actively devoted to agriculture as defined in sections 67-9703(1), 63-604, Idaho Code, or on forest land as defined in section 63-1701, Idaho Code.

AGRICULTURAL PROTECTION AREA (APA): Specific parcels of land in a designated geographic area voluntarily created under the authority of Title 67, Chapter 97 of Idaho Code, and this Ordinance for the purpose of protecting and preserving agricultural land.

AGRICULTURAL PROTECTION AREA (APA) COMMISSION: The advisory board to the Board of County Commissioners for administration of APAs in Elmore County created pursuant to section 67-9705, Idaho Code and Title 6, Chapter 5 of this Ordinance.

AGRICULTURAL PROTECTION AREA (APA) APPLICANT: Anyone who owns five (5) contiguous acres or more of land that has been in active agricultural or forest production for the previous three (3) consecutive years, consistent with the provisions of sections 63-604 and 63-1701, Idaho Code, and who voluntarily applies for that land to be part of an agricultural protection area.

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AGRICULTURAL PROTECTION AREA (APA) RELATED HARDSHIP: A situation or circumstance over which a landowner in an APA has no control and can then petition for removal for reasons that include but are not limited to an adverse result in litigation against the farm or landowner, death of a close family member that would lead to unanticipated financial hardships, significant tax liabilities, bankruptcy due to another person's fraud, or any other illegal activity.

AGRICULTURAL RUNOFF WASTE WATER: Water diverted for irrigation but not applied to crops or runoff of irrigation tail water from the cropland as a result of irrigation.

AGRICULTURAL STRUCTURE: A structure on a "farm or ranch", as herein defined, used solely for storage of agricultural items, excluding any dwelling or any structure that shelters any personal items not directly needed for agricultural uses.

AGRICULTURAL USE: Activities or uses that take place on a "farm or ranch", as herein defined, that are classified by the Elmore County assessor's office tax categories. Seasonal produce stands located on farms for the purpose of selling crops grown on the farm shall be deemed an agricultural use for the purposes of this Oordinance. The raising and harvesting of crops; feeding, breeding, management of livestock; or any other

agricultural or horticultural use or any combination thereof. It includes ~~other~~ agricultural structures customarily provided in conjunction with the agriculture enterprise, unless specifically prohibited in this Ordinance. Also refers to the growing of timber or crops, including grazing, horticulture, floriculture and nurseries, fruit trees, berry bushes and the necessary accessory uses for processing, packing, treating or storing the produce. The operation of any such accessory use shall be secondary to that of normal crop or timber growing or animal growing.

AGRONOMIC RATE: The application of fertilizer or other crop supplements: a) at rates whereby the nutrients are fully taken up by the crop or stored in the soil, and b) in a manner that does not negatively impact the waters of the state.

AICUZ: Airforce Installation Compatible Use Zone in the vicinity of Mountain Home Air Force Base, which is further defined by Airbase Residential and Airbase Commercial Zones.

AIRCRAFT LANDING FIELD: A privately owned area of land that is used or intended for the landing and takeoff of aircraft, including the necessary accessory structures or facilities for storing and maintenance of aircraft.

AIRPORT, PUBLIC: A publicly owned area of land that is used or intended for the landing and takeoff of aircraft, including the necessary accessory structures or facilities for ~~storing~~ storage and maintenance of aircraft. The Mountain Home Air Force Base, City of Mountain Home Airport, and Glenns Ferry Airport are examples of public airports.

AIRPORT, PRIVATE: A privately owned area of land that is used or intended for the landing and takeoff of aircraft belonging to a specific owner or group of owners not normally open to the public, including the necessary accessory structures ~~of~~ or facilities for ~~storing~~ storage and maintenance of aircraft.

AIRPORT ELEVATION: The highest point of an airport's usable land area measured in feet above mean sea level.

AIRPORT HAZARD: Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the aircraft landing or taking off at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT INFLUENCE AREAS: The areas surrounding any airports that are affected by significant aircraft noise and safety hazards as defined by the Federal Aviation Administration or the Idaho Transportation Department.

AIRPORT VICINITY OVERLAY DISTRICT FOR PRIVATE AIRPORTS: For private non-instrument airports (such as Pine Field, Prairie Airport, Oasis Field, and the Atlanta Airport) shall be geometrically defined as:

A. A rectangle (the runway proper) whose width is five hundred (500') feet and whose

length (L) is the maximum planned or foreseeable length of the runway. Unpaved, non-instrument airstrips may allow for a lesser width, with a minimum of two hundred fifty (250') feet.

B. A primary safety zone, or that portion of the approach area to the runway measuring in length 2/3L, and a width flaring on both sides from five hundred (500') feet (immediately adjacent to the runway proper), at a rate of one lateral foot for every ten (10') feet in length.

C. A secondary safety zone on both extremities of the primary safety zone, measuring in length 1/3L, and flaring in width in the same manner. Where topographic features near an airport indicate, the alignment of these components may be altered slightly in accordance with topography. Where approaches and takeoffs are restricted to the same direction, the primary and secondary zones shall be defined accordingly, in the same direction alone.

AIRPORT VICINITY OVERLAY DISTRICT FOR PUBLIC AIRPORTS: For public airports (such as Mountain Home Airport and Glenns Ferry Airport) the setbacks and land use development standards shall be defined by the Idaho Department of Transportation and the Federal Aviation Administration.

ALLEY: A minor public or private way providing secondary access at the back or side of a property otherwise abutting a street.

AMATEUR RADIO ANTENNA: The supporting towers and antenna structure necessary for broadcast from a radio communication service for the purpose of self-training, intercommunication, and technical investigation carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without commercial interest.

AMENITY: Attractive, pleasant, or agreeable qualities associated with the design of a development or buildings and equipment.

AMERICANS WITH DISABILITIES ACT: The Americans with Disabilities Act part III (appendix A to part 36), as published in the federal register volume 56 no. 144 (and subsequent editions) and the Americans with Disabilities Act part II, as published in the federal register volume 56 no. 173.

AMUSEMENT OR RECREATION FACILITY: An establishment engaged in providing amusement, recreation, or entertainment. Indoor amusement or recreation facility shall include, but not be limited to, pool hall, billiard parlor, theater, health club, spa, fitness facility, nightclub, or skating rink. Outdoor amusement or recreation facility shall include, but not be limited to, amusement park, miniature golf, golf driving range (that is not an accessory to a golf course), drive-in theater, tennis court, football, soccer, rugby, or hockey field, ~~Skate~~ skate ~~Park~~park, or swimming pool.

ANIMAL CLINIC, ANIMAL HOSPITAL OR VETERINARY OFFICE: Any structure, or portion thereof, that is designed or used for the medical or surgical treatment of animals in which veterinary services, including b~~B~~oarding incidental to treatment, are limited to short term care.

ANIMAL FEEDING OPERATION (AFO): Also known as a medium Confined Animal Feeding Operation (CAFO). A "livestock confinement facility", as herein defined, with more than three hundred (300) animals, and where the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season as generally described in 40 CFR (code of federal regulations) 122.23(b)(1).

1. Two (2) or more abutting AFOs under common ownership shall be considered a single AFO. Two (2) or more AFOs that are operated as a single facility shall be considered a single AFO if it is determined by the Administrator that they significantly link operations including, but not limited to, shared storage or treatment systems or shared equipment.

~~ANIMAL HOSPITAL: A place used for the care, grooming, diagnosis, and treatment of sick or injured animals, and for the care of those who are in need of medical or surgical attention, including overnight accommodations for recuperation and observation purposes.~~

ANIMAL UNIT: A unit of measurement for livestock confinement facilities calculated by adding the following numbers: the combined weight of all dairy cattle divided by one thousand three hundred fifty (1,350); plus the combined weight of all other cattle divided by one thousand four hundred (1,400); plus the combined weight of all swine divided by six hundred (600); plus the combined weight of all sheep divided by one thousand two hundred fifty (1,250); plus the combined weight of all goats divided by one thousand (1,000); plus the combined weight of all horses divided by one thousand five hundred (1,500); plus the combined weight of all chickens divided by three hundred fifty (350); plus the combined weight of all turkeys divided by five hundred (500); plus the combined weight of all ducks divided by two hundred (200). Where an AU is not specifically defined in this ordinance for an animal, the Director shall determine an appropriate AU with advice from the Idaho Department of Agriculture.

ANIMAL WASTE: Animal excrement, feed wastes, process wastewater, or any other waste associated with the confinement of animals.

ANIMAL WASTE MANAGEMENT SYSTEM: Any structure or system that provides for the collection, treatment, and storage of animal waste.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any structure.

APARTMENT: A room or suite of rooms in an attached multiple-family structure which is arranged, designed, or used as a single housekeeping unit and has complete and

permanently installed kitchen and bathroom facilities.

APPEAL: A request for a rehearing or reconsideration or a request to a higher authority for a change of the decision on the application, usually because said application has been denied or approved with conditions by the Administrator, Commission, or Board.

The Ordinance sets forth the procedure~~,~~ which must be followed in the filing of an appeal. A time element is stated and the applicant must take actions within this period. An appeal must also be filed on the appropriate form(s) and with the associated fees~~,~~ which have~~s~~ been adopted pursuant to this Ordinance.

APPLICANT: Any person or persons making an application to Elmore County, for any action or provision authorized under this Ordinance.

APPLICATION: Any development or use proposal which is initiated by a person to the Director, Planning and Zoning Commission, and/or Board of County Commissioners for consideration which addresses any action or provision allowed under this Ordinance.

APPLICATION, ADMINISTRATIVE: A minor, Director-level review and decision~~request~~ processed by county planners without requiring a formal public hearing process. These routine approvals handle minor property adjustments that strictly meet existing zoning and comprehensive plan requirements and may have conditions for approval. The written decision of the Director provide an opportunity to surrounding property owners to appeal the decision by rendering tentative decision on the application prior to finalizing the decision.

APPLICATION, DISCRETIONARY: A request for a site-specific and use-specific land use review and decision made through noticed public hearings, where Planning and Zoning Commission exercise judgment to approve, deny, or attach conditions based on express standards of the Ordinance, rather than relying strictly on administrative procedures. The review and decision are based on the facts of the proposal, technical analyses, public testimony, and specific required findings of the Ordinance.

APPLICATION, QUASI-JUDICIAL: A request where changes to Zoning Ordinance map or regulations and/or Comprehensive Plan amendments are necessary prior to considering a site-specific and use-specific land use application on a property. The review and decision process requires a noticed public hearing before the Planning and Zoning Commission, which makes a recommendation to the Board of County Commissioners for final decision.

APPLICATION, AMENDMENT: Any change proposed to a discretionary or quasi-judicial approval that would modify the governing documents, (Findings of Fact, Conclusions of Law and Order, Zoning Ordinance Text and Zoning Map, or the Comprehensive Plan Future Land Use Designation) of the Application.

APPLICATION, REVISION: Any change proposed to an approved Application that would not modify any governing documents (Findings of Fact, Conclusions of Law and Order,

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Zoning Ordinance Text and Zoning Map, or the Comprehensive Plan Future Land Use Designation) of the Application, but make minor changes to supporting technical documents in the exhibits of record of the Application.

APPROVED USE: As used in this O~~o~~rdinance, shall include, but not be limited to: a principal permitted use with necessary approval, an approved conditional use, or an approved planned unit development. For the purposes of this O~~o~~rdinance, a previously approved special exception, grandfathered use, planned ~~development~~ community (excluding final plat), conditional use, ~~Letter of Information,~~ or lot split ~~plan~~ shall be deemed an approved use.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

A. One thousand two hundred fifty (1,250') feet for that end of a utility runway with only visual approaches; or

B. Two thousand (2,000') feet for that end of a utility runway with a non-precision instrument approach; or

C. Sixteen thousand (16,000') feet for precision instrument runways; or

D. The approach surface extends for a horizontal distance of; or

E. Five thousand (5,000') feet at a slope of twenty to one (20:1) for all utility and visual runways; or

F. Twenty-five thousand (25,000') feet at a slope of fifty to one (50:1) and then horizontal for another twenty-five thousand (25,000') feet for precision instrumental runway (military) for a total of fifty thousand (50,000') feet.

AQUIFER REMEDIATION RELATED WELLS: These wells shall include those used to prevent, control, or the remediation of aquifer pollution, including, but not limited to, superfund sites.

AREA OF CITY IMPACT (AOCI): Those unincorporated areas of Elmore County surrounding each incorporated city as identified on the Elmore County Land Use Map, in accord with Idaho Statute § 67-6526 and implemented in accordance with this Ordinance.

AREA OF CRITICAL CONCERN: The area designated by the Elmore County Board of

County Commissioners for special protection and special land use regulations. The area is shown on the zoning map for Elmore County.

AREA OF SHALLOW FLOODING: Aa designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: Ssee Special Flood Hazard Area (SFHA).

ARCHITECT: A licensed person who is qualified by reason of his knowledge of mathematics, the arts, the physical sciences and the principles of architecture acquired by professional education and experience, to engage in the practice of architecture as described in Idaho Statute.

ASPHALT OR CONCRETE BATCH PLANT: A facility which manufactures or produces cold and/or hot asphalt or concrete and which is operated by an individual, private companyentity, public agency including the United States Government, the State of Idaho, or any local political subdivision of the State of Idaho.

AUCTION ESTABLISHMENT: Premises on which merchandise is stored on a temporary basis to be sold through an on-site auction.

B

BANK, WATERWAY: The ordinary high-water level of the stream, river, lake or impoundment, which in the absence of evidence to the contrary shall be presumed to be the edge of the vegetation growing along the shore.

BAR, DRINKING ESTABLISHMENT: A structure used primarily for the sale or dispensing of liquor by the drink can, bottle or glass, but not including restaurants where the principal business is serving food.

BARRIER: A vertical element including, but not limited to, a fence, wall, structure, or a combination thereof, that completely surrounds an area and controls access to such area.

BASE FLOOD: Tthe flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): Aa determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard,

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establishes the Flood Protection Elevation.

BASE ZONING DISTRICT: The zoninge district classification of this Oordinance, in effect on any given property. See Zoning District.

BASEMENT: Any area of the building having its floor sub grade (below ground level) on all sides.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same property as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST ESTABLISHMENT: An owner-occupied dwelling, providing overnight accommodationsaccommodation and breakfast food and food services service for for compensation, with no more than five (5) bedrooms and ten (10) occupants, including the owner and owner's family.

BENCH, GEOLOGIC FEATURE: A level step created by the former flood deposits of a river.

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BEST MANAGEMENT PRACTICES: Practices as defined in Title 22, Chapter 49, Idaho Statute or other practices, techniques, or measures that are determined to be a cost-effective and practicable means of preventing or reducing pollutants from point or non-point sources to a level compatible with state environmental goals.

BIKE LANE OR BIKEWAY: A three (3') foot wide or wider hard surface lane or pathway for bikes.

BIKE RACK: Bicycle parking racks shall be defined has a single “inverted U” type bicycle parking rack that supports the bicycle at two points on the bicycle frame. One “inverted U” rack shall count as one (1) bicycle parking spaces.

BLANKETING, SIGN: The term "blanket" or "blanketing", when applied to signs or sign structures shall mean the partial or complete shutting off of the face of one sign by another sign.

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BLOCK: A group of lots, tracts or parcels within defined boundaries as defined by the Elmore County Engineer.

BOARD: The Board of Elmore County Commissioners of Elmore County, Idaho.

BOARDING HOUSE: An establishment with individual rooms where meals and lodging are provided for, with or without compensation, to more than two (2) but not more than ten (10) persons. A Boarding Hhouse shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity house, sorority house, or any group of individuals whose association is temporary or seasonal in nature. Hotels, Mmotels, Mmulti-family Ddevelopments, and Bbed and Bbreakfast Eestablishments, as herein defined, shall not

be considered Boarding Hhouses.

BREW PUB: An establishment, or portion thereof, that brews less than thirty thousand (30,000) barrels of beer annually and as defined by Idaho Statute § 23-1003. The establishment may include a restaurant, sale of alcoholic beverages by the drink or glass, and/or retail sale of the products of the brewery.

BREWERY: An establishment, or portion thereof, that brews thirty thousand (30,000) barrels of beer or more annually and as defined by Idaho Statute § 23-1003.

BUFFER or BUFFER STRIP: An area established to protect one type of land use from possible undesirable characteristics of another, such as between industrial and residential zones by utilizing screening methods such as, but not limited to, fencing and landscaping.

BUILDABLE AREA: A parcel of land or lot where the slope of the buildable site prior to grading does not exceed twenty-five (25%) percent and where building sites can be safely located (see definition of Buildable Site).

BUILDABLE SITE: A dwelling construction site which will not require diking or riprap for protection against flooding, nor increase the possibility of contamination of ground or surface water from septic tanks and drain fields, nor require that the proposed site be excavated so as to over-steepen a slope or toe of a slope greater than twenty-five (25%) percent.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, AGRICULTURAL: See Agricultural Structure definition in this Ordinance. ~~A structure designed and constructed to house farm implements for an agricultural business, hay, grain, poultry, livestock or horticultural products, but not for the purposes of human habitation or storage of personal items or shop not related to Agriculture. An Agricultural Building that contains one or more Agricultural Business, as herein defined, shall not be eligible of Agricultural Exemption, as herein defined.~~

BUILDING ENVELOPE: The area on a property exclusive of the required yards and un-buildable areas with slopes less than twenty-five (25%) percent and areas not within a designated floodway.

BUILDING FACE: The wall of a building fronting on a street, excluding any appurtenances, such as columns, pilasters, canopies, marquees, showcases or decorations, but including the parapet wall.

BUILDING HEIGHT: The vertical distance measured from the average contact ground

level at the front wall of a building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or the average height (mid-point) of the highest gable of a pitch or hip roof. Buildings located in the floodplain shall be measured from the flood elevation, where base flood elevations are available.

BUILDING INSPECTOR/OFFICIAL: An official of the County, appointed by the Board to inspect and certify compliance with building ordinances adopted by Elmore County.

BUILDING, NON-CONFORMING: Any building, which does not conform to the requirements of this Ordinance.

BUILDING, PRINCIPAL: A building~~ i~~, in which ~~is conducted~~ the main or principal use of the lot ~~, on which the building is located~~is conducted.

BUILDING SETBACK LINE: An imaginary line established by this Ordinance that requires all buildings to be set back a certain distance from lot lines.

BUILDING SITE: A proposed pad for construction of a habitable structure that is not subject to hazards such as wildfire, flooding, high ground water, subsidence, avalanche, landslide, and infringement on wildlife areas, contamination of water tables or other similar hazards.

BULK: A term used to describe the size and relationships of buildings and other structures, spaces, streets and parking, and overall land area.

BURIAL GROUNDS, FAMILY: A lot or portion thereof set aside for the burial of human remains of deceased family members of the owner or owners of the lot and not intended for subdivision or sale separate from the remainder of the lot or land parcel.

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CAFO: See Elmore County Confined Animal Feeding Operations (CAFO) Ordinance Title 7, Chapter 12.

~~CAFO: also referred to as "concentrated animal feeding operation" or "confined animal feeding operation," means a lot or facility where the following conditions are met:~~

~~A. Animals have been, are, or will be stabled or confined and fed or maintained for a total of ninety (90) consecutive days in any (12) twelve-month period; or~~

~~B. Crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility; or~~

~~C. The lot or facility is designed to confine or actually does confine as many as or more than the numbers of animals specified in any of the following categories; Large CAFO: seven hundred (700) mature dairy cows, whether milked or dry; one thousand (1,000)~~

~~veal calves; one thousand (1,000) beef cattle or heifers; two thousand five hundred (2,500) swine each weighing fifty-five (55) pounds or more; ten thousand (10,000) thousand (10,000) sheep or lambs, fifty-five thousand (55,000) turkeys, thirty thousand (30,000) ducks (other than liquid manure handling systems), five thousand (5,000) ducks (liquid manure handling systems), thirty thousand (30,000) chickens (liquid manure handling systems), one hundred twenty-five thousand (125,000) chickens except laying hens (other than liquid manure handling systems), eighty-two thousand (82,000) laying hens (other than liquid manure handling systems); Medium CAFO: (At the time of the adoption of this Ordinance), two hundred (200) mature dairy cows, whether milked or dry, three hundred (300) veal calves, three hundred (300) beef cattle or heifers, seven hundred fifty (750) swine (each fifty-five (55) lbs. or more), three thousand (3,000) sheep or lambs, three thousand (3,000) swine (each under fifty-five (55) lbs.), sixteen thousand five hundred (16,500) turkeys, the thousand (10,000) ducks (other than liquid manure handling systems), one thousand five hundred (1,500) ducks (liquid manure handling systems), nine thousand (9,000) chickens (liquid manure handling systems), thirty-seven thousand five hundred (37,500) chickens except laying hens (other than liquid manure handling systems), twenty-five thousand (25,000) laying hens (other than liquid manure handling systems). Two (2) or more concentrated feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.~~

~~CAFO, CLOSURE PLAN: A plan describing the procedures for final closure of a facility that ensures no adverse impacts to the environment and waters of the state and that includes:~~

~~A. The estimated length of operation of the facility; and~~

~~B. A description of the procedures, methods, and schedule to be implemented at the facility for final disposal, handling, management and/or treatment of all animal waste.~~

~~CAFO, ENVIRONMENTAL RISK: Means that risk to the environment deemed posed by a proposed CAFO site, as determined and categorized by the CAFO site advisory team and set forth in the site advisory team's suitability determination report.~~

~~CAFO, EXISTING OR GRAND FATHERED: A CAFO built and in operation and properly registered at the time of the effective date of this Ordinance.~~

~~CAFO, EXPANDING: An existing CAFO that: (1) Cumulatively increases its One-Time Animal Capacity by ten (10%) percent or one hundred fifty (150) animals whichever is less, or (2) An existing CAFO that increases the capacity of its Animal Waste Management System.~~

~~CAFO FACILITY AREA: A contiguous area or parcel of land or the use of a contiguous area or parcel of land, upon which are confined or fed livestock, fish or birds in enclosures or ponds and which does not sustain crops, vegetation, forage growth in the normal growing season or post-harvest residues. Land application sites are not considered to be part of the CAFO Facility Area. Areas or parcels of land are deemed contiguous when separated by county~~

roads. Areas or parcels of land also are deemed contiguous if they are not adjacent, but are owned or operated by a CAFO operator and a pipeline exists which is capable of conveying pProcess wWastewater to the non-adjacent land. CAFO Facility Area only pertains to the area containing CAFO Improvements.

CAFO, IMPROVEMENTS: Improvements to the CAFO real property including but not limited to, buildings, barns, feed stalls, feeding yards, corrals, feed containment structures or areas, the waste management system, and truck or motor vehicle parking areas. CAFO improvements do not include land application sites, or the piping or method of conveyance used to convey process wastewater to the land application area.

CAFO, MATERIAL CHANGE: An alteration in the CAFO that meets at least one of the following criteria:

A Change in the size and/or location of the animal waste management system; or

B Relocation of CAFO Improvements outside of the CAFO Facility Area for which they were approved; or

C Relocation of any CAFO improvement so that it no longer meets a setback required by this ordinance; or

D Change in type of animal housed; or

E Change to Dead Animal Storage Area; or

F Change or relocation of Feed Storage Area; or

G Cumulative increase of the permitted one (1)-time animal capacity by ten (10%) percent or one hundred fifty (150) animals, whichever is less.

CAFO, MINIMUM: The smallest quantity, number, or degree possible or permissible.

CAFO, NEW:

A CAFO commenced after the effective date of this ordinance, which contains upon it a CAFO Facility Area.

CAFO, NON-CONFORMING: Any grand fathered operation or operation that met the definition of a Livestock Confinement Operation under Ordinance 94-2, but is not registered at the time of the adoption of this ordinance, shall become a legal non- conforming CAFO if it has not been expanded or materially changed, and may not be expanded or materially improved except as otherwise provided in the zoning ordinance.

CAFO, NUTRIENT MANAGEMENT PLAN: A plan approved by the Director of the Idaho State Department of Agriculture or his/her designee for managing the amount, source, placement, form and timing of the Land Application of nutrients and soil amendments for plant production and to minimize potential for environmental degradation, particularly impairment of water quality. Third party recipients must be compliant with County Ordinances in regards to

~~setbacks, application, and removal of animal waste.~~

~~CAFO, ODOR MANAGEMENT PLAN: A site-specific plan approved by the responsible government agencies with regulatory authority to manage odor generated on a CAFO.~~

~~CAFO, ONE-TIME ANIMAL CAPACITY: The maximum number of animals that a CAFO Facility Area is capable of housing at any given point in time.~~

~~CAFO, OPERATION PERMIT: Permit required occupying a new CAFO facility area or the added portion of an expanded CAFO.~~

~~CAFO, PEST ABATEMENT PLAN: A site specific plan, if such plan is required by any regulatory agencies with authority over the proposed CAFO.~~

~~CAFO, PROCESS WASTEWATER: Any water on the CAFO Facility Area that comes into contact with any manure, litter, bedding, raw, intermediate, or final material or product used in or resulting from the production of animals and any products directly or indirectly used in the operation of a CAFO Facility Area, such as spillage from animal watering systems; washing, cleaning or flushing pens, barns, manure pits, or spray cooling of animals; and dust control and any precipitation which comes into contact with Animal Waste.~~

~~CAFO, REGISTRANT: Owner or operator of an Existing CAFO, who files a Registration Notice with the Office of the Director and provides the information required under this Ordinance.~~

~~CAFO, REGISTRATION NOTICE: The document and accompanying information that an Existing CAFO shall file with the Director in order to register the CAFO.~~

~~CAFO, SETBACKS: Setbacks are measured from the nearest edge of the CAFO improvements, not the property boundary.~~

~~CAFO, SUITABILITY DETERMINATION: Means that document created and submitted by the CAFO site advisory team after review and analysis of a proposed CAFO site that identifies the environmental risk categories related to a proposed CAFO site, describes the factors that contribute to the environmental risks and sets forth any possible mitigation of risk.~~

~~CAFO, SITING PERMIT: The Conditional Use Permit required for a person to operate a New or Expanding Facility.~~

~~CAFO, SITE ADVISORY TEAM: Team authorized by IDAHO STATUTE §§ 67-6529C and 67-6529G consisting of representatives of Idaho state agencies that review a site and information regarding a proposed CAFO and issues an opinion regarding environmental risks and that site's suitability for a CAFO. This team shall include a designee of Elmore County.~~

CAMPGROUND ~~/ RECREATIONAL VEHICLE PARK~~: A designated area within a public or private property that provides facilities and services for people to camp overnight for compensation, typically in tents, recreational vehicles, cabins, travel trailers, or motor homes ~~A facility where camper/recreational vehicles may stop or park for short periods of time. An area or tract of land that accommodates one or more temporary residential uses, including, but not limited to, cabins, tents, campers, travel trailers, motor homes, and/or~~

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~~recreational vehicles and~~ where sewer and water hook-ups can be ~~are~~ provided with stays lasting no more than 14 consecutive days.

CARPORT: A covered shelter for no more than three (3) automobiles open on two (2) or more sides.

CAR WASH: An establishment or area that provides facilities for washing and cleaning vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and that may employ some hand labor. The facility may include vacuums and drying areas as accessory uses.

CEMETERY: Land used or intended to be used for the burial of the human and animal remains, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

CERTIFICATION: Certification is the act whereby the Director verifies that an application is complete and complies with relevant ~~ordinance~~ requirements of the Ordinance.

CERTIFICATE OF OCCUPANCY: A certificate issued by the building inspector to indicate that, after construction of the building has been completed or a change of use or alteration of an existing building is completed, that the building is in compliance with the terms of this Ordinance and applicable building code.

CERTIFICATE OF OPERATIONS: A certificate issued by the Director that the specialized agricultural, commercial, or industrial use or facility has met environmental risk evaluations, acquired necessary water rights/permits, and conformed to the terms of its Conditional Use Permit and is in compliance with the terms of this Ordinance and applicable building code before operations begin.

CHEMICAL MANUFACTURING: A use that creates products by transforming organic and inorganic raw materials with chemical processes.

CHILD / DAY CARE FACILITY: Any home, structure, or place where non-medical care, protection, or supervision is regularly provided to children under fourteen (14) years of age for periods of less than twenty-four (24) hours per day while parents or guardians are not on the premises. There are three (3) types of childcare facilities:

A Family Child Care Home - A child care facility, which provides care for five (5) or fewer children throughout the day;

B Group Child Care Home - A child care facility which provides care for six (6) to twelve (12) children throughout the day; and

C Child Care Center - A childcare facility, which provides care for more than twelve (12) children throughout the day.

It should be noted that, in determining the type of childcare facility being operated, the total

number of children at the facility at any one time may be regulated.

CHILDREN'S TREATMENT FACILITY: An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation for more than eight (8) juveniles under eighteen (18) years old, and b) provides treatment for substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or juveniles who have been identified by the judicial system as requiring treatment, therapy, rehabilitation, or supervision. For purposes of this O~~o~~rdinance, this definition shall include group foster homes with more than thirteen (13) juveniles.

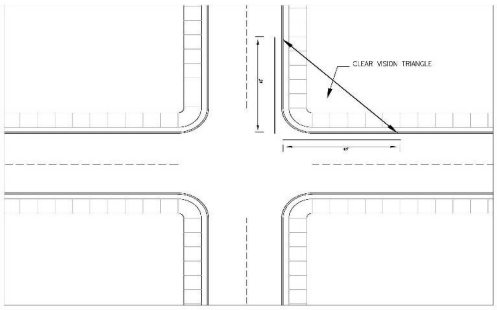
CHURCH: A building for public worship, and/~~-~~or a body or organization of religious believers. An establishment that by design and construction is primarily intended for the conducting of organized religious services, meetings, and associated activities.

CITY: An incorporated municipality.

CLEAR VISION TRIANGLE: An area at the intersection of two (2) streets that is clear of sight obstructions to motorists, defined as follows:

A. Clear Vision Triangle at Street Intersections or Street & Railroad Intersections: At a street intersection or street and railroad intersection shall be formed horizontally, by measuring forty (40') feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points, and vertically by measuring between three (3') feet and ten (10') feet above grade.

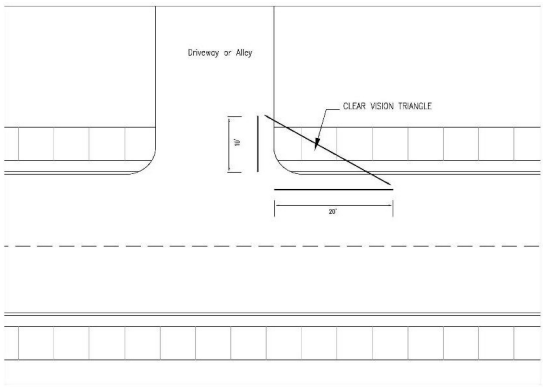
Clear Vision Triangle
At Street Intersections or Street & Railroad Intersections



B. Clear Vision Triangle at Driveway and Street Intersections: Where a driveway enters the street right-of-way a vision triangle shall be formed horizontally, by

measuring ten (10') feet into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and twenty (20') feet along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between three (3') feet and ten (10') feet above grade.

Clear Vision Triangle
At Driveways and Street Intersections



CLINIC (MEDICAL, DENTAL, OR OPTICAL): A building (other than a hospital) used by one or more health care practitioners for the purpose of care, diagnosis or treatment of sick, ailing, or injured patients, or those who are in need of medical and surgical attention, but where ~~Board~~board, room, or regular hospital care and services are not provided.

CLUB OR LODGE: A building or portion thereof on premises owned or operated by a non-profit organized association of persons for social, literary, political, educational, recreational, or similar purposes and primarily for the exclusive use of enrolled members and their guests, but not to include any organization, group, or association whose principal activity is to render a service usually and ordinarily carried on as a business.

CLUSTER DEVELOPMENT: A cluster development is a type of development where structures are clustered together and/or attached to preserve open space permanently in perpetuity.

COLD STORAGE PLANT: An insulated building, with its attendant refrigeration equipment, for storage of perishable commodities at low temperatures.

COLUMBARIUM: A structure, room, or other space in a building or structure containing niches for the permanent inurnment of cremated remains.

COMMENCE OR START OF CONSTRUCTION: Date building permit is issued or notice of Agriculture Construction is submitted to Elmore County. For sSite improvements wWhere no building permit or notice is required, the date construction activitieswork is actually begun. See Start of Construction definition in this Ordinance.

COMMERCIAL USE: The purchase, sale, or other transaction involving the handling or disposition of any ordinance, service, substance, or commodity for livelihood or profit, or the ownership or management of office buildings, offices, recreation or amusement enterprises, or the maintenance and use of offices by professionals and trades-people rendering services.

COMMISSION: The Planning and Zoning Commission of Elmore County, Idaho.

COMMITTEE OR SPECIAL COMMISSION: A group of citizens appointed by the Board or the Commission to implement the policies of the Comprehensive Plan or to assist with technical evaluation or special plans and to make recommendation to the Commission and/or Board.

COMMON DRIVEWAY: A shared access that serves two (2) separate single-family residential parcels or lots, each having public street frontage.

COMMON OPEN SPACE: Common open space is an area held in perpetuity for the use and benefit of the residents of a development or the general public and which is devoid of streets, parking areas or buildings not required for the use and enjoyment of the open space or intended for recreational or common community purposes.

COMMUNITY CONSERVATION DIRECTOR: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in the development or management of wildlife mitigation plans.

COMMUNITY SEWAGE DISPOSAL SYSTEM: A system that is where regulated by Idaho Department of Environmental Quality and Central District Health, and is a system that collects, treats, and disposes of sewage flows reaching 2,500 gallons or more per day from two or more buildings, homes, or dwellings under common management. These systems, including a common mass drain fields, serve multiple properties, often in suburban or rural areas, rather than individual septic systems. clustered homes are connected to a common waste disposal treatment system that shall be designed to accommodate connection to a municipal wastewater collection and treatment facility when reasonably available.

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COMMUNITY WELLHEAD: The upper terminal of a well, including adapters, ports, seals, valves and other attachments.

COMPOSTING FACILITY: A facility designed for the large-scale production of compost intended for sale and/or use on premises other than where such compost is produced. An indoor or outdoor facility that is regulated or subject to the regulations of state and/or federal agencies and where compost is collected, stored, processed, sorted, packaged, transferred, created, cultivated, or disposed of.

COMPREHENSIVE PLAN: The duly adopted comprehensive plan for Elmore County pursuant to the "local land use planning act", Idaho Statute § 67-6501 et seq., as amended.

CONDITIONAL USE: A use permitted only upon issuance of a C~~c~~onditional U~~u~~se P~~p~~ermit per this Ordinance.

CONDOMINIUM: An estate in real property as defined in Idaho Statute § 55-101B that is not a subdivision.

CONFINEMENT AREAS, ANIMAL: Any area or structure where livestock and/or poultry are stabled, confined, gathered, fed, maintained, and/or milked and where such areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season.

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CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of seven thousand (7,000') feet at Mountain Home Air Force Base and four thousand (4,000') feet at all other airports.

CONSERVATION EASEMENT: A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property in accord with Idaho Statute § 55- 2101 and this title.

CONTRACTOR: A person who agrees to furnish materials or perform services at a specified price, especially for construction. The term contractor shall include, but not be limited to, building, landscaping, electrical, plumbing, heating, or air conditioning contractors.

CONTRACTOR'S YARD: Any lot or parcel of land used for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition or similar

activity, and including any lot or parcel of land used for the incidental repair of machinery which is used in any of the above listed activities. Indoor or outdoor storage of building materials and equipment commonly used in the construction business.

CONVENIENCE SHOPPING CENTERS: A small, retail property with open-air parking with multiple storefronts (often called a strip mall) under 50,000 square feet in size that provides nearby residents with quick access to everyday goods and routine personal services like dry cleaning, coffee shops, bakery, or mini-marts. ~~A commercial development offering goods at retail and personal services to a limited area in population.~~

CONVENIENCE STORE: A store offering basic goods like food, drinks, snacks, other household items, including gasoline, for sale at retail. The offering for sale of services or goods pertaining to the repair or servicing of vehicles shall not be included within this definition of convenience store. See definition of Service Station.

COTTAGE INDUSTRIES: ~~See Home Occupation.~~ Cottage Industries are small-scale, home-based production activities where goods are made using traditional methods, simple tools, and family labor. They typically ~~serve~~provide small quantities of custom goods to local or niche markets and sell them on less than 30 continuous days of a year from the principal dwelling unit without causing increase in traffic or noise impacts to the surrounding property owners.

COUNTY: Elmore County, Idaho.

COUNTY ENGINEER: That licensed professional engineer appointed by the Board who is responsible for all engineering matters for Elmore County.

COUNTY RECORDER: The office of the County Recorder of Elmore County, Idaho.

COUNTY SURVEYOR: That licensed professional land surveyor appointed by the Board to check plats and monuments for compliance with platting and surveying laws, provide for surveying monument records, and make such surveys, descriptions, maps, and plats as ordered by the Board.

COVENANT: A written agreement, pledge or promise of two (2) or more parties by which any of the parties pledges themselves to others that something is done or will be done.

COVERAGE: The area of a property occupied by all structures.

CRITICAL FACILITIES: Ffacilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

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Commented [MM3]: I thought these were trash drop-off sites in rural areas where trash pick up do not come. Are they trying to define Convenience Shopping Centers?

CULVERT: A drain that channels water under a bridge, street, road, driveway or other impediment.

D

DAIRY FARM (Non CAFO): A dairy not defined in the Elmore County CAFO Ordinance. The principal function of a dairy is the production of milk and milk products and which may include the processing of said milk. A dairy farm further refers to a dairy barn or processing facility or feeding area where animals are kept, raised, or fed in a restricted area.

DANGEROUS OR PROTECTED ANIMAL: Any species for which the state or federal government has established specific regulations regarding such animal including, but not limited to, big cats, bears, raptors, large reptiles, and other wildlife. The term shall not include any species commonly recognized as domestic pets.

DATA CENTER: A data center is a specialized facility that houses an organization's critical computing resources and IT infrastructure. It is designed to store, process, manage, and disseminate data reliably and securely. A data center could be~~is~~ a large-scale facility, not to exceed 500,000 square feet in size, ~~different than a Big-Box Retail in their use~~ ~~o~~including, but not limited to use of ~~-~~networked computers, servers, storage systems, telecommunications equipment, and supporting components (such as power supplies, cooling systems, and security controls) used to deliver information technology services and data operations.

DATUM: T~~t~~he vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points was the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

DAYCARE FACILITY, ADULT: An establishment, or portion thereof, where more than twelve (12) individuals (adults or children fourteen (14) years of age or older) regularly receive care and supervision for a period less than fifteen (15) hours per day unaccompanied by the individual's guardian.

DAYCARE HOME, GROUP: An establishment, or portion thereof, or dwelling where more than six (6) but no greater than twelve (12) individuals (adults or children fourteen (14) years of age or older) regularly receive care and supervision for a period less than fifteen (15) hours per day unaccompanied by the individual's guardian.

DEAD ANIMAL: Carcasses, parts of carcasses, or tissues from dead animals, including domesticated livestock, sheep, goats, poultry, pets and commercial fish.

DECISION MAKING BODY: The Director, Commission, or Board, as set forth in this O~~o~~rdinance.

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DEDICATION: The conveyance of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land may become public property if and when the County accepts the land for dedication.

DENSITY: The ratio of the total number of dwelling units within a development divided by the total area. Should that number be a fraction, it shall be rounded to the nearest whole number.

DENSITY, NET: The ratio of the total number of dwelling units within a development divided by the area devoted to residential uses (excluding roadways, commercial and institutional uses, dedicated open space, and developed parks). Should that number be a fraction, it shall not be rounded to the nearest whole number.

~~DENSITY TRANSFER: A land planning procedure that allows clustering of land uses and densities on a certain portion of a land parcel while leaving the balance of the land parcel as permanent open space. The authorized gross density of the land parcel remains unchanged. For example, if a ten (10) acre land parcel is entitled to ten (10) dwelling units but there is a natural creek along the edge of the land parcel, the land owner could use a density transfer procedure to preserve the natural creek area and then cluster the 10 allowed dwelling units on the balance of the parcel; thereby preserving the natural creek area but optimizing the ten (10) dwelling unit development potential of the land parcel.~~

DEPARTMENT OF AERONAUTICS: The Department of Aeronautics of the State of Idaho as defined in Idaho Statute.

DESIGN STANDARDS, IMPOSED: Standards which may be applied to industrial, residential and commercial developments that place limits or standards on such things as density, setbacks, buffers, heights, utilities, hours of operations, signage, landscaping, noise, dust, glare, smoke, vibration, radioactivity, odors, and other items as deemed necessary by Elmore County Officials and agencies. Any proposed use, which cannot meet these standards, is not to be allowed, and once a use has been permitted, it must maintain its ability to meet the design standards or have its use and/or permit revoked.

DEVELOPED AREA: That portion of a development, which contains structures, roads, and site improvements. Common open space shall be deemed to be part of the developed area.

DEVELOPED PARK: Recreation systems preserved for future generations in a Subdivision, Planned Community, or Planned Unit Development, which enrich the quality of life for residents and visitors alike. Typical facilities include neighborhood parks, with multipurpose recreational opportunities, picnic areas, tot lot, multi-purpose courts, open turf areas and community parks with lighted sports multipurpose sports fields and recreation center buildings. These systems should include, where applicable, historic and/or natural interpretation elements to the greatest extent possible. Design of all facilities should take into account multiple potential uses and a variety of users.

DEVELOPER: Authorized agent of a subdivider or the subdivider himself/herself. Also the representative of the landowner or the landowner himself/herself desires to improve their land.

DEVELOPMENT: Aany man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DEVELOPMENT ACTIVITY: Aany activity defined as Development which will necessitate an approval per this Ordinance and/or a Floodplain Development Permit; such as: the construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials ors, the construction or elevation of dikes, berms and levees, etc.

DEVELOPMENT AGREEMENT: A written agreement between the Board and an owner or applicant concerning the use or development of a property as a condition of a Zzoning Oordinance Mmap amendment drafted in accord with Idaho Statute § 67-6511A or as allowed by this Ordinance to mitigate for social, environmental and or fiscal impacts of the use or development to the Countydrafted in accord with Idaho Statute § 67-6511A and/or this title as applicable as determined by the Director.

DEVELOPMENT APPLICATION: An application for development or use that requires approval and/or actiona decision by the Director, Commission, or Board as required in the Ordinance. See Application.

DEVELOPMENT PLANS (Preliminary and Final Development Plan(s)): All plats, master site plans and/or submissions by a subdivider or developer in whole or in part describing a development to be considered by the Commission. See Title 10, Chapter 11, Section 11 and Title 10, Chapter 11, Section 12 of this Ordinance.

DIGITAL FLOOD INSURANCE MAP (DFIRM): The digital official map of a community, issued by the Federal Insurance Administrator (normally with Federal Emergency Management Agency to administer the National Flood Insurance Program), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

DIMENSIONAL STANDARDS: Bulk and setback regulations.

DIRECT GLARE: The light seen in a lighting fixture as opposed to seeing the light from a fixture.

DIRECTOR: The Director of Land Use and Building Department or an authorized representative thereof.

DISPOSITION: A contract of sale resulting in the transfer of equitable ordinance to an

interest in subdivided land; an option to purchase an interest in subdivided land, a lease or an assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made under one of the foregoing.

DISTRICT OR ZONE: Portions of unincorported Elmore County within which certain uniform regulations and requirements or various combinations thereof apply under provisions of this Ordinance.

DOMESTIC PET: An animal kept for enjoyment and companionship that is housed primarily inside a dwelling.

DRAINAGE: Water or other liquid that flows from one land area to another land area.

DRIVE: A privately owned roadway that provides internal circulation for vehicles within the Manufactured Home Park and/or access to manufactured home spaces within the manufactured home park.

DRIVE-IN ESTABLISHMENT: An establishment (other than a service station or truck stop) which is designed to accommodate motor vehicles and patrons in such a manner as to permit the occupants of said vehicles, to make a purchase or to receive a service while remaining in their vehicle.

DRIVE-UP WINDOW: Any portion of a structure or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle.

DRIVE-UP WINDOW SERVICE: An establishment providing a "drive-up window" as herein defined. The term drive-up window service shall include, but not be limited to, providing food or beverage service, bank service, and/or film processing. The term drive-up window service shall not include "gasoline or diesel fuel sales facility" or "car wash" as herein defined.

DRIVEWAY: A vehicle ingress and egress route that serves less than five (5) single family dwellings, not including accessory structures.

DRUG AND ALCOHOL TREATMENT FACILITY: An establishment, or portion thereof, that: a) provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and b) provides a treatment program for patients with a drug and/or alcohol use problem. This definition shall include a detoxification facility, inpatient facility, residential facility, clinic, and outpatient facility as they relate to drug and alcohol treatment.

DU/AC: Dwelling Units per Acre.

DUDE RANCH: A~~a~~ small guest resort offering ranch activities including horseback riding and camping or other over-night guest facilities with no more than five (5) bedrooms and ten (10) occupants, including the owner and owner's family.

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~~DWELLING, DUPLEX: A building that contains two (2) dwelling units and two (2) separate kitchens, attached by a common wall, where both dwelling units are located on the same property.~~

DWELLING OR DWELLING UNIT: Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, ADDITIONAL FARM SEASONAL: Housing for seasonal agricultural workers.

DWELLING, DUPLEX: A building that contains two (2) dwelling units and two (2) separate kitchens, attached by a common wall, where both dwelling units are located on the same property.

DWELLING, MULTI-FAMILY: A structure, or portion thereof, containing three (3) or more dwelling units or apartments, where all such units are located on the same property. For the purposes of this O~~o~~rdinance, a multi-family dwelling shall be deemed multi-family development.

DWELLING, SECONDARY ATTACHED: A dwelling unit that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling, and is subordinate to the principal dwelling.

DWELLING, SINGLE-FAMILY ATTACHED: A structure containing two (2) dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate property.

DWELLING, SINGLE-FAMILY DETACHED:

A. A detached structure that accommodates a single dwelling.

B. A manufactured home that meets all of the following criteria:

   1. The manufactured home is multi-sectional and encloses an area of not less than one thousand (1,000') square feet; and

   2. The manufactured home is placed on an excavated and backfilled foundation and enclosed at the perimeter such that the structure is located not more than twelve (12") inches above grade; and

   3. The exterior siding and roof are similar in color, material, and appearance to the exterior siding and roofing material commonly used on immediately surrounding properties.

DWELLING, TEMPORARY LIVING QUARTERS: A dwelling structure containing living

quarters that are occupied on a seasonal or temporary basis. Not permanent housing. Most often temporary living quarters have one owner who allows others to share time in occupancy and use.

DWELLING, TOWNHOUSE: A structure containing three (3) or more dwelling units attached by common walls where each dwelling unit is located on a separate property.

E

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EASEMENT: A non-possessor interest in real property which gives the holder of such interest the right to use some part, or all, of the real property of another. A grant by the owner of a use by the public, corporation, or persons for specified purposes and/or a right of use, falling short of ownership, and usually for a certain stated purpose, as defined by Idaho Statute § 50-1301.

ELECTRIC DISTRIBUTION LINE: Those lines carrying between 7 kV and 35 kV of electricity directly to customers.

ELECTRICAL GENERATING FACILITIES: Any facility generating electrical power through the use of natural gas, solar cells, water, geothermal, small nuclear reactors, or wind power. The use of diesel fuel is allowed only for emergency generation of electricity, ~~for~~ fire suppression, or the winding down of turbines at these facilities.

ELECTRIC SUBTRANSMISSION LINE: All lines 46 kV, 69 kV, and 138 kV carrying electricity between two (2) substations.

ELECTRIC TRANSMISSION LINE: Those lines carrying from 230 kV to 500 kV of electricity from a power generation site to a substation.

ELEVATED BUILDING: F~~f~~or flood insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELEVATION CERTIFICATE: A F~~f~~ederal E~~e~~mergency M~~m~~anagement A~~a~~gency (FEMA) form used to provide elevation information necessary to ensure compliance with ~~applicable community floodplain management ordinances~~Title 8 Chapter 2 of this Ordinance, to determine the proper insurance premium rate, and/or to support a request for a letter of map amendment or revision (LOMA or LOMR) to flood insurance rate maps.

EMPLOYEE: A person employed on the premises by the property owner and receiving not less than seventy-five (75%) percent of the employee's annual income from said property owners.

ENCLOSURE: A~~a~~n area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions.

Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.

ENCROACHMENT: ~~the~~The advancement or infringement of uses, fill, excavation, buildings, structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENERGY PRODUCTION, HOME USE: Energy producing equipment specifically designed for home use, such as but not limited to solar photovoltaic cells or wind power microturbines where energy is created, harnessed, modified, enhanced, processed, altered, or stored for individual use. However, excess energy produced may be sold.

ENERGY PRODUCTION, FACILITIES: A facility where any form of energy is ~~created,~~ harnessed, modified, enhanced, processed, altered, stored, released or regulated except electricity generation though natural gas, solar cells, water, geothermal, small nuclear reactors, or wind power~~through the use of natural gas, solar cells, or wind power~~.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

ENGINEER, COUNTY: That Idaho registered professional engineer ~~or surveyor~~ appointed by the Board to check plats and make ~~such surveys~~engineering recommendations for maps, uses, and plats as envisioned in this Ordinance and directed~~ordered~~ by ~~the Board or~~ the Director, ~~or~~ Commission, or ~~the~~ Board.

~~EQUIPMENT WRECKING/SALVAGE YARD: Premises on which three (3) or more pieces of equipment not in full operating condition are standing more than thirty (30) days and are unlicensed, or dismantled or stored. Fully enclosed buildings that hold these pieces of equipment are exempt from this definition.~~

ESTABLISHMENT: A place of business or residence with its furnishings and staff.

EXCAVATION: The movement of earth material.

EXHIBITS OF RECORD: Any material offered in evidence that is physically or electrically added to applications submitted to the Department.

EXISTING CONSTRUCTION: F~~f~~or the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A~~a~~ manufactured home park or subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before the effective date of the

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Commented [MM4]: There are three definitions that need to be aligned - this, Junkyard/Wrecking Yard and Vehicle Wrecking/Salvage Yard. May be we refer all three to one definition?

original floodplain management regulations adopted by the community,County on March 14, 1994.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Tthe preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). Expansion of an existing manufactured home park or subdivision commencing after March 14, 1994, shall be subject to the floodplain regulations of Title 8, Chapter 2 of this Ordinance.

EXPLOSIVE MANUFACTURING OR STORAGE: The use of machines, tools and labor to produce explosives to use, sale or storage.

EXTRACTION, MINERAL: Removal and processing of any naturally occurring minerals from the earthmineral such asthrough, but not be limited, to, mining, quarrying, separating, or cleaning of mineral resources such as metals, aggregates, sand, gravel, clay, and other geologic materials.

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FACILITY: Refers to any business or corporation that is built, installed, or established to serve a particular purpose.

FACTORY, PLANT, OR MANUFACTURING FACILITY: A type of facility designated for manufacturing, processing, or assembling goodsnon-hazardous goods . Ahoused in a building that is over 5,000 square feet but not larger than 50,000 square feet that is equipped with machinery and production lines where raw materials and pieces are transformed into finished products.

FAMILY: A family is defined as:

A. A person living alone or two (2) or more persons related by blood or marriage; or

B. A group of not more than eight (8) persons who need not be related by blood or marriage living together in a dwelling unit; or

C. Any home in which eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons reside; and which is supervised. Resident staff, if employed, need not be related to each other or to any of the mentally and/or physically handicapped or elderly persons residing in the home but no more than two (2) of such staff shall reside in the dwelling at any one time.

FARM: A property in agricultural use that is five (5) acres in size or greater.

FARM SERVICE AGENCY (FSA): Farm Service Agency of the United States Department

of Agriculture.

FEDERAL AGENCY: An agency managed and operated by the United States Federal Government, such as but not limited to the Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC) and the National Regulatory Commission (NRC).

FEEDLOT (Non CAFO): A feedlot or stockyard that does not qualify as a CAFO. An enclosed area where animals are fed concentrated food prior to shipping to market or slaughtering or an area where animals are held for resale.

FENCE: A~~n enclosure; especially a~~n enclosed barrier~~,~~ which prevents straying from within or intrusion into an area of land.

FILL: A deposit of material.

FIRE AUTHORITY: The chief officer or an authorized representative of the fire department or fire response agency serving the jurisdiction.

FIREBREAK: A barrier of cleared or plowed land intended to stop or delay a forest or grass fire.

FLAMMABLE MATERIAL STORAGE: An establishment, or portion thereof, wherein combustible substances are stored.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal insurance administration has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS): A~~a~~n examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood- related erosion hazards.

FLOOD OR FLOODING:

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of

water and deposited along the path of the current.

B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1. of this definition.

~~FLOOD ELEVATION DETERMINATION: See Base Flood Elevation (BFE)~~

FLOOD ELEVATION STUDY: See Flood Insurance Study (FIS)

FLOOD ZONE: A~~a~~ geographical area shown on a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOODPLAIN OR FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

FLOODPLAIN ADMINISTRATOR: T~~t~~he individual appointed by the County to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT: A ~~any~~ type of permit that is required for any development activity within a Floodplain in conformance with the provisions of this O~~o~~rdinance, prior to ~~the~~ commencement ~~of any development activity~~.

FLOODPLAIN MANAGEMENT: T~~t~~he operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to ~~emergency preparedness~~ hazard mitigation plans, flood control works, and flood-plain ~~management regulations~~improvements in compliance with FEMA NFIP regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Z~~z~~oning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood-plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROOFING: A~~a~~ny combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD PROTECTION ELEVATION (FPE): The Base Flood Elevation plus the Freeboard.

A. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard; and

B. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade; and

C. Any building built before October 2016, that is at BFE or above is exempt from the two (2) foot freeboard for the Substantial Improvement.

FLOOD PROTECTION SYSTEM: T~~t~~hose physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODWAY: T~~t~~he channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FOOD TRUCK, MOBILE: A cart, trailer, or motor vehicle, less than 24 feet long, from which food and beverages are transported, stored, or prepared for retail sale and functions as a mobile restaurant that can move to different location.

FOOD TRUCK COURT: A designated property, lot, or area where more than one (1) mobile food cart, trailer, or motor vehicle~~s~~ gather to sell food and beverages to the public. Often considered a primary use of land, ~~these~~larger courts provide shared amenities like seating, restrooms, and parking. They differ from temporary use or events by operating as a regular, permitted destination. See use standards for Food Truck Court in Title 7, Chapter 2 of this Ordinance.

FOOTHILL OR OTHER HILLSIDE TRIBUTARY FLOODWAY: A watercourse or drainage way located in the foothills or other hillside tributary that collects and carries waters draining from an area of greater than ten (10) acres in size, excluding an alluvial fan where no floodway has been identified.

FOOTPRINT: Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and/or footings.

FOSTER HOME, GROUP: An establishment, or portion thereof, that: provides permanent provisions for living, sleeping, eating, cooking, and sanitation, and/or provides foster care for seven (7) to thirteen (13) children under the age of eighteen (18).

FOUNDRY: A specialized manufacturing facility, over 5,000 square feet, where metal is melted and casted into specific shapes using molds for retail use. A foundry ~~as defined herein~~ does not include high-technology plants that manufacture microchips or digital typefaces.

FREEBOARD: A factor of safety - two feet (2') - above a base flood elevation for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effects of urbanization in a watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation.

FREIGHT OR TRUCK TERMINAL: An establishment or area where freight (brought by truck or rail) is transferred. The terminal facility may include storage or repair areas for trucks or railcars. The term freight or truck terminal shall not include a structure or area used for permanent or long-term storage of freight. The parking of trucks is included except for a single truck that is parked at the residence of the driver.

FRONT PROPERTY LINE: See definition of Property Line, Front.

FRONTAGE: A property line along either: a) a roadway, or b) a permanent access easement to a public street that has been recorded and has been established by a clear chain of ordinance in subsequent recorded deeds.

FUEL CELL: An electrochemical device that converts the chemical energy of a fuel directly into electricity, heat, and water without combustion. It works by combining a fuel (usually hydrogen) with oxygen across two electrodes separated by an electrolyte.

FUEL CELL, SYSTEM OR OPERATIONS: A self-contained or factory-matched assembly that electrochemically converts fuel and oxidant into electrical and thermal energy, regulated via state-adopted International Codes (such as the International Fuel Gas Code and Idaho Residential/Fire Codes) alongside local requirements of this Ordinance. ~~device that continuously changes the chemical energy of a fuel (as hydrogen) and an oxidant directly into electrical energy.~~

FUNCTIONALLY DEPENDENT USE: A~~a~~ facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

G

GARAGE, RESIDENTIAL OR PRIVATE: A building or portion of a building that is primarily used for the parking and storage of passenger vehicles owned and operated by the residents thereof. A garage may contain other accessory uses related to the residential use of the property such as personal recreation items, storage of household goods and property maintenance equipment, laundry facilities, work area, etc. A garage may contain a

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half bath consisting of a sink and toilet, but no shower or bathtub. An unattached garage is considered to be an accessory building.

GARAGE, PUBLIC: A building or structure or portion thereof (except a private garage) used or designed to be used for storage and/or parking of motor vehicles owned or operated by a public or private entity.

GASOLINE OR DIESEL FUEL SALES FACILITY: An establishment that sells and supplies motor fuel~~,~~ and lubricating oils~~, and/or grease to on premises trade~~at retail to the public.

Commented [MM5]: Hum?

GLARE: S~~To s~~hine with a harsh, uncomfortably bright light.

GOVERNING BODY: The Elmore County Board of County Commissioners.

GRADE: The elevation of the finished surface of the ground adjacent to the midpoint of an exterior wall of a building or structure.

GRADE, ESTABLISHED: The curb line grade at the lot lines as approved by the county engineer or appropriate agency.

GRAIN ELEVATOR: A structure equipped with mechanical lifting devices used for storing grain.

GRAIN STORAGE: Outdoor or indoor storage of edible grain.

GRANDFATHER RIGHTS: Property owners have the right to continue nonconforming property, use, or structure.

GRAVEL OR SHALE PIT: Any point where stone, sand, gravel or other mineral resources are removed, extracted, crushed or stockpiled by an individual, private company, public agency including the United States government, the S~~s~~tate of Idaho or any political subdivision of the S~~s~~tate of Idaho.

GREENHOUSE: Structures, of less than 5,000 square feet, whose roof and sides are made largely of transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants.

GROSS FLOOR AREA: The measure of total square footage of habitable space of a structure.

GUEST RANCH: See Dude Ranch definition in this Ordinance.

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HABITAT: The character of the natural environment needed to support native plant and animal life.

HABITABLE SPACE: Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HALFWAY HOUSE: A transitional occupancy facility, including within a primary dwelling, with no more than ten (10) occupants. A temporary residence for person(s) under care, supervision, or monitoring. An establishment that provides housing for persons convicted of nonviolent crimes that are in the later stages of serving a sentence and is being transitioned back into society.

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HARDSHIP: An unusual situation found on a property and/or on the part of an individual property owner which will not permit the enjoyment or full utilization of the property as that which is enjoyed by others in the community or area. A hardship can exist only when it is not self-created.

HAZARDOUS AREA OR DISTRICT: A parcel of land that is determined to be susceptible to physical hazards such as wildfire, flooding, avalanche, geologic instability, steep slopes, or low-flying aircraft.

HAZARDOUS MATERIALS OR WASTE: Any element, compound, or substance that may present a substantial threat to people, wildlife or environment if released. Hazardous materials may include products or wastes and may be further classified as chemical, biological, radiological, or explosive substances including petroleum products and hazardous wastes. ~~(Idaho Hazardous Materials Incident Command and Response Support Plan)~~

Any material or waste, which because of its quantity, concentration, physical, chemical or infectious characteristics may:

A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or

C. Any material or substance designated as a hazardous or toxic substance defined by Title 40 Part 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Department of Environmental Quality, Idaho Office of Emergency Management, and/or any successor agency.

HAZARDOUS WASTE DISPOSAL FACILITY: A hazardous waste treatment, storage, or disposal facility, which receives hazardous material as described in Part 40 Chapter 260.1 of the Code of Federal Regulations.

~~HAZARDOUS WASTE OR MATERIAL: Any element, compound, or substance that may present a substantial threat to people, wildlife or environment if released. Hazardous materials may include products or wastes and may be further classified as chemical, biological, radiological, or explosive substances including petroleum products and hazardous wastes. (Idaho Hazardous Materials Incident Command and Response Support Plan)~~

~~Any waste or material, which because of its quantity, concentration, physical, chemical or infectious characteristics may:~~

~~A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or~~

~~B. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of or otherwise managed; or~~

~~C. Any material or substance designated as a hazardous or toxic substance defined by Title 40 Part 261.3 of the Code of Federal Regulations, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Division Department of Environmental Quality, Idaho Office of Emergency Management, and/ or any successor agency.~~

HEALTH AUTHORITY: The local health department, the Idaho Department of Health and Welfare, the United States Environmental Protection Agency, and any agency as may succeed to any of their powers. The term health authority shall be liberally construed to include all of the adopted, approved or certified plans, rules, regulations, statutes or laws of the health authority.

HEALTH DEPARTMENT: The ~~Elmore County Office of the~~ Central District Health Department.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning maps, the elevations shall be above mean sea level elevation unless otherwise specified.

HELIPORT: An approved location or facility where rotary wing aircraft take-off and land.

HIGHEST ADJACENT GRADE (HAG): T~~t~~he highest natural elevation of the ground surface prior to any improvement or construction, adjacent to the proposed walls of a structure. Refer to the FEMA Elevation Certificate for HAG related to building elevation information.

HIGHWAY: A Street designated as a highway by an appropriate state or federal agency.

HIGHWAY DISTRICT COMMISSIONERS: Elected governing board members of the Mountain Home, ~~or~~ Glenn~~'~~s Ferry, or Atlanta Highway Districts.

HILLSIDE: A part of a hill between and including the summit and the foot and includes, but is not limited to, such landforms as ridges, saddles, and knolls.

Foot: The lowest part of a hillside where the grade of slope increases from horizontal or near horizontal; the bottom or base of a hillside.

Knoll: A small round hill or mound.

Ridge: A sharp, elongated crest or a linear series of crests.

Saddle: A ridge connecting two (2) higher elevations.

Summit: The highest part, top or peak of a hillside.

HILLSIDE DEVELOPMENT OR SUBDIVISION: Any development or subdivision where one or more lots proposed for building development have a slope of fifteen (15%) percent or more.

HILLSIDE ROAD: Any existing or proposed public or private road, street, alley, driveway or other vehicular access to property located or proposed to be located on any property, or portion thereof, within the land areas with slopes greater than fifteen (15%) percent and approved by the County Engineer.

HISTORIC STRUCTURE/LOCATION: A~~a~~ structure or location that is:

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A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district.

C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior.

~~D. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:~~

~~1. By an approved state program as determined by the Secretary of the Interior, or~~

~~2. Directly by the Secretary of the Interior in states without approved programs.~~

HOME OCCUPATION: Self-employment by the inhabitant of a dwelling, which is clearly incidental and secondary to its use as a dwelling. Any gainful operation, profession, or craft which is customarily incidental to, or carried on in, a dwelling place and wherein the use is clearly incidental and secondary to the use of the structure for dwelling purposes and operates without causing increase in traffic or noise impacts to the surrounding property

owners.

HOMEOWNERS' ASSOCIATION: A homeowners' association is an organization formed of the owners of a subdivision, Planned Community or Pplanned Uunit Ddevelopment.

HORIZONTAL SURFACE: A horizontal plain, one hundred fifty (150') feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specific radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tenant to those arcs. The radius of the arc is:

A. Five thousand (5,000') feet for all runways designated as utility or visual; and

B. Seven thousand five hundred (7,500') feet for military airports.

HOSPITAL: A health care service facility, comprised of one or more structures, licensed as a hospital by the State of Idaho, providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, infirmity or other abnormal physical or mental conditions and including, as an integral part of the facility, related facilities such as laboratories, diagnostic services, outpatient facilities (such as rehabilitation, medical imaging and community education), medical offices and staff residences which are owned by and under the direct control of the primary medical provider.

HOTEL OR MOTEL: A commercialn establishment that provides lodging to the public for a fee, and contains more than five (5) rooms, excluding Boarding Hhouses and Bbed and Bbreakfast Eestablishments, Dude Ranches, and Guest Ranches as herein defined.

HUD: U.S. Department of Housing and Urban Development

HUNT CLUB RESORT: A high-end hospitality establishment that combines private or commercial hunting activities with the luxury amenities of a traditional resort and contains more than five (5) rooms.not more than five (5) bedrooms and ten (10) occupants, including the owner and owner's family.

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IDAHO ADMINISTRATIVE PROCEDURES ACT (IDAPA): Idaho Administrative Procedures Act.

IDAHO STATE DEPARTMENT OF AGRICULTURE (ISDA): Idaho State Department of Agriculture.

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY (IDEQ): Idaho Department of Environmental Quality.

IDAHO DEPARTMENT OF WATER RESOURCES (IDWR): Idaho Department of Water Resources.

IDAHO PUBLIC UTILITY: Those rules and regulations contained in Title 61, Public Utility Regulation of the Idaho Statutes.

~~ILLUMINATED, DIRECT: A light fixture that directs and concentrates light on a sign.~~

~~ILLUMINATED, INTERNAL: A light source for a sign that is contained within the sign and is visible only through a translucent surface or recessed into the sign structure.~~

Commented [MM6]: Let's recommend to move to Title 7, Chapter 7?

ILLUMINATED, NEON: A source of diffused light from a tube filled with neon, helium, argon, krypton, and/or xenon.

ILLUMINATION, EXPOSED LAMP: A source of light visible from the street where the lamp does not produce diffused light or where such lamp is not completely covered by a translucent and/or opaque shield.

IMMEDIATE FAMILY: Any one of the following: a birth or adoptive parent, stepparent, grandparent, children, grandchildren, sibling, aunt, uncle, niece, nephew, or person under the owner's legal guardianship.

IMPACT AREA: That agreed upon area of City's future growth, duly negotiated and adopted pursuant to Idaho Statute § 67-6526 by Elmore County and the appropriate City.

IMPEDE: The interference with an existing or proposed activity that would delay or cause modification to the progress of normal development and/or development trends, or the causing or interference with the normal flow of progress and/or development trends.

IMPERVIOUS SURFACE: Any material that substantially reduces or prevents the infiltration of water. It includes surfaces such as compacted sand, shale, limestone, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

IMPROVEMENT, SITE: Any alteration to the land or other physical constructions associated with subdivision and building site developments. Shall include, but not be limited to, earthwork, roadway paving, curb, gutter, sidewalk, pedestrian pathway, bike path, water line, sewer line, drainage work, bus turnout, streetlight, and/or landscaping.

INCINERATOR: A furnace or apparatus for burning trash, garbage, waste-materials etc. at extremely high temperatures reducing them to ash, gas, or heat.

INDUSTRIAL: Refers to the manufacture, processing, fabrication, and testing of goods and materials, including the production of power. It does not refer to the growing of agricultural crops, the raising of livestock, or the extraction or severance of raw materials.

INDUSTRIAL/MANUFACTURING USE, HEAVY: Refers to the manufacture, processing

and testing of goods and materials or products predominately from extracted or raw materials, or a use engaged in storage of such materials. Heavy Industrial includes manufacturing processes that use flammable or explosive materials, or storage of materials that potentially involve hazardous or commonly recognized offensive conditions. Heavy Industrial uses include those uses which require large amounts of water or where the by-products of such use (such as noise, smoke, odor, glare, gas, or heavy vehicle use) are present or generated. See Title 7, Chapter 2, Section 5G.

INDUSTRIAL/MANUFACTURING USE, LIGHT: Refers to the manufacture, processing, and testing of 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. Light Industrial includes uses and operations that do not directly adversely affect nearby land uses. Light Industrial uses include a wide variety of enterprises that do not cause noxious odors or noise or use large amounts of water. See Title 7, Chapter 2, Section 5H.

INERT WASTE: See Title 8 Chapter 5 Section 3.

INGRESS AND EGRESS: Entrance and exit to a parcel respectively.

INJECTION: The subsurface emplacement of fluids.

INNER APPROACH ZONE: An area inside the airport influence areas that has the following dimensions: ten thousand (10,000') feet in length and beginning one thousand (1,000') feet in width at the end of the overrun area and widening uniformly to a width of four thousand (4,000') feet at a distance of ten thousand (10,000') feet and having as its center line the continuation of the center line of the landing strip.

INSTITUTION: Building and land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

INTERSTATE: A street that is designated as an interstate on the most current Elmore County long range highway and street map as adopted by the Community Planning Association of Southwest Idaho (COMPASS).

IRRIGATION FACILITIES: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation.

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JUNK: Discarded, used, or secondhand materials, including, but not limited to, used machinery, scrap copper, brass, iron, steel, other ferrous and nonferrous metals, tools, appliances, implements, vehicles or portions thereof, furniture, beds and bedding, rags, glass, plastic, cordage, rubber, building materials (excluding lumber), or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

JUNKYARD/WRECKING YARD: An establishment as defined by Idaho Statute § 40-111 where junk is bought, sold, exchanged, stored, kept, processed, or handled. An outdoor space where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled. Materials may be present for commercial or non- commercial purposes, for the use of the owner or occupier of property, or storage by or for the owner or occupier of their property. A third party, on property owned by another, may store material. Junkyard also includes house-wrecking and structural steel materials and equipment, but does not include such places where such uses are conducted entirely within a completely enclosed building such as pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment or for used cars in operable condition, or salvaged material which are incidental to manufacturing operations. ~~Neither does junkyard include a piece of property of five (5) acres or more which meets the definition of land actively devoted to agriculture contained in Idaho Statute §63-604 and taxed as agricultural land by Elmore County.~~

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KENNEL, COMMERCIAL: Any premises or portion thereof on which seven (7) or more domestic pets are maintained, harbored, possessed, trained, bred, Boarded, or cared for in return for compensation, but not including an animal clinic, animal hospital, or veterinary office.

KENNEL (DOG), HOBBY: A facility located at the private dwelling of the dog owner, where up to six (6) of the owner's dogs are maintained for purposes of breeding and/or selling and boarding.

KENNEL (DOG), RESCUE: A facility that rescues, rehabilitates and re-homes discarded dogs and ~~to~~ educate the general public about the cruel realities of the commercial dog breeding industry. Each Rescue Kennel shall have a l~~L~~imit of ten (10) dogs.

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LABORATORY: Not only facilities for biological, serological, biophysical, cytological, and pathological tests, but also facilities for the chemical or other examination of materials from water or other substances, as defined by Idaho Statute § 39-103.

LAGOON: An earthen structure designed to treat liquid waste or liquid manure through biodegradation by bacteria.

LAGOON WASTE TREATMENT FACILITY OR SYSTEM: The land and structures that house a lagoon or lagoons as defined by this Ordinance. ~~An earthen structure designed to treat liquid manure/waste through biodegradation by bacteria.~~

LAND APPLICATION: The spreading or chemigating on, or incorporation of ~~A~~animal w~~W~~aste into the soil ~~mantle~~ primarily for beneficial purposes as approved by ISDA and the requirement of this Ordinance. Land application of human waste or wastewater is the

controlled spreading, injection, or incorporation of treated waste or wastewater residuals (biosolids) into the soil for beneficial uses such as agriculture, forestry, reclamation and landscaping as approved by IDEQ and the requirement of this Ordinance.

LANDFILL: See Title 8 Chapter 5 Section 3.

LAND USE: A term used to indicate the ~~utilization~~ function, purpose, and activities of a piece of land as it is currently utilized~~,~~ or designated in the Future Land Use Map of the Comprehensive Plan for ~~whether it be~~ a lot, plat, tract, or ~~acreage~~parcel. Existing "~~l~~Land u~~U~~ses" are~~is~~ an indication of the existing development patterns within a community and ~~becomes~~become the basis to formulate land use designations and zoning district boundaries.

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LAND USE AND BUILDING DEPARTMENT: This is the name of the department that administers this O~~o~~rdinance within Elmore County.

LAUNDROMAT: An establishment that provides washing, drying, and/or ironing machines for hire, and/or an establishment that provides washing, drying and/or ironing services to retail customers.

LETTER OF MAP CHANGE (LOMC): A~~a~~ general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by a letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

A. LETTER OF MAP AMENDMENT (LOMA): an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

B. LETTER OF MAP REVISION (LOMR): FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

C. LETTER OF MAP REVISION BASED ON FILL (LOMR-F): FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

D. CONDITIONAL LETTER OF MAP REVISION (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study. Upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

LEVEE: A~~a~~ man-made structure, usually an earthen embankment, designed and constructed according to sound engineering practices, to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A~~a~~ flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LIGHT FIXTURE: A complete lighting unit consisting of a light source (lamp) and all necessary mechanical, electrical, and decorative parts. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoors light fixture.

LIGHT FIXTURE, OUTDOOR: Outdoor electrically powered illuminating device, outdoor lighting or reflective surface, lamp and similar device, permanently installed or portable, used for illumination or advertisement. Such device shall include, but is not limited to, search, spot, and floodlights for buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs (advertising or other); street lighting; product display area lighting; building overhangs and open canopies.

LIQUID WASTE MANAGEMENT SYSTEM: Means those wastewater storage and containment facilities, associated waste collection and conveyance systems and the final distribution system where water is used as the primary carrier of manure and manure is added to the wastewater storage and containment facilities on a regular basis.

LIVESTOCK: Cattle, dairy animals, sheep, goats, pigs, chickens, and other grazing animals as would be found on a normal farm livestock operations, also including exotic species of animals and also poultry or other birds, horses, cattle, dairy cattle, llamas, or other grazing animals, excluding any such animal kept as a "domestic pet" as herein defined.

LOADING AND UNLOADING SPACE, OFF STREET: An open hard-surfaced area of land (other than a street or public way) in which the principal use is for the standing, loading, and unloading of motor vehicles, tractors, or trailers.

LOCAL GOVERNMENT: ~~Mmeans anyaAny~~ county or city having planning and zoning authority to regulate land use and zoning within its jurisdiction.

LOGISTICS CENTER: Warehouses that are over 5,000 square feet and not more than 500,000 square feet, along with the parcel of land it is on, for storage, handling, and distribution of goods, materials, or inventory, often involving large-scale operations such as receiving, sorting, and shipping.

LOT: A parcel, plot, tract or other contiguous land area which is created by subdivision or approved land split for sale, transfer or lease, or a parcel, plot, tract, other contiguous land area in compliance with this Ordinance, or "original parcel of land" as defined by this Oordinance.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such street or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner".

LOT, DOUBLE FRONTAGE: A lot with frontage on two (2) sides and sometimes three (3) sides.

LOT, FLAG: A lot in the shape of a flag on a pole or similar design. The street frontage requirement of each flag lot served by the common driveway shall be a minimum of five (5') feet in width with the provision that the edge of the common driveway will be superimposed on property line(s) in a practical manner, but the overall frontage of the common driveway or flag shall not be less than thirty (30') feet; and/or, a lot or parcel of land which includes a narrow projection or "flagpole" to the public right-of-way. The flagpole, which shall not be considered as part of the lot area, serves as a private or privately shared access to the buildable area of the lot or parcel.

LOT, THROUGH: A lot other than a corner lot having frontage on two (2) parallel or approximately parallel streets. On a through lot both street lines shall be deemed front lot lines.

LOT AREA: The area of any lot exclusive of street and road easements.

LOT COVERAGE: The area of a lot, which is occupied by the principal building, buildings, or accessory building and the horizontally projected area of the lot. The ratio is expressed as a percentage.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point where the side lot lines are not less than ten (10)' feet apart.

LOT FRONTAGE: The distance across the lot along the street right-of-way line.

LOT INTERIOR: A lot with only one (1) frontage on a street.

LOT LINE, FRONT: The line separating the lot from the principal street on which it fronts.

LOT LINES: Property lines bounding the lot.

LOT LINES, SIDE: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is also called a side street or flanking street lot line. A side lot line separating a lot from another lot or lots is also called an interior side lot line.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the Cc~~c~~ounty Rr~~r~~ecorder; or a distinct piece of land described by metes and bounds that has been legally recorded in the office of the County Recorder; or a lot or parcel of land created pursuant to this Oo~~o~~rdinance;~~,~~ or a lot or parcel of land ~~parcel~~ which has grandfather rights;~~;~~ or an "original parcel of land", pursuant to this Oo~~o~~rdinance and definitions. Lots of records that are nonconforming in size are subject to this Oo~~o~~rdinance.

LOWEST ADJACENT GRADE (LAG): Tt~~t~~he lowest point of the ground level next to the structure. Refer to the FEMA Elevation Certificate for LAG related to building elevation information.

LOWEST FLOOR: Tt~~t~~he lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, p; ~~P~~rovided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR §60.3 and this Oo~~o~~rdinance.

LUMEN: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of these regulations, the lumen-output values shall be the initial lumen-output ratings of a light fixture.

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MACHINE SHOP: A Shop where non-hazardous raw materials, typically metal, glass, plastic, or wood, are cut, shaped, and finished for retail purposes into precise parts using specialized power-driven tools with a maximum of 5,000 square feet. While a Foundry melts metal to cast it, a machine shop ~~uses~~ startsi~~ng~~ with a solid block of material to create final parts.

MANUFACTURE OR PROCESSING OF HAZARDOUS CHEMICALS OR GASES: Mm~~m~~anufacturing or processing of chemicals or gases, which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents that act on the hematopoietic systems or agents that damage the lungs, skin, eyes or mucous membranes.

MANUFACTURED HOME:

A. A structure, constructed after June 15, 1976, in accordance to HUD manufactured home and safety standards, and is transportable in one (1) or more sections, which, in

traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length or when erected on site, is three hundred twenty (320) or more square feet, as defined by Idaho Statute § 39-4105.

B. Has a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

MANUFACTURED HOME COMMUNITY: Any site, lot, tract, plot or parcel of land, designed for the placement of ten (10) or more manufactured homes, located and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

MANUFACTURED HOME SPACE: Shall refer to the area that is for lease or rent as a site to place a manufactured home, including the required outdoor living area. The manufactured home space shall be delineated on an approved master site plan for a manufactured home park.

MANUFACTURED HOME PARK OR SUBDIVISION: A~~a~~ parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING: Shall include the processing, packaging, or assembly of products and incidental storage, sales, and distribution of such products.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resource.

MANURE, DRY: Animal or poultry excreta that may also contain bedding, spilled feed, or soil.

MANURE, LIQUID: Manure and any associated wastewater, including, but not limited to: a) any excess water generated from the process and any precipitation (rain or snow) that comes into contact with any manure, litter or bedding, or any other material or product used in, or resulting from, animal or poultry production or direct products (e.g., milk, eggs); and b) any water used (directly or indirectly) in AFOs for any or all of the following: animal or poultry watering system spillage or overflow; washing, cleaning, or flushing pens, barns, manure pits or other facilities; direct contact swimming, animal washing or spray cooling; and/or dust control.

MANURE STORAGE: An area or structure in which dry manure is stored or a structure, pond, or tank in which liquid manure is stored but not treated.

MARKET VALUE: T~~t~~he building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MARQUEE: A permanent roofed structure attached to and supported by the building and projecting over public property.

MASTER SITE PLAN: A site specific drawing that complies with applicable design and dimensional standards of this Ordinance, and takes into account natural features analysis conducted by certified professionals. Shall include location of structures on site, non-vehicular access and internal circulation, automobile access and internal circulation, and additional off-street parking design. Shall comply with screening, drainage, water supply and sewage disposal, filing, excavation, and earthmoving, and irrigation services and delivery systems, utilities, maintenance, supplemental information and alternate site development as defined in this Ordinance. See Title 10, Chapter 6.

MATERIAL CHANGE: Any change or modification in any application, approved uses, or ~~proposed~~ amendment to this O~~o~~rdinance, which in the opinion of the Director, Commission or Board, is of such importance that the public interests will be better served by additional notice and public hearing.

MAUSOLEUM: A structure or other space in a building containing vaults or crypts for the permanent internment of human remains.

MEAN SEA LEVEL: F~~f~~or purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum (such as NAVD88 North America Vertical Datum of 1988) to which Base Flood Elevations shown on a community's FIRM are referenced.

MEDICAL FACILITIES: A medical institution or health related business licensed by the State of Idaho.

MEMBER OF THE OWNER'S IMMEDIATE FAMILY: Any one of the following: a birth or adoptive parent, stepparent, grandparent, children, grandchildren, sibling, aunt, uncle, niece, nephew, or person under the owner's legal guardianship.

MINERAL EXTRACTION: Removal and processing of any naturally occurring minerals from the earth through, but not limited to, mining, quarrying, separating, or cleaning of mineral resources such as metals, aggregates, sand, gravel, clay, and other geologic materials. See Title 7, Chapter 2 for further details.

MINERAL EXTRACTION, TEMPORARY: A Mineral Extraction, as defined in this Ordinance, that is for materials extracted and used on site to make improvements within the same parcel. Temporary Mineral Extractions shall not exceed 5 acres of ground and shall not exceed 6 months in duration.

MITIGATION: A~~a~~ny action taken which will avoid, reduce, minimize, rectify, or compensate for the adverse impacts of a project, action, or activity on the environment, community, or other existing resources.

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~~reduce the impact, damage, or cost of the next flood that occurs.~~

MOBILE HOME: A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

MOBILE HOME PARK: A residential area where the land is under single ownership and where spaces are rented out for the placement of mobile homes and/or manufactured homes.

MOBILE HOME SUBDIVISION: A subdivision designed for mobile home residential use with the lots owned individually by the residents.

MONUMENT: Any permanent marker either of concrete, galvanized iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Statute.

MUDSLIDE (i.e., mudflow): D~~d~~escribes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE (i.e., mudflow) AREA OF MANAGEMENT: T~~t~~he operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works, and ~~flood plain management regulations~~mitigatory conditions for new developments.

MUDSLIDE (i.e., mudflow) PRONE AREA: A~~a~~n area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

MUNICIPAL SOLID WASTE LANDFILL UNIT (MSWLF): See Title 8 Chapter 5~~ Section 3~~.

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NATURAL RESOURCE CONSERVATION SERVICE (NRCS): Natural Resource Conservation Service of the United States Department of Agriculture.

NEIGHBORHOOD ASSOCIATION: A group that has filed registration forms with the Administrator, providing the name, boundaries, and representative of the association.

NEIGHBORING PROPERTIES: Abutting properties and any properties separated from the subject property solely by a roadway or dedicated easement.

NEW CONSTRUCTION: Ffor floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For Elmore County, aAny construction that started after March 14, 1994 and before the effective start date of this floodplain management ordinance is subject to the Oordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: For floodplain management purposes, aa place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of ffloodplain management regulations, adopted by a communitythe County on March 14, 1994.

NEW URBANISM DESIGN PRINCIPLES: The principles of New Urbanism can be applied through the use and design of the following standards:

A. CONNECTIVITY**:** Designs that demonstrate interconnected street grid systems that disperse traffic & eases walking with a hierarchy of narrow streets to boulevards and alleys with a high quality of pedestrian networks that provide walking pleasurable experiences.

B. DENSITY, INCREASED**:** Where buildings, residences, shops, and services are placed closer together for ease of walking and to enable a more efficient use of services and resources while creating a convenient and enjoyable place to live.

C. DENSITY, NET: the ratio of the total number of dwelling units divided by the area devoted to residential uses (excluding roadways and open spaces). Should the number be a fraction, it shall be rounded to the nearest whole number.

D. MIXED HOUSING**:** A wide variety and range of housing types, sizes and price ranges in closer proximity to each other.

E. MIXED-USE & DIVERSITY**:** A development that offers a mix of uses, such as shops, offices, apartments, and homes on site. Uses that create mixed-use neighborhoods or blocks, or within buildings that offer diversity and appeal to all people of various ages, income levels, cultures, and races.

F. NEIGHBORHOOD AND ENVIRONMENTAL ISSUES: Neighborhoods that have a minimal environmental impact after development, where eco-friendly technologies, were considered in all aspects of the design and development and where energy

~~efficiency, lower consumption, more local production, and more walking, less driving options are encouraged.~~

~~G. QUALITY ARCHITECTURE & URBAN DESIGN: Where emphasis is placed on beauty, aesthetics, human comfort, and creating a sense of place and where careful consideration is given to the placement of civic uses and sites within community.~~

~~H. QUALITY OF LIFE: Measures taken to provide a quality of life well worth living and where places were created that enrich, uplift, and inspire the human life.~~

~~I. TRADITIONAL NEIGHBORHOOD STRUCTURE: Where discernable centers and edges are provided with adequate public space at center and importance is placed on the quality and quantity of public open space. Where there is a range of uses and densities that meet the walkability standard and the highest densities are placed in or around the town center with progressively less density towards the edge.~~

~~J. TRANSPORTATION: A network of public transportation options where available and pedestrian-friendly designs that encourages a greater use of bicycles, and walking as daily transportation.~~

~~K. WALKABILITY: Defined as most things within a ten (10) minute walk of home and work or half (½) mile. Pedestrian friendly street design where buildings are close to street, they have porches, windows & doors facing the street. Tree-lined streets with limited on street parking, adequate hidden parking lots.~~

NIGHTCLUB: An establishment that provides recorded or live music and dance area for patrons inside a structure. A nightclub may or may not serve alcohol. The term nightclub may include dance studios.

NOISE: Noise levels as defined by the United States Department of Housing and Urban Development (HUD).

NONCONFORMING BUILDING: Any building existing at the effective date of the ordinance codified in this O~~o~~rdinance or amendment thereto, which does not conform to dimensional standards of this O~~o~~rdinance for the zoning district in which such building is located. Existing improvements on lots that do not conform to present zoning district densities shall not be considered nonconforming buildings as long as the use of the building is allowed in that district.

NONCONFORMING PROPERTY:

A. A property that lawfully existed prior to the effective date of this O~~o~~rdinance, but that does not conform to current dimensional or use standards for the zoning district in which it is located.

B. A property that established grandfather rights as defined in the Elmore County Zoning

and Development Regulations where a legal nonconforming use status was established and granted by the Director, Commission, or Board.

NONCONFORMING SIGN: A sign, sign structure, or use of a sign lawfully existing prior the effective date of this O~~o~~rdinance, but that does not now conform to the dimensional standards for the zoning district in which it is located.

NONCONFORMING STRUCTURE: A structure, including agricultural structures that was lawfully constructed and/or existed prior to the effective date of this O~~o~~rdinance, but that does not conform to the dimensional standards for the zoning district in which it is located.

NONCONFORMING USE: Any use existing at the effective date of the O~~o~~rdinance, and codified in this O~~o~~rdinance or any amendment thereto, which does not conform to the specific land use related regulations of this O~~o~~rdinance.

NON-MUNICIPAL SOLID WASTE: See Title 8 Chapter 5~~ Section 3~~.

NON-MUNICIPAL SOLID WASTE LANDFILL: See Title 8 Chapter 5~~ Section 3~~.

NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

NONRESIDENTIAL STRUCTURE: A building, other than a residential structure or dwelling, or parts thereof, that is open to the public or for private use. The term nonresidential structure includes, but is not limited to: structures used for places of assembly, education, childcare, business, maintenance, storage, manufacturing, and government.

NURSERY, RETAIL: Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the general public may purchase goods in small quantities.

NURSERY, WHOLESALE: Any grounds, structures, greenhouses, or premises in which garden, farm, landscaping, or florist's stock is propagated, grown, stored, or packed for commercial sale, and where the owner/operator sells the goods in large quantities to a limited number of buyers.

NURSING FACILITY, SKILLED: An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides health care needs to more than eight (8) individuals who, at a minimum, require:

A. Inpatient care and services for twenty-four (24) or more consecutive hours for

unstable chronic health problems; and

B. Daily professional nursing supervision and licensed nursing care on a twenty-four (24) hour basis; and

C. Restorative, rehabilitative care and assistance in meeting daily living needs. Medical supervision may be necessary on a regular, but not daily, basis; and

D. A skilled nursing facility shall include, but not be limited to: nursing home, nursing facility, assisted living facility, convalescent home, intermediate care, and sub-acute care.

NUISANCE, PUBLIC: The owner or person in control shall maintain all property, premises or rights-of-way in a nuisance free manner. A Public Nuisance includes but it not limited to the following:

A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture which is not designed for outdoor use, household fixtures, machinery, equipment, cans or containers standing or stored on property, sidewalks, alleys and streets; which can be viewed from a public street, walkway, alley or other public property and which items are readily accessible from such places, or which are stored on private property in violation of any other law or ordinance;

B. Discarded putrescibles, garbage, rubbish, refuse or recyclable items which have not been recycled within fifteen (15) days of being deposited on the property which could be determined to constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;

C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides or waste (solid, liquid or gaseous) which could constitute a fire or environmental hazard, or to be detrimental to human life, health or safety;

D. Lumber (excluding lumber for the construction project on the property with a valid building permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of thirty (30) days and visible from a public street, walkway, alley or other public property;

E. Receptacles for trash, discarded materials and recyclables which are left in the front yard or on public rights-of-way following the day of the regularly scheduled refuse pick-up for the property;

F. Swimming pool, pond, spa, other body of water, or excavation, which is abandoned, unattended, unsanitary, empty, which is not securely fenced, or which

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poses a threat to be detrimental to human life, health or safety;

G. Allowing the accumulation of weeds, grasses or other vegetation with an average height over 12 inches, which are liable to be fired.

O

OCCUPANCY: Occupancy is a defined legal term in building construction and building codes that ~~refers~~refer to the use or intended use of a building or part thereof for the shelter or support of persons, animals or property. As further defined by the Elmore County Building Official.

OFF STREET PARKING AREA: An open area, other than street or public way, for the temporary location and parking of motor vehicles.

OPEN SPACE: Land or water left in an undisturbed natural condition, except as otherwise specified in this Title or approved through a Planned Community (PC), or Planned Unit Development (PUD), or Master Site Plan ~~or Planned Unit Development District (PUDD) application~~ and placed in a ~~conservation~~ permanent, perpetual easement. The area may include (along with the natural environmental features) water areas, swimming pools, tennis courts and any other recreational facilities. Streets, parking areas, structures for habitation, buildings, covered structures and the like shall not be included except by a specific ordinance.

OPEN SPACE, DEDICATED: An area that has been designated as permanent open space within a permanent, perpetual easement, in clustered development or as required by this Ordinance. It shall not include a golf course unless the course is open to the public.

~~OPEN SPACE, NATURAL: Land or water in its undisturbed natural condition or enhanced condition with native vegetation as approved by the Director.~~

OPEN SPACE, PRIVATE: A land or water area, that is in a permanent, perpetual easement, devoid of buildings, streets, parking or other physical structures, except fences and irrigation structures that remain in ownership of an individual or private entity as part of a development application.

OPEN SPACE, PUBLIC: An open space area managed or owned by the public is any parcel of land which remains undeveloped and placed in a ~~conservation easement~~permanent, perpetual easement for scenic, wildlife, vegetative, recreation, visual relief or other related public purposes. Some examples include parks, wilderness areas, natural areas, buffer zones, scenic corridors and botanical gardens. Permitted management activities are limited to fences, signs, parking, irrigation systems and public access trails. The site design is to protect natural features of the open space while allowing public access.

~~ORIGINAL PARCEL OF LAND OR~~ ORIGINAL PARCEL OF RECORD OR ORIGINAL PARCEL OF LAND: A tract, parcel, or contiguous piece of ground under single ownership

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that was of record in the Elmore County Recorder's office prior to January 20, 1994, the effective date of an amendment to the Elmore County Zoning and Development Ordinance. Reference the definition of "lot of record" for further information. Provided, in addition, that any lot split after the effective date of said amendment resulting in lots of forty (40) or more acres with nothing less than a forty (40) acre lot or parcel remaining, each forty (40) or more acre parcel shall each constitute a new original lot of record provided said lots are recorded in the recorder's office.

OUTDOOR STORAGE OF MATERIALS: Material (including, but not limited to, goods, wares, merchandise, or vehicles) that is kept in the same place for more than twenty- four (24) hours in an open area. The term outdoor storage shall include material that is kept under a pole barn structure or any structure that is less than fully enclosed.

OWNER: A "person", as herein defined, having sufficient proprietary interest in the land to maintain proceedings under this ordinance. The individual, firm, association, syndicate, partnership, corporation or other entity having proprietary interest in the land to be subdivided. A leasehold interest is excluded from such proprietary interest or holding title as vendees under a land contract.

OWNERSHIP: The individual, firm, association, syndicate, partnership, or corporation or public entity who has ordinance of property.

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PARCEL: A tract of unplatted land (or contiguous land, if applicable), in single ownership, considered a unit for purposes of development.

PARCEL OF RECORD OR LAND: A parcel of land that was either of record in the Elmore County Recorder's office prior to January 20, 1994, or created through a process that has been approved by the Director and meets the minimum lot size requirements in this Ordinance.

PARK (PUBLIC OR PRIVATE): A land area that contains recreation and/or relaxation facilities or amenities and is perpetually maintained to continue these uses.

PARKING AREA OR LOT (PRIVATE): An open, hard-surface area (other than a street or public way) made available to the occupants of a specific building, or buildings, as a parking area for their private vehicles.

PARKING AREA OR LOT (PUBLIC): An open, hard-surface area (other than a street or public way) to be used for the storage of operable passenger automobiles or commercial vehicles, for a limited period of time, and available to the public whether for compensation, for free, or as an accommodationaccommodation forto clients or customers.

PARTY WALL: A wall adjoining and parallel to the lot line, which is used primarily by the party upon whose lot the wall is located. Party walls may share common foundations.

Also known as common wall, fire wall and dividing wall.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERFORMANCE BOND / SURE~~I~~TY BOND: An amount of money or other negotiable security paid by the developer/subdivider or sub-divider's surety to the County Clerk and Recorder which guarantees that the developer/subdivider will perform all actions required by the governing body regarding an approved plat, and provides that if the developer/subdivider defaults and fails to comply with the provisions of an approved plat, the developer/subdivider or subdivider's surety will pay damages up to the limit of the bond or the surety will itself complete the requirements of the approved plat.

PERMITTED USE: An authorized use in a particular zoning district, which is subject to the regulations particular to that district.

PERSON: Includes, but is not limited to, an individual, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other or any other similar entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

PEST: Insects, rodents and other vermin.

PETROLEUM STORAGE: The storage of fuels and by-products from natural oils and chemical compounds.

PIT, MINE, OR QUARRY: The various activities associated ~~with excavating valuable minerals from the ground~~with mineral extraction, including, but not limited to, excavating a pit, removing the resource, processing the resource, disposing of unwanted material, and building a roadway to accommodate hauling trucks.

PIT RUN: The State of Idaho Department of Transportation definition of Pit Run material shall be used in Elmore County.

PLANNED COMMUNITY, (PC): ~~A Planned Community development requires at least forty (40) contiguous aces under common ownership or control.~~ A Planned Community is a small town or urban type development that is self- sustainable and self-supporting, that contains work, live and play options for it residents, 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 the preservation of environmental and/or historical elements. A Planned Community development requires at least forty (40) contiguous acres under common ownership or control.

PLANNED COMMUNITY (PC) APPLICATIONS: A Planned Community requires pre-

application and application phase. A pre-application with requirements for meetings, site visit, and design reviews to be done before the PC application is submitted. The Planned Community application~~s~~ includes a Comprehensive Plan Amendment, Zoning Ordinance Amendment, Development Agreement, and Development Plans with other applications and documents ~~require~~in compliance with this Ordinance and ~~approv~~reviewed~~al and/or action~~ by the Director, Commission, and~~or~~ Board ~~of Elmore County~~.

PLANNED UNIT DEVELOPMENT (PUD): A development located in an Area of City Impact (AOI) consisting of ten (10) to one hundred sixty (160) acres of contiguous property under one ownership or control, which allows 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 DEVELOPMENT (PUD) APPLICATIONS: A Planned Unit Development requires t~~T~~wo applications ~~are required~~. A pre-application with requirements for meetings, site visit, and design reviews to be done before the application is submitted. The PUD A~~a~~pplications require a Zoning Ordinance Amendment, Development Agreement, and Preliminary and Final Development Plans with other applications and documents in compliance with this Ordinance and reviewed by the Director, Commission, and Board ~~require approval and/or action by the Director, Commission, or Board of Elmore County~~.

~~PLANNED UNIT DEVELOPMENT DISTRICT (PUDD): A development located in an Area of City Impact (AOI) consisting of at least one hundred sixty (160) acres of contiguous property under one ownership or control which allows 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. The Planned Unit Development District Conceptual Development Pattern Maps, ordinance and development agreement and the specific goals and policies of the Comprehensive Plan shall implement these uses.~~

~~PLANNED UNIT DEVELOPMENT DISTRICT (PUDD) APPLICATIONS: Two applications are required. A pre-application with requirements for meetings, site visit, and design reviews to be done before the application is submitted. The PUDD applications require approval and/or action by the Director, Commission, or Board of Elmore County.~~

PLAT: A graphic representation of a subdivision in compliance with Idaho State Code, Title 50, Chapter 13, showing the division of land into lots, parcels, blocks, streets, easements, alleys and other elements of a subdivision for review by a governing body and shall include any recorded covenants running with the land, and shall be prepared by a surveyor licensed by the State of Idaho. All platted subdivisions containing five (5) or more lots must have subdivision covenants; and these covenants must be recorded in Elmore County.

A. FINAL PLAT: The final drawing, map or plan of a subdivision, cemetery, or other

tract of land, or a re-platting of such, including certifications, descriptions, and approvals and containing those elements and requirements set forth in this Title and prepared for filing for record with the Elmore County Clerk and Recorder.

B. PRELIMINARY PLAT: A scaled drawing of a proposed subdivision showing the layout of streets, easements, alleys, lots and other elements of a subdivision for review by a governing body and shall include any and all covenants running with the land. A preliminary plat is a final document and is not considered to be of a preliminary nature and is used as a guide for the preparation of the final plat.

C. RECORDED PLAT: A plat reviewed by the Land Use and Building Department for compliance with this Ordinance and filed and recorded by the Elmore County Clerk and Recorder.

D. MINOR LOT SPLIT OR ONE TIME DIVISION: An Administrative lot split of one lot into two by a decision made by the Land Use and Building Director.

E. SKETCH PLAT: A hand drawn, scalable sketch preparatory to the preliminary plat submitted to the Administrator and or Commission for review at the option of the subdivider to save time and expense in reaching general agreement with the Administrator and or Commission as to the form of the plat and the objectives of these regulations, and discussion of development issues.

POLLUTION: Elmore County utilizes the definition of pollution as determined by the Idaho Department of Environmental Quality.

PORTABLE CLASSROOM: A classroom in remote areas that is allowed within the principal dwelling or office building where a maximum of 3 rooms are used for classrooms with~~and~~ no more than 15 students.

POST-FIRM: construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

PRE-FIRM: construction or other development for which the “start of construction” occurred before March 15, 1994, the effective date of the initial Flood Insurance Rate Map (FIRM).

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach. (PAR). It also means a runway for which a precision approach system is planned and so indicated on an FAA approved airport layout plan, a military service's approved military layout plan, any other FAA planning document, or military service's military airport planning document.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200’) feet beyond each end of that runway (except Mountain Home Air Force Base, which ends at

the runway end); but when the runway has no specially prepared hard surface, or planned hard surface, width of the primary surface of Mountain Home Air Force Base shall be one thousand five hundred (1,500') feet; for the City of Mountain Home Airport, the width shall be five hundred (500') feet; for the Glenn's Ferry Airport, the width shall be two hundred fifty (250') feet.

PRINCIPAL PERMITTED USE: The use of land or a structure allowed in a specific zoning base or overlay district as a principal permitted, accessory, or conditional use in compliance with this O~~o~~rdinance.

PRINCIPAL STRUCTURE: For any given property, the structure in which the principal use is conducted.

PRIVATE ROAD: Any private access to five (5) or more lots or commercial/industrial facilities that take~~s~~ access from a public road and is approved by the County Engineer. See Title 10, Chapter 5 of this Ordinance.

PROHIBITED USE: Any use within a zoning district not listed as a principal permitted, accessory, or conditional use in this ordinance.

PROPERTY: A "lot" or "parcel" as herein defined.

PROPERTY BOUNDARY ADJUSTMENT OR BOUNDARY LINE ADJUSTMENT: The adjustment of property boundaries between two (2) properties as approved by the Director of Land Use and Building Department in compliance with this Ordinance. See Title 10, Chapter 4.

PROPERTY, CORNER: A lot or parcel abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street. The point of intersection of the street lines is the "corner". See Corner Lot definition.

PROPERTY DEPTH: The horizontal distance that connects the front property line and the rear property line as measured perpendicular to any point along the front property line.

PROPERTY LINE, FRONT: The line separating the lot or parcel from the street or roadway on which it takes access.

PROPERTY LINE, REAR: The property line opposite and most distant from the front property line. Where the lot or parcel is irregular and the property lines converge, the rear property line shall be deemed to be a line at a point where the side property lines are not less than ten (10') feet apart.

PROPERTY LINE, SIDE: Any property lines other than a front or rear property line. A side property line separating a lot or parcel from a street is called a side street property line. A side property line separating a lot or parcel from another lot or parcel is called an interior side property line.

PROPERTY SIZE: The computed horizontal area contained within the property lines.

PROPERTY WIDTH: The horizontal distance that connects opposing side property lines as measured perpendicular to any point along the side property lines.

PUBLIC BUILDING: Shall include, but not be limited to: a) fire station; b) law enforcement; c) library; d) post office; e) public administration building (exclusive of shop, garage); f) hospital, skilled nursing facility, or residential care facility; g) emergency medical service facility; h) halfway house and work release facility; and i) juvenile detention facility.

PUBLIC EMERGENCY: A public emergency exists when any one or more of the following conditions are present or reasonably expected to occur:

A. Imminent danger or threat to public health, safety, or welfare.

B. Hazardous conditions.

C. Violation of federal, state, local, or county health or safety regulations.

PUBLIC HIGHWAY AGENCY: The Highway Districts within Elmore County or the Idaho Transportation Department established in compliance with Idaho State Code Title 40, Chapters 13 and 14.

PUBLIC INFRASTRUCTURE FACILITY: Shall include, but not be limited to public or quasi-public entity's: a) pumping station for water, sewer, or gas; b) power substation, electric substation, grid switching site, electric transmission line, electric sub transmission line, electric distribution line, or any major structure connected to a public utility; c) municipal wastewater collection and treatment facility or interim wastewater treatment system; d) utility shop, garage, or storage facility; e) park and ride lot; f) water reservoir and water tank; and g) storm drainage facility and storm detention facility.

PUBLIC NOTICE: The required notice by Elmore County or the applicant which provides notice to the public and area residents that an application has been filed, or an action requiring a public hearing has been filed, and that the County will be holding a hearing at a specific time and date whereby the public and property owners will have an opportunity to submit their views and ideas and evidence as to the proposed development or zoning.

PUBLIC OR QUASI-PUBLIC USE: Public or quasi-public uses shall include, but not be limited to, Ppublic Bbuildings and ~~and/or~~ Ppublic Iinfrastructure Ffacilities as herein defined, and other types of uses such as, churches; Sunday schools; parochial schools; hospitals; convalescent or retirement homes; colleges and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

PUBLIC RIGHT OF WAY: A right of way open to the public and subject to the jurisdiction of a public highway agency, where the public highway agency has an obligation to construct or maintain said right of way for vehicular traffic.

PUBLIC ROAD: A street, road, thoroughfare, or highway and includes a right of way for public use that provides vehicular and/or pedestrian access.

PUBLIC TRANSPORTATION: A system of trains, buses (on demand or on fixed route) and other forms of transportation provided to the public, typically for a fee.

PUBLIC UTILITY: Every common carrier, pipeline corporation, gas corporation, electrical corporation, telephone corporation and water corporation, where the service is performed and the commodity delivered directly to the public or some portion thereof, and where the service is performed or the commodity delivered to any corporation or corporations, or any person or persons in turn, either directly or indirectly or mediately or immediately, performs services or delivers such commodity to or for the public or some portion thereof as defined in Idaho Statute § 61-129.

PUBLIC WATER SYSTEM: A system that provides the public with piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:

A. Any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and,

B. Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

C. A public water system is either a "community water system" or a "noncommunity water system."

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QUALIFIED ECONOMIST: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in economics.

QUALIFIED EXPERT, NOT SPECIFICALLY DEFINED: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in their specific field.

QUALIFIED PLANNER: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in a land use planning field.

QUALIFIED WILDLIFE BIOLOGIST: An individual or professional firm where the individual or principal(s) of the professional firm have minimum of five (5) years of experience in the development of wildlife and habitat mitigation plans or the monitor of such plans or have supervised or performed other wildlife and habitat monitoring or mitigation implementing

actions.

QUALIFYING PROPERTY: A lot or parcel that is the subject of a proposed development application and that meets the applicability requirements as set forth in this Oordinance.

R

RACETRACK: A structure, or portion thereof, used for racing vehicles or animals for recreation, training, or profit and that may include accessory uses and structures normally associated with this activity.

RANCH: A property in agricultural use that is five (5) acres in size or greater.

REASONABLY AVAILABLE: A municipal or public utility, wastewater, or water system shall be considered reasonably available when it is within three hundred (300') feet of any property line of the subject property.

RECORD OF SURVEY: A document that is created by an Idaho licensed Land Ssurveyor or Civil Engineer that documents parcel boundaries, easements, location of improvements, etc. that is filed and recorded by the Elmore County Clerk and Recorder.

RECREATION DEVELOPMENTFACILITY: Those facilities and structures directly related to use of a specific recreational resource, either indoor or outdoor.

RECREATION DEVELOPMENT PLAN: A master plan consisting of both a short-term plan and a long-term plan.

A. Long -Term Plan: The long-term plan shall present non-detailed plans of logical maximum development within the recreation district.

B. Short-Term Plan: A short-term plan must specify all development planned within the following three (3) years of the proposed development.

RECREATION ITEM, PERSONAL: The term personal recreation item shall include, but not be limited to, motorcycle, boat, snowmobile, horse trailer, snow vehicles with tracks, and all-terrain vehicle.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, and may include .travel trailer, camping trailer, truck camper, fifth-wheel trailer, park model recreational vehicle and motor home. See Idaho Code 39-4201(2).a vehicle that is:

Built on a single chassis, and

400 square feet or less when measured at the largest horizontal projection, and

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~~Designed to be self-propelled or permanently towed by a light duty truck, and~~

~~Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

RECREATIONAL VEHICLE PARK: A ~~premises~~ parcel larger than five (5) acres, upon which more than four (4) parking sites or camping spaces are located, established, or maintained for occupancy by recreational vehicles or tents for recreation or vacation purposes. A manager, common areas, recreation facilities, and other amenities in compliance with this Ordinance -shall be on site. Master Site Plan approval shall be received from the Director, along with approvals from Central District Health for waste disposal and fire access/circulation plan approval by the County Engineer.

RECREATIONAL VEHICLE STORAGE, PERSONAL: Storage of six (6) or less Personal Recreation Items, as defined in this Ordinance, on a parcel, not less than one (1) acre in size and will require a site plan approved by the Director. Living in a stored Personal Recreation Item is not permitted.

RECREATIONAL VEHICLE STORAGE, TEMPORARY: A parcel larger than one (1) acre, upon which four (4) or less parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use, with a maximum of six (6) months within a year for recreation or vacation purposes. A manager shall be on site. Site plan approval required by Director, Central District Health approval for waste disposal and fire access/circulation plan required.

RECREATIONAL VEHICLE SALES OR SERVICE: The sale, trade, or lease of new or used recreational vehicles or personal recreation items in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts.

RECYCLING CENTER: An establishment that is not a junkyard and in which recoverable resource materials, ~~such as~~limited to paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a completely enclosed structure, less than 5,000 square feet, prior to shipment to others who use such resource materials to manufacture new products.

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RECYCLING PLANT: An establishment that is not a junkyard and in which recoverable resource materials, ~~such as~~limited to paper products, glassware, and metal cans, are recycled, reprocessed, and treated to return such products to a condition in which they may be reused for production. The recycling of tires, batteries and electronic components are prohibited.

RECYCLING, WATER: The treating and repurposing of wastewater, such as municipal wastewater or stormwater, for alternative uses such as irrigation. Recycled water is

classified based on water quality standards, which determine its safe uses. The Idaho Department of Environmental Quality (DEQ) is the authority over use of recycled water.

Commented [MB8]: Mitra, please look over this definition.

REFERENCE ROAD: Any Federal public road, State highway or road, or County road designated as a graded and drained or higher improvement designation on the Official maps of the ~~Highway Districts~~Comprehensive Plan within Elmore County.

REGULATORY FLOOD: Per Idaho Statute §46-1021:"Regulatory flood" is a flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years; this means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded. See Flood.

REGULATORY FLOODWAY: See Floodway

REMEDIATION: Structures and/or activities that remove contaminates from soil or water.

REMEDY A VIOLATION: T~~t~~o bring the structure, use, facility, or other development into compliance with State or local zoning, environmental, or floodplain ~~flood plain management~~ regulations, ~~and~~or~~,~~or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced or mitigated include protecting public health, welfare, and safety of the citizens by addressing~~the structure or other affected development from~~ code violations and environmental or flood damages, implementing the enforcement provisions of thi~~s~~e O~~o~~rdinance or otherwise deterring future similar violations, and~~or~~ reducing ~~Federal~~ taxpayers' financial exposure with regard to the structure, use, facility, or other development that have caused the violation.

RENEWABLE ENERGY: Energy that can be produced or managed from sources that is self-sustaining and is considered non-depletable.

REPAIR: The reconstruction, renewal or maintenance of real or personal property.

REPETITIVE LOSS STRUCTURE: An NFIP-insured structure that has had at least two paid flood losses of more than $1,000 each in any 10-year period since 1978.

RESEARCH ACTIVITIES: Research, development, and testing related, but not limited to such fields as chemical, pharmaceutical, geothermal, medical, electrical, transportation, planning, and engineering.

RESEARCH AND DEVELOPMENT FACILITY: An establishment that has facilities or laboratories for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

RESIDENCE, AGRICULTURAL: Shall include farm parcels, land parcels and subdivision lots outside of Area of City Impact boundaries.

RESIDENTIAL CARE FACILITY: An establishment that provides permanent provisions for living, sleeping, eating, cooking, and sanitation and that provides twenty- four (24) hour non-medical care for more than eight (8) individuals who need personal care or assistance and supervision. A residential care facility shall include, but not be limited to, assisted living facility, retirement home, and respite care.

RESIDENTIAL LAND USES: Land uses that directly provide housing for Elmore County residents such as but not limited to single family residential~~ type land use~~, multi-family residential~~ type land use~~, rural residential~~ type land use~~, and agricultural type land uses.

RESIDENTIAL STRUCTURE: A building used as a dwelling for one or more persons. The term residential structure includes, but is not limited to: houses, apartment buildings, lodging homes, boarding houses, bed and breakfast establishments, dormitories, hotels, motels, hospitals, sanitariums, and nursing homes. The term residential structure also includes accessory use areas used in conjunction with, and an integral part of, a residential structure.

RESIDENTIAL USE: A structure or use intended for human occupancy such as a single-family, two-family, or multi-family dwelling, boarding, lodging, or ~~rooming~~ halfway house.

RESTAURANT: Any eating establishment having kitchen and cooking facilities for the preparation of food and where meals are reg

ularly served to the public for compensation.

RETAIL, BIG BOX: A large-scale, high-volume retail store that occupies more than 50,000 square feet of building space and offers a wide variety of products under one roof. A Big Box Retail as defined herein refers typically to a massive, rectangular, one-story "box" built on a concrete slab with a flat roof and surrounding acres of public parking lot or garage.

REVOCATION: The act of recalling and annulment of a county issued permit due to violations of this ordinance or approval conditions.

RIFLE LOTS: Lots of record with the Elmore County Assessor on or prior to May 13, 2009 that exceed the minimum Lot Depth to Lot Width ratio of 3 depth to 1 width.

RIVERINE: R~~r~~elating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ROAD, PRIVATE ALSO SEE STREET: A road within a subdivision plat that is not dedicated to public and not part of a public highway system, as defined by Idaho Statutes §50-1301.

ROAD, PUBLIC: Salso see Street.TREET: A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency as defined in Idaho Statutes §50-1301.

ROADSIDE PRODUCE STAND: An establishment where farm produce is displayed and sold to the general public. Generally, a temporary or mobile structure designed or used for the display or sale of products. Temporary stands are defined as less than 30 days of continuous use.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way.

RUNWAY: A defined area of an airport prepared for landing and takeoff of aircraft along its length.

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SANITARY LANDFILL: See Title 8 Chapter 5 Section 3.

SAWMILL: A mill or manufacturing facility where raw wood, lumber and wood by- products are shaped and processed for wholesale or retail use.

SCENIC CORRIDOR: An area of significant scenic importance to the County as a representation of the Agricultural character and general attractive beauty of the County.

SCHOOL, PUBLIC OR PRIVATE: An institution of learning that offers academic instruction in the courses that are required by the State of Idaho to be taught in public schools. "School" includes kindergarten, elementary, middle, junior high, senior high, plus college, university and technical schools. Privately funded schools, and Charter schools, whose curriculum meets the state of Idaho standards shall be included in this definition.

SCHOOL, PROPRIETARY: A person or educational, business or other entity, whether legally constituted or otherwise, which proprietary school as defined by Idaho Statute § 33-2401.

SCREEN: To shield or conceal from view. The Director or Commission must approve material and height of screen.

SEASONAL STAND: Shall include, but not be limited to, fireworks, snow cone, produce, or Christmas tree stands, less than thirty (30) days of continuous use.

SEAT: The place or the thing upon which one sits. The number of off-street parking spaces for certain uses is determined by the number of seats in a Recreation Facility, the number of seating units installed or indicated on each eighteen (18") lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITIES: A structure containing separate individual and

private storage spaces of varying sizes, owned or leased/rented on individual leases for varying periods of time. The following uses are prohibited: residential, commercial, wholesale or retail sales, and any use that is noxious, hazardous or offensive because of odors, dust, noise, fumes or vibrations.

SELF-SUFFICIENCY: Self-Sufficiency is defined by a development or Planned Community that is sustainable and that provides live, work, and play opportunities for their residents. Within these developments or Planned Communities, in addition to essential services, some commercial opportunities exist. This does not mean that they are required to have a one-to-one jobs-to-housing balance to be self-sufficient. Self- Sufficiency simply means that development or Planned Communities would have the ability (financially and structurally) to provide essential public services.

SEPTIC SYSTEM: A sewage disposal system consisting of a septic tank and drain field or any approved alternative system large enough to ensure the disposal capacity of the anticipated volume of sewage in conformance with the regulations of the Central District Health and or the Westside Sewer District and/or approved by Idaho Department of Environmental Quality.

SEPTIC WASTEWATER TREATMENT SYSTEM: An installation that collects and treats domestic wastewater through subsurface disposal of effluent and conforms to the rules, regulations, and adopted plans of state and ~~federal~~ health authority.

SERVICE AREA: Shall refer to areas necessary for the management of the manufactured home park, mobile home park, multifamily residential, public or quasi-public, and commercial/industrial uses as shown on Master Site Plan. Such areas may include, but shall not be limited to storage and collection areas for trash and garbage, loading and unloading areas other than passenger vehicles, and outdoor storage areas.

SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail and where minor repair and service may be rendered. Uses permissible at a service station do not include storage of automobiles not in operating condition, or other work involving noise, glare, fumes, or smoke.

SETBACK: The distance established by this Ordinance, generally parallel with and measured from the lot line, defining the area of a site or property or yard in which no building may be located above or below ground.

SHOOTING RANGE: An establishment, indoor or outdoor, that allows for the safe practice of shooting firearms or bow and arrows and that may include accessory uses and structures normally associated with this activity operating in compliance with state and federal regulations.

SHOP FOR BUILDING CONTRACTORS: A facility or premises, less than 5,000 square feet,used by a licensed building or construction contractor for storing materials, tools,

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equipment, and vehicles, and for performing light fabrication, assembly, maintenance, or administrative work directly related to construction, repairs, and maintenance activities. It typically supports off-site small construction projects, rather than serving as a retail operation, and is managed by on-site primary use of the building or construction contractor.

A combination of indoor and outdoor facilities and buildings used in the building and construction trades. Includes administrative space, storage and workspaces.

SHORT TERM RENTALS: A furnished residential property rented to guests for brief stays, typically under 30 consecutive nights for compensation, that meets the building code occupancy limits for a single-family residence. See Title 7, Chapter 2 of this Ordinance.

SIDEWALK: That portion of the street right-of-way outside of the street pavement, which is improved for pedestrian use. May be public or private and located outside of the street right-of-way.

SIGN: Any sign copy, logo, or other representation that directly, or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial, industrial, or public activity. See definitions in Title 7, Chapter 7 of this Ordinance.

SIGN, ANIMATED: Any sign that uses movement or change of lighting to depict action or to create a special effect.

SIGN, BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a structure by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

SIGN, BILLBOARD: Any sign upon which advertising matter is posted and/or pasted thereon.

SIGN, BUILDING: A sign attached to any part of a building, as contrasted to a freestanding sign.

SIGN, CANOPY: Any sign that are a part of, or attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY: A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or

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~~mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.~~

~~SIGN, COMBINATION: A sign incorporating any combination of the features of projecting, roof and freestanding signs.~~

~~SIGN, FREESTANDING: A sign whose background or copy area is wholly supported by a column, pole, foundation, pedestal or other support structure in or upon the ground and that is independent from any structure or other structure.~~

~~SIGN, HOME: An accessory sign or nameplate announcing the names of the occupants or owners of the premises or the name of the home occupation conducted thereon.~~

~~SIGN, IDENTIFICATION: A sign that states the name and address of the business only.~~

~~SIGN, INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as "no parking", "no smoking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the property on which the sign is located shall be considered incidental.~~

~~SIGN, INTERNAL: Signs within structures that are not intended as window or wall signs. The text of the sign is oriented toward individuals within the structure.~~

~~SIGN, MARQUEE: Any sign attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a structure or extending along and projecting beyond the wall of the structure, generally designed and constructed to provide protection from the weather. A canopy sign is not a marquee sign.~~

~~SIGN, NONACCESSORY, OFF-PREMISES: Any sign which directs attention to the use, name, business, commodity, service or entertainment conducted, sold, or offered elsewhere than in the premises and only incidentally on the premises if at all.~~

~~SIGN, PARAPET: Any sign attached parallel to, but within one (1') foot of, a parapet, painted on the parapet surface of, or erected and confined on a parapet of any structure, which is supported by such parapet or structure, and which displays only one sign surface.~~

~~SIGN, PARKING LOT: An accessory or on-premises sign erected for identifying and informing the public of parking lot areas open to the public and of operational procedures in connection therewith.~~

~~SIGN, PORTABLE: Any sign not permanently attached to the ground or other~~

~~permanent structure, or a sign designed to be transported including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich Board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business.~~

~~SIGN, PROJECT: An on-premises sign identifying a project proposed or under construction, and may include the nature of the project, the name of the owners, developers, contractors or other participants involved in the construction of the buildings or the development of the grounds or project.~~

~~SIGN, PROJECTING: Any sign affixed to a structure or wall in such a manner that its leading edge extends more than one (1') foot beyond the surface of such structure or wall.~~

~~SIGN, PROPERTY: An on-premises sign erected for the purpose of advertising the availability of the property for sale, lease or rent; or may include a private or public announcement or the announcement of danger or warning in connection with said premises.~~

~~SIGN, PUBLIC: An accessory sign erected for the purpose of identification of the buildings, or involved institutions, and may include the dissemination of information in connection with the program, policy or operation of public or semipublic institutions owning or occupying subject premises, such as schools, churches, hospitals, quasi-public bodies, clubs, lodges, clinics, professional and executive offices, or information in connection with the property of general interest to the public.~~

~~SIGN, PUBLIC GATHERING: An accessory sign erected to identify Boarding houses, multi-family developments, skilled nursing facilities, and/or daycare facilities.~~

~~SIGN, ROOF: Any sign erected and constructed wholly on and over the roof of a structure, supported by the roof structure, and extending vertically above the highest portion of the roof. Parapet signs, as herein defined, shall not be deemed roof signs.~~

~~SIGN, SUBDIVISION: An on-premises sign erected for the purpose of identifying the boundaries of the subdivision and may include promotional information relating to the proposed subdivision.~~

~~SIGN, SUSPENDED: A sign that is suspended from the underside of a horizontal plane surface and supported by such surface.~~

~~SIGN, TEMPORARY: Any sign that is designed and intended for use less than twelve (12) months and that is not permanently mounted.~~

~~SIGN, WALL: Any sign attached parallel to, but within one (1') foot of, a wall, painted~~

~~on the wall surface of, or erected and confined within the limits of an outside wall of any structure, which is supported by such wall or structure, and which displays only one sign surface.~~

~~SIGN, WINDOW: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, which is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.~~

~~SIGN BACKGROUND AREA: The area of the sign copy and any remaining area capable of containing copy, but not including the supporting structure.~~

~~SIGN COPY: The graphic content of a sign in either permanent or removable letter, pictographic, symbolic, or alphabetic form.~~

SITE PLAN~~NING~~: The location of buildings and activities within a physical environment. A site plan includes shapes and locations of buildings and structures, circulation and parking layouts, landscaping and natural features, and numerous other design factors that relates to the improvement of a lot or parcel of land.

SLAUGHTERHOUSE: An animal processing facility or plant where animals are killed, cured, cooked, processed, packaged, frozen, tanned and/or rendered for commercial sale.

SLOPE: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. Percent slope is calculated by multiplying this ratio (rise/run) by one hundred (100). Slope is measured from the base of the hill.

SOCIAL HALL: An establishment, or portion thereof, used for social gatherings including, but not limited to, weddings, receptions, dinners, bazaars, banquets, and reunions.

SOLID WASTE: See Title 8 Chapter 5 ~~Section 3~~.

SOLID WASTE FACILITIES: See Title 8 Chapter 5 ~~Section 3~~.

SOLID WASTE DISPOSAL FACILITIES/LANDFILL: See Title 8 Chapter 5 ~~Section 3~~.

SOLID WASTE PROCESSING FACILITY: See Title 8 Chapter 5 ~~Section 3~~.

SOLID WASTE TRANSFER FACILITY: See Title 8 Chapter 5 ~~Section 3~~.

SPECIAL DRAINAGE WELLS: Those wells used for disposing of water from sources other than direct precipitation. Examples of this well type include: landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.

SPECIAL EVENTS: Any ~~temporary~~ event including, but not limited to, picnics, barbecues, holiday events and parties, dances, concerts, bike rides and races, footraces and walks, auctions and sales, bazaars, sales or marketing events, and harvest festivals, ~~and events~~ occurring~~.~~ on less than 30 continuous days of a year and operated by the principal dwelling unit owner without causing increase in traffic or noise impacts to the surrounding property owners.

SPECIAL FLOOD HAZARD AREA (SFHA): the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

STABLE, PRIVATE: A detached accessory structure for the keeping of one (1) or more horses, mules, or cows or other animals owned and used by the occupants of the premises and not for remuneration, hire, or sale.

STABLE, RIDING: A structure used or designed for the b~~B~~oarding, ~~or~~ care of riding horses for hire or sale, training, and riding lessons operated by the principal dwelling unit owner without causing increase in traffic or noise impacts to the surrounding property owners.

START OF CONSTRUCTION: ~~I~~includes substantial site ~~improvement, and~~improvement and may mean~~s~~ the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, ~~grading~~ grading, and filling in compliance with this Ordinance; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement for floodplain management, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE: The State of Idaho.

STOCKYARD OR FEED LOT (COMMERCIAL): A ~~commercial feedlot is a~~ tightly-grouped-animal-restraining facility or corral designed to hold livestock, or a rotating flow of livestock, for extended periods of time and where the livestock are wholly dependent upon an outside source of feed. See Confinement Area.

STORAGE FACILITY, SELF-SERVICE: A structure or group of structures with a controlled access ~~and fenced compound~~ that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles that are non-hazardous in nature) within a fenced compound.

STORM WATER RUNOFF: Water discharged or runoff as a result of rain, snow, or other precipitation.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or room above. If the finished floor level (directly above a basement, cellar, or unused under-floor level) is more than fifty (50%) percent of the total perimeter or is more than twelve (12') feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story. Shall be as defined by Elmore County building code as the occupied level within a building, floor to ceiling. If a single-story building exceeds twenty-four (24') feet in height, it shall be deemed a two (2) story structure

STREETS: ~~S~~also ~~s~~ee ~~ROAD, PUBLIC~~Road, Public. ~~:~~ A road, thoroughfare, alley, highway or bridge under the jurisdiction of a public highway agency as defined in Idaho Statutes §50-1301.

A. ALLEY: A minor street, public or private that provides secondary access at the back or side of a property otherwise abutting a street.

B. ARTERIAL: A Street designated for the purpose of carrying fast and/or heavy traffic. Usually on a section line or following a geographic feature. A general term includes expressways, major and minor arterial ~~streets'~~streets and interstate, state or county highways having regional continuity

C. COLLECTOR: A Street designated for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

D. CUL-DE-SAC: A Street connected to another at one end only and provided with a turnaround space at its terminus.

E. DEAD END: A dead-end street is one that ends abruptly with no provision for egress or turnaround.

F. DEDICATED STREET: A Street dedicated to, and accepted by, the applicable Highway District within Elmore County for perpetual public use and maintenance.

G. HALF STREET: A right-of-way easement which provides only half of the usual required right-of-way width in anticipation of having adjacent land dedicated for the remaining required width.

H. LOCAL STREET: A street used primarily for access between abutting properties, providing for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collectors to collect and/or arterial streets.

I. MINOR STREET: A street which has the primary purpose of providing access to abutting properties and not for through traffic.

J. PARTIAL: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

K. PRIVATE DRIVEWAY: Private, non-dedicated vehicular access to less than five (5) adjacent properties, which may not be built to Highway District standards, but will need to be approved by the County Engineer .

L. STREET, SECTION LINE: A section line street or road as designated on the most recent Highway District maps and street maps. May be future designations and logical locations for future streets and roadways.

M. SHARED ACCESS or SHARED DRIVEWAY: An access point or driveway that is equally shared in common among two (2) property owners using the shared facility to access their respective properties.

N. STUB: A Street that ends at an ownership line or development phase boundary and provides temporary cul-de-sac turnaround until the road is extended according to prior agreement.

STREET FRONTAGE: The linear distance that a property line abuts a public street or approved private road providing access, from one property line intersecting said street to the farthest distant property line intersecting the same street.

STREET ISLAND: A lot and block in a subdivision located in the public street right of way. The street island shall be considered a non-buildable lot for development purposes.

STREET LINE: A line separating an abutting lot or parcel from a street.

STREET, PROPOSED: The undedicated portion of a new street alignment~~,~~ or the proposed plan for widening an existing street and the alignment or proposal of which is officially approved by the H~~h~~ighway D~~d~~istrict or Idaho Transportation Department ~~of Transportation, the alignment of which is officially approved~~.

STRUCTURAL ALTERATION: Any change in the structural members of a building such as walls, columns, beams, or girders.

STRUCTURE: A~~a~~ walled ~~and~~ or roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

STUDIO: A structure, or portion thereof, used as a place of work and/or instruction by an

artist or artisan less than 5,000 square feet. The term studio shall include, but not be limited to, art, music, gymnastic, dance, martial arts, photography, or video production studios and classrooms. The term studio, as used in this ordinance, shall not include a single room apartment or dwelling.

SUBDIVIDER: Any person, firm, corporation or other entity who causes land to be subdivided or who proposes a subdivision of land in compliance with this Ordinance.

SUBDIVISION: A tract of land divided into three (3) or more lots, parcels, or sites for the purpose of sale or building development, whether immediate or future; and the recorded plat thereof. However, this definition of Subdivision shall not apply to any of the following:

A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zone requirements and does not change the original number of lots in any block of the recorded plat.

~~A.~~B. A One-Time Division on a recorded plat in compliance with this Ordinance.

~~B.~~C. An allocation of land in the settlement of an estate of a decedent or in a court decree for the distribution of property.

~~C.~~D. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Statute.

~~D.~~E. Widening of existing streets to conform to the Comprehensive Plan; or street and road plans of the applicable Highway Districts.

~~E.~~F. The acquisition of a street right-of-way by a public agency.

~~F.~~G. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage of the properties involved.

~~G.~~H. The division of original lots of record or parcels of record into parcels of forty (40) acres or more in any zone except for the Air Base Hazard Zone.

SUBDIVISION (AIRPARK OR AIRCRAFT RELATED): A subdivision that includes a public or private runway to allow aircraft to access lots within the subdivision. Airpark

subdivisions require approval from military, state and federal agencies prior to application for subdivision approval ~~to~~by Elmore County.

SUBSTANTIAL AMOUNT OF WORK: A person receiving not less than seventy-five (75%) percent of their annual income from such work.

SUSTAINABLE DEVELOPMENT~~ILITY~~: A~~Sustainability is defined by a~~ development or Planned Community that can provide all essential services or contracts for essential services, such as sewer, water, fire protection, police services, emergency medical~~EMS~~, ~~L~~library, and school facilities, etc. with no negative financial impact or service level impact to those service providers and their customers. Sustainable development~~ility~~ also ensures~~refers to~~ the ability to provide a tax base during and at build-out that would be sufficient enough to sustain the essential public services of the County.

SUBSTANTIAL CONFORMANCE: A final plat shall be deemed to be in substantial conformance to a preliminary plat provided that the final plat represents no increase in the number of lots as approved for the preliminary plat or a ten (10%) percent or less deviation of any dimensional standard shown on the preliminary plat, provided that the density and lot dimensions meet the standards of the zoning base zone. Unless required by a public highway agency, public utility, or federal or state agency, deviations greater than ten (10%) percent or more of any dimensional standard shown on the preliminary plat shall not be deemed in substantial conformance.

SUBSTANTIAL DAMAGE: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent (50%) of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this ordinance.

SURVEYOR: A person who is licensed in Idaho as a public land surveyor to do professional surveying.

SWALE: A shallow depression, that may be natural or manmade and which may be used to retain storm water runoff.

SWIMMING POOL: Any structure intended for swimming or recreational bathing that can contain water over two (2') feet in depth. This includes in-ground and ~~aboveground~~above-ground swimming pools, hot tubs, and spas.

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TECHNICAL STUDIES: Detailed, site~~-~~-specific technical evaluations of development proposals in the Heavy Industrial zoning district and ~~and the ACC and CDO~~ ~~o~~overlay ~~d~~districts or as requested by the Director, Commission, or Board. Technical studies shall be completed by an independent, qualified expert ~~authorities~~s including, but not limited to, ~~qualified~~ planners, engineers, architects, surveyors, ~~appropriate~~ and industry~~-~~-specific scientific disciplines along with technical ~~, and technical~~ research and approved by the government agencies and other qualified ~~professionals~~ experts as defined by this Ordinance. The Director, Commission, or Board shall determine the scope of the required technical studies for any proposed development. ~~-~~The applicant or developer shall pay~~s~~ for the review of technical studies. ~~-~~Any qualified expert contributing to the review of a technical study must have prior approval from the Director, Commission, or Board~~d or Commission~~.

TEMPORARY LIVING QUARTERS: A manufactured home, or travel trailer permitted as a temporary dwelling for a member of the owner's immediate family on the same property as the principal permitted use.

TEMPERATURE CONTROLLED: H~~h~~aving the temperature regulated by a heating and/or cooling system, built-in or appliance.

TERRACE: A level, alluvial or narrow plain with a steep front found at the mouth of side canyons or in the alluvium deposits of valley floors.

TIME OF TRAVEL (TOT): The time required for ground water to move in the ground from a specific point to a well.

TIRE SHOP OR RECAPPING SHOP: A public, private or wholesale or retail establishment where vehicle tires are manufactured, repaired, removed or installed.

TITLE: ~~Shall mean~~ ~~a~~A name or descriptive label given to a person, profession, document, or property that identifies their role, status, or the subject of the item.

~~TITLE 6 ELMORE COUNTY, IDAHO STATUTE ZONING and DEVELOPMENT REGULATIONS or other Elmore County applicable Title.~~

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TOWNHOUSE OR ROWHOUSE DEVELOPMENT: A planned project of two (2) or more townhouse units where a duplex is permitted either as part of previous development approvals or this Ordinance that may be constructed as single building(s) containing two (2) or more townhouse units, each unit being separated from the adjoining unit or units by a one-hour fire-resistant party wall or walls extending from the basement floor to the roof along the dividing townhouse sub lot line, each unit having its own access to the outside and no unit located over another unit in part or in whole. All townhouse development(s) shall be platted under the procedures contained herein.

TRACT: Land area proposed to be subdivided or developed, or farmed, or ranched.

TRANSIT FACILITY: Shall include, but not be limited to, a bus or rail station ~~or a park and ride lot~~.

TRANSPORTATION AUTHORITY: ~~The Applicable~~Any of the three (3) highway districts of Elmore County, ~~and~~, the Idaho Transportation Department, and Valley Regional Transit, and~~,~~ any other entity ~~any of the three (3) Highway Districts within Elmore County, any other agency~~ that may succeed to their powers or establish public jurisdiction in the field of transportation. The term transportation authority shall be liberally construed to include all the adopted, approved, or certified plans, rules, regulations, statutes, or laws of the transportation authority.

TRAILER (LIVING or UTILITY): Any vehicle or structure constructed in such a manner as to permit occupancy thereof such as living quarters, conducting of business, trade, occupation, or used as a selling or advertising device, or used for storage or conveyance for tools, equipment or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets and propelled or drawn by its own or other motor power, or pulled by other motorized vehicles.

TRANSITIONAL SURFACE: These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of one to one (1:1) (from the sides of the primary surface and from the sides of the approach surface).

TRANSITIONAL USE: A use of land designed to serve as a buffer between conflicting land uses such as single-family residential uses and heavily traveled traffic arterials. Uses designated as transitional uses in each particular district are deemed to be those, which are more or less compatible to the conflicting uses.

TRANSPORTATION FACILITIES: Roads, parking areas, turnarounds, trails, bike paths, horse trails, ski or scenic lifts, or any other thoroughfare associated with moving people or materials. This may include the Union Pacific Rail Line and Snake and Boise Rivers.

TRAVELWAY: The improved surface required within a private road easement.

TREE: A plant having a permanently woody main stem or trunk.

TRIP GENERATION: An element of a traffic volume survey which indicates the number of automobile, bus, pedestrian, or bicycle trips produced or generated in a specific area or by a specific use. As an example, an office building generates "x" number of trips to work by its employees and "x" number of trips home from work.

TRIPLE WIDE: A prefabricated structure intended for habitation, built essentially in three (3) separate sections for transport, which are then fastened together and placed on a permanent foundation at the building site.

TRUCK STOP: A service station or commercial enterprise using the premises primarily to sell and supply motor fuel, lubricating oils, and greases to on-premise trade that includes automobiles as well as large trucks; and including the sale of tires, batteries, automotive accessories, related services, major and minor motor vehicle repairs as well as special services to operators and drivers of trucks on an interstate basis.

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UNDERGROUND INJECTION WELL: Any excavation or artificial opening into the ground, which meets the following three criteria:

A. A bored, drilled or dug hole, or a driven mine shaft, or a driven well point; and

B. It is deeper than its largest straight-line surface dimension; and

C. It is used for or intended to be used for injection.

UNDEVELOPED AREA: That portion of a development that is left unimproved, or lot or parcel of land that is unimproved.

UNDUE ADVERSE IMPACTS: Measurable increases in noise, light, odor, visual, or other measurable impacts that diminish use or enjoyment of property or are detrimental to the public health, safety, and/or welfare.

UNDUE HARDSHIP: Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same zoning district under the terms of this Ordinance, but not merely a matter of convenience and profit.

UNITED STATES GEOLOGIC SURVEY (USGS): The United States Geologic Survey.

UNNUMBERED A ZONE: Areas of special flood hazard delineated on the flood insurance maps that are susceptible to flooding~~,~~ but, due to their remoteness, detailed elevations and hydrologic calculations are not clearly defined for their location or flood elevation~~available~~.

UNPLATTED: A property that is not included in any platted subdivision of record in Elmore County.

URBAN SERVICES: Urban services shall include, but not be limited to, the following

where applicable: municipal sewer and water facilities,; pedestrian walkways and bicycle paths,; developed open spaces,; neighborhood and community parks,; recreation lands,; police and fire protection,; schools,; libraries,; storm drainage,; and urban standard streets and roads.

URBAN SPRAWL: Scattered development, which is not contiguous to the urbanized part of a municipality or which receives urban services. Urban SSprawl is characterized by a significant amount of vacant land intermixed with lots or parcels of urban development and with formless dispersal of a congested urban area with little or no regard for the inter-relationships of such factors as sustainable urban services, transportation, employment, health, and recreational needs.

URBAN STANDARDS: Facilities and other services that are typically provided to the residents within population centers or cities. –These shall include central or municipal water, public safety buildings services, municipal or central sewer collection and treatment systems, public schools, paved streets, parks and recreation facilities, storm drainage facilities, and fire protection services.

USE: The specific purposes for which land or a building is being used and shall include, but not be limited to, parking lots, roads, and driveways. Use is also defined under the property's future land use designation of the Comprehensive Plan and zoning district of this Ordinanceclassification.

USE EXCEPTIONS: All uses that may be allowed within the zoning district may be permitted with a PUD or PUDD. Uses not allowed within a Zzoning Ddistrict may be permitted through a Use Exception up to a specific percentage or gross acreage within the PUD or PUDD. A Use Exception may be directed to residential, commercial, office, light industrial, public, and quasi-public uses that are not allowed within the Zzoning Ddistrict wbutand may be considered with theith Board approval. –The Board shall consider the requirements set forth in this Ordinance when reviewing Use Exceptions.

USE, EXISTING: Any use legally existing at the time of adoption of the ordinance codified in this Ordinance.

USED: Shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, storm water and similar facilities providing service to and used by the public.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

V

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VACATION: The act of removing and making void platted lots, easements, or public right of ways.

VALUABLE MINERALS: A mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, gravel, sand, clay, building stone, cinders, pumice, scoria, diatomaceous earth, quartz, limestone, marble, gold, silver, copper, lead, zinc, coal, and phosphate.

VARIANCE: a grant of relief by the governing body from a requirement of this ordinance.

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway or street excepting devices moved exclusively by human power or used exclusively upon stationary rails or tracts to include but limited to: automobiles, ATV's, snowmobiles.

VEHICLE, COMMERCIAL: Any currently licensed and operable motor vehicle with a gross vehicle weight rating over twenty-six thousand (26,000) pounds and as defined by Idaho Statute § 49-123.

VEHICLE, HOBBY: An accessory use involving the restoration, maintenance, and/or preservation of two (2) or less vehicles at any one time.

VEHICLE, INOPERABLE: A vehicle that cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roadways and highways in the State of Idaho, as set forth in Idaho Statute chapter 49.

VEHICLE REPAIR: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles. Any or all of the following activities: a) engine rebuilding; b) major reconditioning of worn or damaged motor vehicles; c) collision service, including body, frame, or fender straightening or repair; and d) overall painting of vehicles within an enclosed structure.

VEHICLE SALES OR SERVICE: The sale, trade, or lease of new or used passenger automobiles (including, but not limited to cars, sport utility vehicles, light duty trucks, and/or vans) in operating condition and any automobile repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, and upholstery), oil change, minor engine repair, tune-up, and accessory sales of replacement parts. Any operation specified under automobile, major repair is excluded.

VEHICLE OR EQUIPMENT WRECKING/SALVAGE YARD: Premises on which three (3) or more currently non-licensed motor vehicles or three (3) or more motor vehicles or pieces of equipment not in operating condition are standing more than sixty (60) days, or on which such used motor vehicles or parts thereof are dismantled or stored are standing more than thirty (30) days and are dismantled or stored. "Motor vehicles" includes mobile

homes, trailers, or trucks. Equipment includes tractors, loaders, bulldozers, and similar. Fully enclosed buildings which completely contain vehicles or equipment are exempt from this definition.

VETERINARY, ANIMAL HOSPITAL OR CLINIC: ~~A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation or recuperation. It may also include boarding that is incidental to the primary activity.~~See Animal Clinic, Animal Hospital or Veterinary Office definition in this Ordinance.

VICINITY MAP: A small map showing the location of a tract of land in relation to a larger area.

VIOLATION FOR FLOOD-PLAIN: the failure of a structure or other development to be fully compliant with the community's flood-plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other prior certifications, or other evidence of compliance required in Title 8, Chapter 2 is presumed to be in violation of this Ordinance.

VISIBLE: Capable of being seen or exposed to view without aid of binoculars or other vision enhancing devices, to people on foot or to the occupants of an automobile traveling upon a road.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedure and no instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted by the FAA by competent authority.

W

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WALKWAY / WALKING PATH/TRAIL: A public way for pedestrian use only, whether or not along the side of the road.

WAREHOUSE: A structure, more than 5,000 square feet but less than 50,000 square feet, used primarily for storing materials including, but not limited to, goods, wares, merchandise, or vehicles.

WASTE TIRE STORAGE FACILITY: See Title 8 Chapter 5 ~~Section 3~~.

WASTEWATER COLLECTION AND TREATMENT FACILITY, MUNICIPAL: Municipal Facilities for the central collection and treatment of wastewater, provided and operated by a legally created special district or municipality, that: a) provides for the transportation of sewage and the removal of polluting constituents for wastewater, b) is designed to meet local, state, and federal standards, and c) complies with state wastewater management

regulationsplans.

WASTEWATER COLLECTION AND TREATMENT FACILITY, PC OR, PUD OR PUDD: Facilities for the central collection and treatment of wastewater that serves a PC or PUD, or PUDD, provided and operated by a legally created entity, or special district, or municipality, or homeowner's association, that: a) provides for the transportation of sewage and the removal of polluting constituents for wastewater, b) is designed to meet local, state, and federal standards, and c) complies with area-wide wastewater management plans and state regulations, and is either a Membrane Bio-reactor (MBR) or Sequencing Batch Reactor (SBR) type of system. The Commission and Board may also consider wastewater treatment systems other than MBR or SBR systems provided the proposed systems are similar in design, water quality output, or further advance wastewater treatment systems through technological advancesinnovations in compliance with local and state regulations.

WASTEWATER TREATMENT SYSTEM, INDIVIDUAL: An installation that collects and treats domestic wastewater from one property and uses, at a minimum, subsurface disposal of effluent and conforms to the rules, regulations, and adopted plans of the local health authority.

WATER RIGHTS: A water right is the right to divert the public waters of the State and put them to beneficial or personal use. A water right is a "usufructuary right," meaning a right to use, as opposed to a right to possess. Water rights are governed by prior appropriation, adjudication, and state regulations covering both surface and ground water. Idaho Code Title 42 and the Idaho Department of Water Resources determine whether a water right application will be required for a development application.

Commented [MB9]: Mitra, is this sufficient?

WATER SURFACE ELEVATION: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988 (or other specified datum), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATER SYSTEM, COMMUNITY: A central water supply system that serves more than two (2fifteen (15) dwellings or twenty-five (25) individuals and provides a domestic water supply meeting local, state, and federal drinking water standards and fire flow requirements.

WATER SYSTEM, INDIVIDUAL: A domestic water system that serves up to two (2) dwellings.

WATERCOURSE: Aa lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WELL HOUSE / PUMP HOUSE: A structure encasing a well or pumps used to provide domestic water or irrigation water.

WETLANDS: Those areas of Elmore County that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas (Army Corps of Engineers Regulation) and tend to be found in transitional areas between dry land and water where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands, for the purpose of this classification, mean an area where three (3) of the following attributes, as defined in the current and future amended editions of "The Federal Manual for Identifying and Delineating Jurisdictional Wetlands" exist: 1) hydrophilic vegetation, 2) hydric soils, and 3) wetland hydrology.

WILDLIFE MITIGATION PLAN: A plan that outlines strategies to reduce human-wildlife conflict, minimize impact, protect habitats, mitigate potential impact, and promote coexistence between wildlife and human activities.

WINERY: An agricultural processing facility utilizing ~~agricultural products~~locally produced grapes to manufacture and/or sell wine and wine by-products. ~~s.~~A winery may include a small tasting room not to exceed 10 visitors ~~per day~~at a time for less than 30-continguous days of the year.

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YARD: An open space on the same lot with a principal building, which is unoccupied and unobstructed. A required open space, other than a court, unoccupied and unobstructed by a structure or portion of a structure.

A. Front Yard - A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building;

B. Rear Yard - A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building;

C. Interior Side Yard - A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards;

D. Street Side Yard - A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards;

E. Transitional Yard - A yard, which serves as a buffer between conflicting land uses such as between single-family residential uses and commercial or industrial uses or between residential, uses and heavily traveled traffic arterial. Transitional yards are deemed to be an open space, which is between those, uses which are more or less compatible.

YARD SALES: The on-premise sale of new or used household or related goods ~~from a~~ on

less than 30 continuous days of a year from the principal dwelling unit without causing increase in traffic or noise impacts to the surrounding property owners~~residential lot~~; also known as garage or rummage sale.

Z

ZERO LOT LINE: A building design which allows for a dwelling to be built to the side lot line and which may include an easement to a neighboring lot for the purpose of upkeep and maintenance of each dwelling. Zero lot line developments can be either dwelling units detached or attached. The location of a structure on a lot in such a manner that one or more of the structure's sides rests directly on a lot line.

ZONING~~E~~ DISTRICT: A portion of the unincorporated territory of Elmore County defined by this O~~o~~rdinance and designated on the Official Z~~z~~oning M~~m~~aps, to which the provisions of this O~~o~~rdinance apply. There are two types of Zoning Districts or Zones.

BASE ZONE: A Base Zone is the primary zoning designation applied to a parcel of land that establishes the fundamental set of land uses, development standards, and regulations that govern how that property may be used and developed. It defines the core purpose of the land—such as residential, commercial, industrial, agricultural, or mixed-use—before any overlays, special districts, or additional regulations are applied. All properties in unincorporated areas of Elmore County shall have a base zone.

OVERLAY ZONE: An Overlay Zone is a zoning designation applied on top of a base zone to add special regulations, development standards, or protections to a specific geographic area. It does not replace the underlying base zone; instead, it supplements or modifies the regulations that already apply to a property. Overlay Zones are applied selectively to unincorporated areas of Elmore County, where an area has unique conditions, constraints, or goals that require tailored regulations beyond the standard zoning framework.

ZONING MAP: An officially adopted map ~~adopted~~ as a legal part of this Ordinance and designated as the Official Zoning Map of Elmore County where the graphic depiction of the base zones or overlay zones are provided~~districts~~ within Elmore County, and that include:

A. Indication of the boundaries of each of the zoning districts; and

B. A legend identifying each of the zoning districts; and

C. Identification names of highways, streams, and other geographic identifier~~places~~; and

D. General ~~dimensions~~ scale and north arrow indicating the geographic~~boundaries~~ span and location of the zoning~~between~~ districts.

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ZONING PERMIT: A review done by the Director certifies forthat athe proposed structure or use to meets the requirements of this Oordinance thatand identifies the path forward for the Applicant to receive localother, state, and federal approvals necessary for the proposal.

Exhibit B

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: General Development Standards
~~**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

Commented [MM1]: James, do you want to void sections or renumber them? My recommendation would be renumber them. Look forward to hearing Abbey's thoughts.

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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
Food Truck Court, Small
Food Truck Court, Large
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: Landfill
7-2-149: Laundromat
7-2-150: Laundry-Commercial Plant
Logistics Center
7-2-151: Lumber Processing
7-2-152: Lumber Yard-Retail/Wholesale
7-2-153: Machine Shop
7-2-154: Manufacture or Processing of Hazardous Chemicals or Gases
7-2-155: Manufactured Home Park
7-2-156: Marina, Boat Moorage
Mineral Extraction
7-2-157: Mortuary
7-2-158: Nursery, Retail
7-2-159: Nursery, Wholesale
7-2-160: Nursing Home or Facility
7-2-161: Office Building
7-2-162: Office, Temporary Construction
7-2-163: Outdoor Storage Facility
7-2-164: Package and Letter Delivery/Shipping Service
7-2-165: Personal, Business, or Professional Service
7-2-167: Parking Lot, Garage or Facility
7-2-168: Petroleum Storage
7-2-169: Pistol Range
7-2-170: Pit, Mine, or Quarry
7-2-171: Portable Classroom
7-2-172: Printing, Blueprinting or copy

7-2-173: Printing, Off-Set, Press or Similar
7-2-174: Processing Plants for Agricultural or Dairy Products
7-2-175: Public Address System, Outdoor
7-2-176: Public or Quasi-Public Use
7-2-177: Public Storage
7-2-178: Public Agency Utility Yard or Shop
7-2-179: Racetrack, Animal or Vehicle
7-2-180: Railroad Switching Yard
7-2-181: Recreation Facilities (Outdoor)
7-2-182: Recreational Vehicle Park
7-2-183: Recreational Vehicle Sales or Service
7-2-184: Recycling Collection Center, Small
7-2-185: Recycling Plant or Processing Facility
7-2-186: Research and Development Facility
7-2-187: Residential Care Facility
7-2-188: Restaurant or Eating Place
7-2-189: Retail, Big Box
7-2-190: Retail, Non-Big Box
7-2-191: Roadside Produce Stand or Other
7-2-192: Rodeo Arenas
7-2-193: Rooming/Boarding/Halfway House
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: Solid Waste Facilities
7-2-201: Solid Waste Disposal Facilities/Landfill (Municipal and Non-Municipal)
7-2-202: Solid Waste Processing Facility
7-2-203: Solid Waste Transfer Facility
7-2-204: Stable/Riding Arena or School Commercial
7-2-205: Storage Facility, Self-Service
7-2-206: Subdivision, Commercial
7-2-207: Subdivision, Residential
7-2-208: Subdivision, Industrial
7-2-209: Swimming Pool, Private and Public
7-2-210: Temporary Living Quarters
7-2-211: Tower or Antenna Structure, Commercial
7-2-212: Tower or Antenna Structure, Private
7-2-213: Tower Collocation
7-2-214: Transit Facility
7-2-215: Trap or Skeet Club
7-2-216: Truck and Tractor Repair
7-2-217: Truck and Tractor Stop or Wash
7-2-218: Vehicle Impound Yard

7-2-219: Vehicle Repair and Service Shops
7-2-220: Vehicle Sales, Service, Storage, Rental
7-2-221: Vehicle, Hobby
7-2-222: Veterinary Hospital or Research Facility
7-2-223 Waste Tire Storage Facility
7-2-224: Winery
7-2-225: Wireless Communication Facility
7-2-226: Wrecking Yard
7-2-227: Zoo or Zoo Type Animals

Section 7-2-1: Applicability:

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

Section 7-2-2: Purpose:

The purpose of this Chapter, is to provide ~~zoning~~ base and overlay zoning districts whose boundaries are established on the official zoning maps of the unincorporated territory of Elmore County and to provide specific use standards for ~~all uses as set forth within~~ the ~~applicable~~ base ~~zone~~ or ~~zoning~~ overlay zoning district that implement land use policies of the Comprehensive Plan. 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.

Commented [MM3]: Abbey, this is how my practice says it is. I am not sure about the full legal implication of this statement.

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 specific use of this Chapter or typical ~~related use~~industry practice for such use's regulatory and permit processing requirements.

Section 7-2-4: ~~Districts~~, Base And Overlay Districts~~s~~ ~~Established~~Discriptions:

The following zoning districts are hereby ~~established~~described. These designations have been made to realize the general land use goals, objectives, policies, and ~~policies~~implementation priorities ~~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

BASE ZONING DISTRICTS	SYMBOL
General Agriculture	AG~~g~~
Rural Residential - ~~/~~Mixed Use	RR-~~/~~MU
Recreation~~/Tourism~~	RECe~~c~~
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~~

Commented [MM4]: Morganne, please check the entire chapter and replace all "Ag" with "AG" and similarly all zones.

Please remove PUDD from the entire text.

Also, please change the entire document for RR-MU and ABZ.

Public Airport Hazard Zone	PAZ~~Z~~
Air Base Hazard Zone	ABZ~~HZ~~
Air Base Commercial Zone	ACZ
OVERLAY ZONING DISTRICTS	**SYMBOL**
Area of Critical Concern Overlay~~Overlay Zone~~	ACCO
Agritourism Overlay	ATO
Confined Animal Feeding Overlay	CAFO
Military Installations Overlay	MIO
Aquifer Recharge Overlay	ARO
Simco Industrial Overlay	SIO
Wind Energy Overlay~~Community Development Overlay Zone~~	WEO~~CDO~~
Wildfire Urban Interface Overlay~~ Zone~~	WUIO

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Section 7-2-5: Description and Intent of Zoning Districts:

A. General Agriculture: The purpose of the AG~~g~~ district is to implement Agriculture Future Land Use Designation of the Comprehensive Plan and 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~~g~~ zone subject to site development standards and compatibility with agricultural operations.~~-~~ The AG~~"Ag" land use designation~~ zone 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 implement Rural Residential Future Land Use Designation of the Comprehensive Plan and to promote~~ermit~~ the establishment of rural residential, ~~-or~~ multi-family~~-development with lot sizes sufficient for individual water and sewer facilities or clustered development with community water and sewer facilities~~, and neighborhood serving uses. ~~-~~A mix of land uses, such as commercial, residential, office, industrial, and agricultural type ~~land~~ uses may be ~~allowed~~ considered in the RR~~-/~~MU district depending upon site characteristics, development standards, and compatibility with adjacent land uses. Other types of ~~land~~ uses will only be ~~approved~~ reviewed if they are supportive and ancillary to the primary residential ~~land~~ uses. Multi-family dwellings may be ~~allowed~~ considered in the RR~~-/~~MU d~~D~~istrict depending upon site characteristics, development standards, ~~-and~~ compatibility with adjacent land uses, and availability of community or municipal water, wastewater, and transportation systems. ~~-~~The RR~~-/~~MU zone ~~designation~~ is a zone specifically set aside for existing rural residential communities~~development~~ and ~~a mix of supporting,~~

~~secondary land uses that are near or~~ the~~adjacent to~~ areas of c~~C~~ity impact ~~or near existing communities~~.

C. Recreation ~~/ Tourism~~: The purpose of the RECc~~ec~~ district is to implement Recreation Future Land Use Designation of the Comprehensive Plan and ~~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~~ considered in the RECc~~ec~~ d~~D~~istrict depending upon site characteristics, development standards, technical studies, and compatibility with adjacent land uses. Lands or areas within specific communities, which are designated ~~"~~RECc~~ec"~~, reflect the demand for recreation and tourism-related developments including public and private resorts, recreation services, primary vacation homes, ~~and~~workforce housing ~~secondary residential~~ developments, commercial services, and supporting business developments. Certain allowed uses would be permitted along with a ~~detailed list of "~~Conditional Use~~s~~ Permit and technical analyses~~"~~ in the RECc~~ec~~ z~~Z~~one. ~~-~~The REC z~~Rec Z~~one is a special planning tool, which allows development flexibility in the mountain ~~a particular~~ communities~~y or geographical area~~.

D. Neighborhood Commercial: The purpose of the C1 district is to implement Neighborhood Commercial Future Land Use Designation of the Comprehensive Plan and 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~~ by providing 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 neighborhood serving commercial uses with~~, and~~ 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".~~

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E. Highway/Interstate Commercial: The purpose of the C2 district is to implement Highway/Interstate Commercial Future Land Use Designation of the Comprehensive Plan and to permit the establishment of ~~general~~ large-scale business and commercial uses that have direct access to State Highways ~~and convenient access to the~~or 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~~ activities are ~~is~~ compatible with surrounding land uses. ~~-~~The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that require easy access from ~~are typically oriented to~~ a major roadway ~~or freeway interchange~~ or freeway.

F. Light Industrial/Manufacturing: The purpose of the M1 district is to implement Light Industrial/Manufacturing Future Land Use Designation of the Comprehensive Plan and to provide provide for commercial and light industrial development and opportunities for employment of to 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 elements, such asdue to noise, odor, dust, smoke, or glare. Uses within this zone and that are operated entirely or almost entirely within enclosed structures or fenced yards and; clearly to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other existing land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category and may proposerequire a mix of commercial or light industrial uses that consists of clean types offor manufacturing, processing, warehousing, repair and general industrial uses.

G. Heavy Industrial/Manufacturing: The purpose of the M2 district is to implement Heavy Industrial/Manufacturing Future Land Use Designation of the Comprehensive Plan and to manage the development and location of heavy industriesy in the County. If requested by the Director, Commission or the Board, the uses in this zone may be required to apply for a Conditional Use Permit supported by technical studies conducted and reviewed by qualified experts to understand, analyze, and make recommendations, as well asinclude and authorize a Memorandum of Understanding (MOU)Development Mitigation Agreement, which will specify certain required steps leading to the process of evaluating and developingto mitigate for any outstanding social, environmental, or fiscal impacts. The Heavy Industrial/Manufacturing designation zone is specifically established for heavy manufacturing and processing industries.

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H. Planned Community: The PC designation is a zone that is currently assigned to, and will get assigned to any future Planned Community development specifically designed thatto accommodates small town or urban type development that is self-sustainable and self-supporting, that places values and emphasis on community character, heritage, and 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 allowedcould be considered in all zoning districts and Zones except the Air Base Hazard and Airbase Commercial Zones, Military Installations Overlay, or as directed by this Ordinance.

I. Planned Unit Development: The PUD designation is a zone specifically designed to allow flexibility in land uses, site design and dimensional standards, to not allowed in the existing zoning districts, when the proposal is situated in an existing Areas of City Impact. The PUD zone is intended to allow development of residential, commercial, office and/or light industrial uses that are not allowed individually within a specific zoning districtas a Specific Use of this Chapter. Planned Unit Developments are allowed in all districts and overlay zonesonly allowed in the Areas of City Impact, except the Air

Base Hazard and Airbase Commercial Zones, Military Installations Overlay, 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~~J. Public Airport Hazard ~~Zone~~: The purpose of the PAZ ~~zone~~ is t~~o~~ o implement Heavy Industrial/Manufacturing Future Land Use Designation of the Comprehensive Plan and to protect ~~the Mountain Home Airport and the Glenn's Ferry Airport~~public airports from encroachment of ~~from~~ incompatible land uses and keep the County citizens safe around these airports. The PAZ will also apply to the private and quasi-public airstrips that are publicly accessible ~~at Smith's Prairie, Pine and Atlanta~~in the County. T~~. T~~he PAZ zoning district allows the~~se~~ 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.~~. Additional h~~H~~eight restrictions would ~~also~~ ~~apply to the City of Mountain Home Municipal Airport, the Glenn's Ferry Airport, plus the airstrips at Prairie and Atlanta~~be applied to this zoning district based on the airport.

K~~L~~. Air Base Hazard ~~Zone~~: The purpose of the ABZ~~HZ~~ is to ~~-~~ implement Air Base Future Land Use Designation of the Comprehensive Plan and to protect the Mountain Home Air Force Base from incompatible land use encroachment. The ~~ABHZ~~ ABZ further prevents the establishment or creation of hazards, which infringes upon Air Force's military operations. ~~-~~The Air Base Hazard Zone is necessary for the land surrounding the Mountain Home Air Force Base due to safety and noise related impacts of military operations. 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 to~~in this~~ ~~ABHZ~~ ABZ zone~~area~~.

L~~M~~. Air Base Commercial ~~Zone~~: The purpose of the ACZ~~CZ~~ 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~~to ACZ ~~area~~zone.

M~~N~~. Area of Critical Concern Overlay ~~Zone~~: ~~-~~The purpose of the ACCO designation is to implement policies of the Area of Critical Concern Overlay of the Comprehensive Plan

and to preserve and protect natural areas around the South Fork of Boise River that are critical to the County's water and land resources. —Because the base zoning district is mostly Agriculture, traditional farming and ranching and related agricultural uses will continue. Residential and neighborhood serving commercial uses may also be ~~allowed~~considered; however, technical studies by qualified expert and ~~an Environmental Impact Assessment~~best engineering practices and management of land and water -may be required. Land use, lot size and density restrictions may also be imposed based on site characteristics in compliance with regulations of this Overlay and Chapter~~if warranted~~.

N. Agritourism Overlay: The purpose of the ATO designation is to implement policies of the Agritourism Overlay of the Comprehensive Plan and incidental activities that would generate substitute income for ensuring long-term success of agriculture. The ATO is applied to privately owned lands along I-84 near the city of Glenns Ferry, between the communities of Hammett and King Hill. Commercial, recreational, and educational uses, that meet the intent and policies of the Comprehensive Plan and are allowed in Recreation (REC) zoning district, may be considered regardless of the base zoning district, as long as the proposal addresses parking, traffic, noise, safety, and hours of operation to manage its impact on surrounding areas. There are no additional regulations for this Overlay in the Zoning Ordinance.

O. Confined Animal Feeding Operations Overlay: The purpose of the CAFO Overlay is to implement policies of the Confined Animal Feeding Operations Overlay of the Comprehensive Plan. The Zoning Ordinance Overlay ensures that special development review procedures are followed in compliance with the Comprehensive Plan policies regardless of the base zoning district. There are no additional regulations for this Overlay in the Zoning Ordinance.
~~Community Development Overlay 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. Military Installations Overlay: The purpose of MIO is to implement policies of Military Installations Overlay of the Comprehensive Plan and to ensure that growth and development occur in a compatible manner to this mission-critical area. The Zoning Ordinance Overlay ensures that these military installations operate successfully in the County and are protected from incompatible land use encroachment as outlined in the Comprehensive Plan policies for the same. The overlay provides regulations related to height, allowed uses, light pollution, dust mitigations, radio or microwave frequency, and

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real-estate disclosures that will apply to all properties within the Overlay regardless of its base zoning district. There are no additional regulations for this Overlay in the Zoning Ordinance.

Q. North Mountain Home Aquifer Recharge Overlay: The purpose of ARO is to implement policies of the North Mountain Home Aquifer Recharge Overlay of the Comprehensive Plan and to require greater density restrictions and technical analyses to understand future development proposals' impact on the groundwater availability and quality. The overlay is applied to areas where Elmore County conducts managed aquifer recharge using seasonal flood flows from Canyon Creek and is a part of regional public water supply infrastructure. Therefore, the Overlay requires a Conditional Use Permit, engineering analyses, and certain density requirements for residential growth to ensure that adequate unimproved areas are available for natural groundwater recharge regardless of base zoning district. There are additional regulations in the Zoning Ordinance for ARO.

R. Simco- Road Industrial Overlay: The purpose of SRIO is to implement policies of the Simco Road Industrial Overlay of the Comprehensive Plan and to ensure that the existing and future industrial uses continue to thrive in a safe and sustainable manner without adversely impacting the county's public services and its environment. For promoting industrial uses, the Zoning Ordinance overlay provides flexibility in utilizing Light Industrial/Manufacturing (M1), Heavy Industrial/Manufacturing (M2), and Agriculture (AG) base zoning districts, with a Zoning Map Amendment, without causing spot zoning concerns or the need for a Comprehensive Plan Amendment. The Zoning Ordinance Overlay ensures that special development review procedures are followed in compliance with the Comprehensive Plan policies regardless of the base zoning district. There are no additional regulations for this Overlay in the Zoning Ordinance.

~~R.~~ Wind Energy Overlay: The purpose of WEO is to implement policies of the Wind Energy Overlay of the Comprehensive Plan and to support further development of wind turbines within this area to avoid negative visual impacts in other areas of the County. The Zoning Ordinance Overlay ensures that special development review procedures are followed in compliance with the Comprehensive Plan policies regardless of the base zoning district. There are no additional regulations for this Overlay in the Zoning Ordinance.

S.

~~S.~~ Wildfire Urban Interface ~~(WUI)~~ Overlay ~~Zone~~: The purpose of the WUIO is to give additional land development requirements and protection to specific land areas that are threatened by potential for wildfire in compliance with Titel 8, Chapter 1 of this Ordinance. The WUIO is superimposed over the ~~general~~ base zoning district~~designations~~ where ~~the Muti-Hazard Mitigation Plan of~~ Elmore County have identified~~-~~ moderate to high~~er~~ fire risks. ~~of specific areas.~~

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Section 7-2-6: Zoning Districts, Minimum Parcel Size, and Base Density ~~and Their Base Densities~~:

The ~~base residential densities~~ minimum parcel sizes and/or base residential densities for various base and overlay zoning districts~~in Elmore County~~ are shown in Table 7-2-6 below. Cluster Development, Conditional Use Permit, Administrative Approval, and Overlay Zone may allow higher residential densities than allowed in base density, in compliance with the Subdivision Regulations but requires compliance with the minimum parcel for non-residential uses size in compliance with this Chapter. ~~:~~

Table 7-2-6
Parcel Size and Residential Densities by District

ZONING ~~CLASSIFICATIONS~~DISTRICT	MINIMUM PARCEL SIZE BASE RESIDENTIAL DENSITY
General Agriculture~~/Grazing/Forest~~ (AG~~g~~)	40 Acres Minimum 1 Dwelling Unit per 40 acres(1)
Agriculture 20	20 Acres Minimum 1 Dwelling Unit per 10 acres(1)
Agriculture 10	10 Acres Minimum 1 Dwelling Unit per 20 acres(1)
Rural Residential-Mixed Use (RR-MU)	5 Acres Minimum 1 Dwelling Unit per 5 acres(1)
Recreation ~~/ Tourism~~ (RECe~~c~~)	10 Acres Minimum 1 Dwelling Unit per 10 acres(1)
~~Rural Residential / Mixed Use (RR/MU)~~	~~1 Dwelling Unit per 5 acres(1)~~
Neighborhood Commercial (C1)	5 Acres Minimum 25 Dwelling Units per acre
Highway/Interstate Commercial (C2)	5 Acres Minimum 45 Dwelling Units per acre
Light Industrial/Manufacturing (M1)	5 Acres Minimum Residential Uses Prohibited

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Heavy Industrial/Manufacturing (M2)	5 Acres Minimum Residential Uses Prohibited
Public Airport Hazard Zone (PAZ)	5 Acres Minimum Case by Case Basis
Air Base Hazard Zone (AB~~H~~Z)	5 Acres Minimum 1 Dwelling Unit per 320 acres
Air Base Commercial Zone ~~Zone~~ (ACZ)	5 Acres Minimum Residential Uses Prohibited
Area of Critical Concern Overlay (ACCO)	See Base Zone
Agritourism Overlay (ATO)~~Community Development Overlay (CDO)~~	10 Acres Minimum 1 Dwelling Unit per 10 acres[1]
Confined Animal Feeding Overlay (CAFO)~~Mayfield~~	10 Acres Minimum See Base Zone ~~1 Dwelling Unit per 10 acres[1]~~
Military Installations Overlay (MIO)~~Oasis~~	See Base Zone ~~1 Dwelling Unit per 5 acres[1]~~
North Mountain Home Aquifer Recharge Overlay (ARO)~~Tipanuk~~	See Base Zone 1 Dwelling Unit per 5 acres[1]~~1 Dwelling Unit per 5 acres[1]~~
Simco Industrial Overlay (SIO)~~Chattin Flats~~	See Base Zone~~1 Dwelling Unit per 10 acres[1]~~
~~North Mountain Home~~Wind Energy Overlay (WEO)	See Base Zone~~1 Dwelling Unit per 5 acres[1]~~
Wildfire Urban Interface Overlay (WUIO)	See Base Zone

[1] Subject to applicable development requirements of this Chapter and Ordinance. ~~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.~~

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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 Compliance ~~/ Zoning~~for Zoning Ordinance Map Amendment ~~Matrix~~:

A. The Land Use Compliance for~~/~~ 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 to become compliant with the intent and substance of the Comprehensive Plan and ~~approval~~ level of zoning review required within each land use designation.

B. Zoning Ordinance Map Amendment (re-zone) requests should be consistent with the Land Use Compliance with~~/~~ 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 Future Land Use Map.

~~C. C.~~ Conformance with the Land Use Compliance for Zoning Ordinance Map Amendment Matrix ~~Land Use/Zoning Ordinance Map Amendment Matrix~~ shall be a necessary finding of approval for all Zoning Ordinance Map Amendment requests.

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TABLE 7-2-9
LAND USE COMPLIANCE FOR ZONING ORDINANCE MAP AMENDMENT MATRIX

CURRENT ZONING DISTRICT	AG	REC	RR-MU	C1	C2	M1	M2	PAZ	ABZ	ACZ	PC	PUD	OVERLAY DISTRICTS
FUTURE LAND USE DESIGNATION													
General Agriculture	●	*	*	*	X	*	X	*	X	X	*	X	X
Recreation	*	●	*	*	X	*	X	*	X	X	X	X	X
Rural Residential	*	*	●	*	X	*	X	X	X	X	X	X	X
Areas of City Impact	X	●	●	●	●	●	X	●	X	X	*	*	X
Neighborhood Commercial	X	*	*	●	*	*	X	*	X	X	X	X	X
Highway/Interstate Commercial	X	X	*	*	●	*	X	*	X	X	X	X	X
Light Industrial/Manufacturing	X	X	*	*	*	●	*	*	X	X	X	X	X
Heavy Industrial/Manufacturing	X	X	X	X	X	*	●	*	X	X	X	X	X
Public Airport	X	X	*	X	X	*	*	●	X	X	X	X	X
Air Base Residential	X	X	X	X	X	X	X	X	●	X	X	X	X
Air Base Commercial	X	X	X	X	X	X	X	X	X	●	X	X	X
Planned Community	X	X	X	X	X	X	X	X	X	X	●	X	X
Planned Unit Development	X	X	X	X	X	X	X	X	X	X	X	●	X
Comprehensive Plan Overlays	X	X	X	X	X	X	X	X	X	X	*	*	●

X Zoning Map Amendment Not Allowed
* Consistency with a Zoning Map Amendment
● Consistent

Section 7-2-XX General Development Standards

Sections 7-2-XX43 through Section 7-2-XX2247 provide additional or specific requirements for specific land uses andgeneral development throughout the unincorporated areas of Elmore County as applicable.

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

A1. 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. a.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. b. 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. c. 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.

2B. Private Alleys: Private alleys may provide frontage when:

a1. The private alleys are located on a lot; and

b2. The lots are owned and maintained by the lot owners whose property accesses and fronts on the private alley; and

c3. The alley is accompanied with a recorded cross access easement and maintenance agreement.

d4. The CC&Rs shall also indicate ownership, maintenance, and administrateive responsibilities of the private alley, which shall be reviewed and approved by the Director.

3C. 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.

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Commented [MM7]: Abbey, Title 10, Chapters 5, 6, 7, 8, and 10 need to move to Title 7. This section belongs in Title 10, Chapter 5.

We also need a Section that states that the following are the General Regulations Applicable to all existing and future uses within the County.

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~~Section 7-2-11:~~ B. 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:~~ C. Agriculture:

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

D. ~~Section 7-2-42:~~ Accessory Structure:

1~~A~~. General Standards:

a~~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.

b~~2~~. The structure shall not be used as an additional dwelling, except as provided for by this Ordinance.

c~~3~~. The structure shall not be used for commercial or industrial purposes, or to store commercial vehicles except as provided for by this Ordinance.

d~~4~~. All accessory structures shall be included in the maximum coverage calculations for a particular property.

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

a~~1~~. Accessory structures shall not be located in any required setbacks or on any publicly dedicated easements.

b~~2~~. Accessory structures in the front yard shall not impede connection of the dwelling to a municipal wastewater collection and treatment system.

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c~~3~~. Accessory structures located in the front yard shall not block the view of the main entrance to the principal permitted dwelling.

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

a~~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.

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

a~~1~~. An accessory structure shall not exceed a height of the principal dwelling or twenty- four (24') feet, whichever is less restrictive.

b~~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.

5~~E~~. Design Standards:

a~~1~~. All accessory structures shall meet all of the following design standards:

1)~~a~~. The roofing and finish materials shall be similar in color to the principal permitted dwelling; and

2)~~b~~. The roof shall have a similar pitch to that of the principal permitted dwelling.

b~~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:

1)~~a~~. The accessory structure shall portray the architectural character of the principal permitted dwelling.

~~Section 7-2-13:~~ E. 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

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Board as provided in Idaho Code, ~~Ordinance~~ Title 50, Chapter 13 and Ordinance Title 55, Chapter 15.

~~Section 7-2-14:~~ F. Contiguous Parcels:

~~A~~1. 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~~a. 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~~b. 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~~c. Each of the abutting parcels is a conforming or nonconforming property as defined in this Title; or

d~~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:~~ G. 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:~~ H. 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:~~ I. 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.

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Section 7-2-18: J. Pipeline Corridors:

For any property for which there is a pipeline corridor easement (including, but not limited to, the northwest pipeline, Williams 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: K. 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: L. 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: M. Wastewater Treatment Systems:

A1. 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:

a1. Community sewage disposal system for sewage with a construction, maintenance, and operation plan approved by the State of Idaho Department of Environmental Quality and which meet the definition of a Community Sewage Disposal System and Facility as defined by this Title; or

2b. A individual sewage septic 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

c3. A municipal wastewater collection and treatment system as defined by this Title for a Planned Community or larger scale development.

Section 7-2-22: N. Water:

1A. For any dwelling, proposed or approved use, the owner or applicant shall provide and maintain an adequate water supply for the intended use as required by the

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Idaho State Code Title 42 and this Title. When submitting an application to the Land Use and Building Department, applicants must provide confirmation from IDWR indicating that a water right is required or not for the proposed development.

a. ~~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. For domestic wells for a single dwelling, that is not part of a subdivision, a landowner may still use up to 13,000 gallons of groundwater per day and irrigate up to one-half acre of land without a documented water right. Obtaining additional water right remains optional if a landowner chooses to pursue one.

b. All new subdivision developments should review Title 42 requirements and consult with the Idaho Department of Water Resources to determine whether water rights will be required for the project.

c. ~~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~~ Department of Health and Welfare (IDAPA 16.01.08) if applicable, and any additional conditions included in a drilling permit issued by the Idaho Department of Water Resources.

2~~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:~~ O. 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 any grading or the issuance of a grading permit.

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~~Section 7-2-24:~~ P. Renovation, Repair, Expansion or Replacement of Dwelling:

1~~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~~a. 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~~b. The property was of record in the Elmore County recorder's office prior to January 20, 1994; or

c~~3~~. The property contains a dwelling that conforms to all applicable codes and/or ordinances; or

d~~4~~. The property complies with the minimum property size of the base and overlay districts; or

e~~5~~. The property is located in an Area of City Impact; or

f~~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:~~ Q. Outdoor Storage:

1~~A~~. All outdoor storage shall comply with the requirements of this Ordinance.

2~~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.

3~~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.

4~~D~~. All outdoor storage shall comply with the flood hazard overlay as set forth in this Ordinance.

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~~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~~	~~PUDD~~
	~~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 following Official sSchedule of Zoning District Regulations lists general types of land land uses categories in Elmore County. To determine which types of land uses are allowed or prohibited in a specific zoning designation district, see Table 7-2-26 (B). Table 7-2-26 (A), Elmore County Land Use Table Symbols Defined, as shownshows level of review for allowed uses and uses that are prohibited. A user will need to in Table 7-2-26 (A), find the intended land use in Table 7-2-26 (B,) name and then read across the table using the symbology of Table 7-2-26 (A) weto determine its feasibility in the base zoning district. Then, the user will lcLook at the column headings to determine the type of zoning district and if the use is permitted or prohibited. -The Director shall interpret the appropriate district for land uses not specifically mentioned in Table 7-2-26 (B) by determining the zoning district in which similar uses are permitted and the specific uses that are comparable to the proposed use to determine level of review and applicable regulations. 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.

* Indicates other requirements may apply

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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 and ~~,~~ Planned Unit Development~~, and Planned Unit Development Districts~~, Table 7-2-27 (A), (B), and (C) indicate~~s~~ 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 sizes for various zoning districts are defined in Table 7-2-6 and may be larger in size than those required by this Chapter as listed in Table 7-2-27 (A), (B), and (C) or as required by the Central District Health Department.

3. Height of structures in the PAZ and AB~~H~~Z zone shall be regulated or required by the FAA and/or Military requirements.

4. A Planned Community and~~,~~ 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 net 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.~~

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~~2~~1. Cluster Subdivision as defined by this Ordinance.

~~3~~2. 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~~g~~	20	~~20~~10	10	20	40 Ac.[4]	25	50	1W to 3D[1]	35/70[2]/80[3]
Rec [1]	20	~~20~~10	10~~5~~	20	10 Ac.[4]	25	50	1W to 3D[1]	35/70[2]
RR~~/~~-MU[1]	20	~~20~~10	~~30~~10	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~~g~~	~~N/A~~30	~~N/A~~30	~~N/A~~30	~~N/A~~30	~~N/A~~40	~~N/A~~80	~~N/A~~400	N/A	35/70[2]~~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 rations 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] Agricultural 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~~ 5 (2)	N/A	30	N/A	45
C2	20	10	10	10	~~0~~ 5 (2)	N/A	30	N/A	80
M1	20	10	10	10	~~0~~ 5(2)	80	30	N/A	80
M2	20	10	10	10	~~0~~ 5(2)	80	30	N/A	80
PAZ	20	10	10	10	~~0~~ 5 (2)	80	30	1 to 2 (3)	35 (1)
AB~~H~~Z	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 rations 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~~5	80	30	N/A	80
M-2	20	40	40	20	~~0~~5[2]	80	30	N/A	80
PAZ	20	20	20	20	~~0~~5[2]	80	30	1 to 2[3]	35[1]
AB~~H~~Z	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 rations based on parcel configuration, but long "rifle lots" shall be prohibited.

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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

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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

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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

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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 Adopted Z~~z~~oning M~~m~~ap~~s~~, 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 f~~F~~loodplain ~~section~~ Chapter of this ~~Title~~Ordinance. 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

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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~~base zoning district, the land of the vacated street shall have the same ~~zone classification~~district 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~~ Adopted Zoning Maps: The boundaries of the zoning districts described in this Chapter are hereby established as shown on the ~~Official~~ Adopted Zoning Maps of the unincorporated territory of Elmore County, Idaho. These ~~Official~~ Adopted 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. Floodplain Management Maps: 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.

B. A Zoning Permit shall be received to establish zoning compliance prior to making any site improvement, construction activity, or change in use of a building, structure, or land.

Section 7-2-34: Overlay Districts ~~Established~~Standards:

A. The overlay districts described in this Chapter and Title are superimposed over the underlying base zoning 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 minimum lot sizes and 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~~For Planned Communities~~,~~ and Planned Unit Developments~~, Planned Unit Development Districts~~, ~~which may be allowe~~an ~~d~~overlay district regulations may be waived through procedures set forth in this Chapter and Ordinance~~. 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.~~ .

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D. 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:**~~

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~~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:**~~

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~~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-XX: Area of Critical Concerns Overlay

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 with a Conditional Use Permit; however, to ensure that it is compatible with water and land resources, environmental assessments and technical studies may be required. The Elmore County Zoning Map for the Area of Critical Concern Overlay determines the zoning boundaries, and the development standards below supplements requirements of Agriculture and other base zoning districts, as shown in Table 7-2-41.

The Director may utilize the development regulations of this Overlay for protecting historic structures in and around Atlanta and Rocky Bar communities, especially if those historic structures are surrounding the Middle Fork of Boise River and its drainage areas.

B. In reviewing any proposed development requests in the Area of Critical Concern (ACCO), the Director, Administrator, Commission, or Board will follow these development standards:

1. Proposed land use must demonstrate compatibility with the natural features of land and environment.

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2. Technical studies, funded by the applicant, may be required at the discretion of the Director, Engineer, Commission, or Board to identify natural and environmental impacts and to determine the feasibility of the proposed use.

3. Agriculture and ranching operations may be developed or expanded so that natural and scenic environment is protected.

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.

5. Structures and fences, other than agricultural, shall have a setback of one hundred (100') feet from the Boise River floodway boundary.

6. Development shall minimize the disturbance of natural vegetation within the Boise River floodplain.

7. Development within the Boise River floodplain shall incorporate landscaping in all unpaved areas where the natural vegetation has been disturbed or removed.

8. In addition to the requirements of this Chapter, and Ordinance, parking areas shall have a minimum five (5') foot wide screen between the parking area and the Boise River. Screening materials shall be as set forth in this Chapter.

9. Additional screening of uses as viewed from the Boise River floodplain may be required consistent with the purpose of this Chapter.

C. Home Occupations shall only be allowed through a Conditional Use Permit and approval.

D. Subdivisions shall not be allowed if it impacts historical features.

E. 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.

G. Mining in the area may be allowed subject to Idaho DEQ and Federal EPA standards if historical features are not impacted.

H. 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.

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Table 7-2-41 Area of Critical Concern Overlay (ACCO)		
Community Area	**Lot Size Requirement**	**Development Requirement**
Boise River Drainage Areas	Ag and other Base Zoning	All Development by CUP, PC or PUD

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Section 7-2-38: North Mountain Home Aquifer Recharge Overlay ~~District~~(ARO):

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~~A.~~ The City of Mountain Home and ~~residents of~~ the ~~North Mountain Home Aquifer Recharge~~community members of this 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~~groundwater quality and quantity of the aquifer. The Elmore County Zoning Ordinance includes an ~~a CDO~~Aquifer Recharge Overlay ~~provision specifically~~ for the community north of Mountain Home, the boundary of which is found on the . ~~Please refer to the Elmore County~~Adopted Zoning M~~m~~ap ~~for the North Mountain Home CDO boundaries~~. The ~~North Mountain Home CDO provides~~overlay provides a minimum lot size of five (5) acres as shown in Table 7-2-38 to ensure adequate natural surfaces for recharge purposes.

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.

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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.~~

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~~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 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, , 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.~~

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5. Structures and fences, other than agricultural, shall have a setback of one hundred (100') feet from the Boise River floodway boundary.

6. Development shall minimize the disturbance of natural vegetation within the Boise River floodway.

7. Development within the Boise River floodway shall incorporate landscaping in all unpaved areas where the natural vegetation has been disturbed or removed.

8. In addition to the requirements of this Chapter, and of the Ordinance, parking areas shall have a minimum five (5') foot wide screen between the parking area and the Boise River. Screening materials shall be as set forth in this Chapter.

9. Additional screening of uses as viewed from the Boise River floodway may be required consistent with the purpose of this Chapter.

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

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~~Boise River Drainage Areas~~	~~Ag Zoning~~	~~All Development by CUP, PC, PUD, or PUDD.~~

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Section 7-2-42: ~~General Standards Pertaining To~~ Specific Land ~~Land Uses and Specific Types of~~Use and Development Standards~~s or Improvements~~:

In addition to the Specific Land Use and Development Standards listed below, Title 10, Chapter 5 (Public & Private Roads), Chapter 6 (Master Site Plan), Chapter 7 (Landscaping & Screening) and Chapter 8 (Driveways & Parking) may have additional requirements.

Commented [MB12]: Does this cover the "heads up" on other requirements?

~~Sections 7-2-43 through Section 7-2-2247 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.~~

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~~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:

Commented [MB13]: Do we want to keep each its own section, or do we want to switch to A, B, C, etc to be consistent with General Development Standards?

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:

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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~~Please refer to Title 7, Chapter 7.

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~~ permit prior to construction; ~~however, t~~the structure shall be exempt from requirements of a building permit, however, an Agricultural Exemption for building permit is required.

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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 150/5300-13B.

Commented [MB14]: The newest version is 150-5300-13B - issued 8/16/24

C. If applicable, the applicant shall provide verification of compliance with the regulations and requirements of the following agencies:

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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.~~ Title 10 Chapter 1 shall be applicable.

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.

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

~~There are no additional standards or requirements for this use.~~

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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 activates, 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:

Commented [MB16]: Do we need animal boarding in definitions?

A. ~~A.~~ Animal Boarding With Outside Run shall be considered for a maximum six (6) dogs, unless a Commercial Kennel permit is associated with the use.

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~~A.~~ ~~S~~A ~~s~~ix hundred (600') foot separation shall be maintained between the area and structures where animals are housed and any property line.

B.

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~~B. B.~~ Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty-four (24) hours a day.

C.

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~~C. 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.

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~~D. 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.

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~~E. E.~~ Five (5%) percent of the building floor area, excluding the kennel area, may be used for related retail sales.

F. Animals shall be contained within a sound proof structure after 10:00 pm or have bark control device to reduce the noise until 7:00 am.

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G. ~~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:

A. Animal Grooming Clinic shall be operated only with an attendant present on the premises during business hours on workdays.
B. Five (5%) percent of the building floor area, excluding the grooming clinic area, may be used for related retail sales.

~~There are no additional standards or requirements for this use.~~

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

A. Animal Clinic, Hospital, or Veterinary Office shall be operated only with an attendant present on the premises during business hours any day of the week. Animals may be kept overnight with an attendant for medical observation not to exceed a maximum six (6) animals at any time unless a Commercial Kennel or Riding Stable permit is associated with the use.

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

Section7-2-56: Aquatic and Hydroponics' Farming:

Water rights?

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 Batch 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

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Commented [MB18]: Combine with Shooting Range? This is how it is addressed in Chapter 1

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Commented [MB19]: Is it only allowed in an agricultural district? It seem like it should be allowed in a Heavy Industrial zone as well.

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Commented [MB20]: Limit of number for a Director's Decision? Over Group home standards?

EXHIBIT 1b

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.~~

Commented [MB21]: Cottage Industries

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

~~There are no additional standards or requirements for this use.~~ Vehicle stacking lanes shall be available on the property but outside the mobile banking 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 7-2-64: 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.

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D. No more than five (5) bedrroms and ~~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.

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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.

Commented [MB23]: Remove?

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.

Commented [MB24]: Are there noise regulations?

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.

Commented [MB25]: Noise?

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

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