

JEFFERSON COUNTY  
ZONING ORDINANCE  
Amended August 22, 2011

TITLE 3 OF THE JEFFERSON COUNTY ORDINANCE  
SECTION

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3.1.0 GENERAL PROVISIONS

A. PURPOSE: An ordinance providing for the establishment of zoning within Jefferson County, Idaho, under the constitution and laws of the State of Idaho. The zoning regulations and districts herein established have been made in accordance with specific goals and designs for Jefferson County to promote the health, safety and general welfare of the residents of Jefferson County, Idaho, through efforts to:

1. Protect property rights and enhance property values.
2. Ensure that adequate public facilities and services are provided to the citizens at a reasonable cost.
3. Ensure that the economy of Jefferson County is protected and enhanced.
4. Ensure that the important environmental features of the County are protected and enhanced.
5. Encourage the protection of prime agricultural, forestry and mining lands for production of food, fiber and minerals.
6. Encourage urban and urban-type development within incorporated cities.
7. Avoid undue concentration of population and overcrowding of land outside of urban growth areas.
8. Ensure that the development on land is commensurate with the physical characteristics of the land.
9. Protect life and property in areas subject to natural hazards and disasters.

10. Protect fish, wildlife and recreation resources as is consistent with State and Federal law.

11. Avoid undue water and air pollution with standards set by State and Federal government.

B. Title: This Ordinance shall be known as the ZONING ORDINANCE of Jefferson County, Idaho.

C. Authority: The zoning regulations and districts contained herein have been prepared, adopted and enacted pursuant to the authority granted Jefferson County by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently recodified.

D. Findings: The Jefferson County Board of Commissioners finds that in order to effectuate the goals and policies, it is necessary to adopt this ordinance establishing county zoning districts and regulations for uses within each district.

E. Minimum Requirements: In interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare of the citizens of Jefferson County. Whenever the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

F. Compliance: No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

G. Severability Clause: Should any section or provision of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

H. Abrogation and Greater Restrictions: This Ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and any other ordinance, easement, covenant or deed restriction conflict or overlay, whichever imposes the more stringent restrictions shall prevail.

I. Repeal of Conflicting Ordinances: All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of the Ordinance are hereby repealed to the extent necessary to give this Zoning Ordinance full force and effect.

J. Effective Date: This Zoning Ordinance shall become effective from and after the date

of its approval and adoption by the Jefferson County Commissioners, as amended or provided by law.

### 3.2.1 DEFINITIONS

A. Purpose: To give this Ordinance its most reasonable application, the words or phrases used throughout the Ordinance, shall be interpreted so as to give them the meaning they have in common usage, unless specifically defined below.

B. Rules of Construction: Whenever appropriate to the context, words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular. The word “shall” is mandatory and the word “may” is permissive.

C. Words and Terms Defined: For use in this Ordinance, certain words and terms or phrases are defined as follows:

ABUTTING	A common border with, or being separated from, such a common border by right-of-way, alley, or easement.
ACCESSORY	A use, building structure or part thereof, which is subordinate to or incidental to the main building structure or use on the same parcel of land.
ADMINISTRATIVE USE PERMIT	A permit given by the Administrator for a specific use.
ADMINISTRATOR	Means the Administrator of Planning and Zoning Department or his/her designee.
AERATION PLANT	Equipment or devices for the treatment of liquefied waste or sewage, capable of meeting the standards and requirements of the Idaho Department of Health.
AFFECTED PERSON	One having an interest in real property, which may be adversely affected by the issuance or denial of a permit authorizing development.
AGRICULTURAL LAND	Any parcel of land presently being used for the primary purpose of obtaining a monetary profit by raising, harvesting and selling crops or by feeding, breeding, management and sale of the products of livestock, poultry, fur bearing animals or honey bees.
AIRCRAFT LANDING STRIP	A private facility for the accommodation and servicing of aircraft, the use of which shall be limited to the owner or owners of the land where the strip is located.

APPEAL	A request from anyone for a review of the interpretation, administration or enforcement of any provision of this Ordinance by the Jefferson County Planning Commission or Planning Coordinator, including a request for a variance.
BED AND BREAKFAST	Means a dwelling or portion thereof, which includes accessory buildings, where short term lodging rooms, with or without meals, are provided, and where the operator resides in the residence.
BOARD	Board of Jefferson County Commissioners.
BOARDING OR ROOMING HOUSE	A residential dwelling or portion thereof, which is used to provide lodging for two (2) or more non-family members for monetary compensation, services or other things of value
BUILDING HEIGHT	The distance, measured vertically, from the undisturbed or natural ground surface at the mid-point between the front and rear walls of a building to the top of a flat roof or mansard roof, or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof.
BUILDING OFFICIAL	The individual designated by the County Commissioners to administer and enforce this Ordinance and the Uniform Building Code adopted by Jefferson County, Idaho.
BUILDABLE AREA	The space remaining on a lot after the minimum open space requirements (coverage, yards, and setbacks) have been met.
CAMPER OR RV PARK	Any parcel of land which has been designated, improved or used for the parking of two (2) or more camper vehicles and/or tent campers for human habitation.
CERTIFIED FAMILY HOME	Home facilities for adult foster care which shall provide for two or less clients.
CLEAR VISION AREA	The triangular area within the intersection of the linear extension of the lateral curb lines, or edges if no curb exists, of two (2) roadways, or a roadway and a railroad, and extending back from the point of intersection along each roadway or railroad a distance of forty (40) feet, except that where the angle of intersection is less than thirty degrees, a greater distance may be required as determined by the Jefferson County Road and Bridge Department.

CLUSTER DEVELOPMENT	A development with concentrated building in specific areas on a site to allow the remaining land to be used for recreation, common open space, agricultural, or preservation of environmentally sensitive areas.
COMMERCIAL FEED LOT	Any cattle, sheep, poultry, swine or other exotic animal feed lot which is not incidental or an accessory use to a farm or ranch operation and any farm or ranch feed lot. The principal purpose of such operation is to produce income.
COMMERCIAL USE	An Occupation or enterprise which is carried on for profit upon the premises for which the use lies.
COMMISSION	Is the Jefferson County Planning and Zoning Commission.
COMMON OPEN SPACE	An area held for the use and benefit of the owners of dwelling units or lots in a PUD which is devoid of streets, parking, or buildings not intended for recreational or community purpose. Common open space does not include open space of individual lots within a subdivision, but may include open space as a buffer for commercial and industrial land uses, and a buffer on the perimeter of the PUD.
CONDITIONAL USE	Is a use which may not be appropriate throughout the zoning district but which, when subject to special requirements (conditions), may be allowed by the Planning and Zoning Commission.
CONVENIENCE STORE	A one story, retail store containing less than 2,000 square feet of gross floor area and is designed and stocked to sell purchases of a few items (in contrast to a supermarket).
CONFINED ANIMAL FEEDING OPERATION (CAFO)	Corrals or holding areas for the primary purpose of holding or feeding farm animals for market, and not incidental to a farm or ranch (also called feedlot).
COUNTY	Jefferson County, Idaho.
COUNTY COMMISSIONERS	The Board of County Commissioners of Jefferson County, Idaho, also known as "The Board."
DEVELOPMENT	Any 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 located within the County.

DUPLEX	A unit for two families, which are separated by a common wall, with each dwelling unit having an independent access.
DWELLING	Any building or structure with facilities for cooking, sleeping and sanitation designed shelter or enclosure for person, conventional built, modular constructed, mobile home or portion thereof, remodeled for residential occupancy.
FAMILY	The immediate members of blood relation of son, daughter, father, mother, grandparent or legally adopted children.
FARMING	Is the raising and harvesting of crops; feeding, breeding, and management of livestock; dairying; or any other agricultural or horticultural use including nurseries for wholesale, or any combination thereof. It also includes fisheries, including fishponds for breeding fish and fish hatcheries. It includes the construction and use of dwellings and other structures customarily provided in conjunction with farming, and further includes the disposal, by marketing or otherwise, of products produced on the premises.
FEEDLOT	Confined animal feeding operation (CAFO).
FLOOR AREA	The area included in the surrounding walls of a building, or portion thereof, exclusive of vent shafts and court, multiplied by the numbers of stories.
ENVIRONMENTAL	An individual, designated by the County
HEALTH OFFICER	Commissioners or the Idaho Department of Health to enforce health and safety laws or regulations.
GRADE	At ground level; the average of the landscaped ground level at the center of all walls of the building.
GREENBELT	Land retained in an open unimproved, natural condition or landscaped and improved as park facilities for public and private purposes. Ownership of such land may be private, with an easement or reservation for greenbelt use by deed restriction or it may be dedicated to the public. The designation of a greenbelt does not automatically provide for access by the public.

HOME BASED BUSINESS	Any use for gain or support carried on at a residence which does not constitute a Home Occupation.
HOME OCCUPATION	Any use for gain or support carried on as an accessory use within a dwelling or permitted accessory building which does not require any exterior building alterations, generate additional additional off-street parking or otherwise create the appearance or impact of a commercial activity within the neighborhood.
HOTEL, MOTEL OR LODGE	A building providing five (5) or more rooms for the lodging of members of the public for compensation.
INDUSTRIAL OPERATIONS CLASSIFICATIONS	Industrial uses shall be classified under one of the following categories, which characterizes the dominant feature of the operation for purposes of regulation under this Ordinance. <ul style="list-style-type: none"> <li>a. Extraction. The removal of physical matter in a solid, liquid or gaseous state from it's naturally occurring location. The initial step in utilization of or harvesting a natural resource such as oil, natural gas, coal, gravel pits and timber.</li> <li>b. Processing. Changing the physical state or chemical composition of products. The second step in utilization of a natural resource or product grown for consumption, such as refining petroleum, milling feed, canning or packaging food, mixing cement, blending fertilizer and crushing gravel.</li> <li>c. Fabrication. Changing the physical shape of material which has been processed to form a product for use or consumption and putting it into the final product. The final step in utilization of a natural resource or product, grown for consumption, such as manufacturing consumer goods, assembling equipment and vehicles.</li> <li>d. Storage. The keeping of material or products from extraction, processing or fabrication on a parcel of land, in a building, storage tank or other structure.</li> <li>e. Repair. Restoration of a used or damaged product to its original, physical shape or function, such as automobile, equipment and appliance repair.</li> <li>f. Material Handling. Loading and unloading goods, materials and products in bulk or large quantities, separate from the operations of extraction, processing, fabrication or storage.</li> </ul>
LOT	A parcel of land, held in separate ownership from contiguous lands or delineated as an individual parcel on record in the

office of the County Clerk and Recorder, including, but not limited to, a part of any subdivision plat filed of record.

LOT LINE	The external boundary of lot: Front: The boundary of a lot along a highway, road or street. Rear: The boundary of a lot on the back side of the property or the side opposite the front lot line. Side: The boundaries of a lot other than a front or rear lot line.
LOT, CORNER	A lot abutting on two (2) or more roads, other than an alley at their intersection
LOT COVERAGE	The total area of a lot which is occupied by the physical improvements or uses such as buildings, structures, parking, loading/unloading, driveway and storage. Normal landscaping improvements are not computed into the lot coverage area.
LOT SLOPE	The gradient or configuration of the undisturbed land surface of a lot or building site, which shall be established by measuring the maximum number of feet in elevation gained or lost over each one hundred feet (100') or fraction thereof, measured horizontally in any direction between opposing lot lines. The relationship of elevation or vertical measurement, shall be expressed as a percentile (%), as a means of quantifying the term lot slope.
LOT, NONCONFORMING	A lot existing on the effective date April 25, 2005 that does not meet the minimum area requirement of the district in which the lot is located.
LOWEST FLOOR	The 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.
MANUFACTURED (MOBILE) HOME	A residential structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.
MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION	A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots or spaces for rent or sale.



**MINI STORAGE FACILITY** A building or group of buildings intended for various sizes of individual self contained units that are leased or owned for the storage of customer's goods or wares.

**NEW CONSTRUCTION** Any structure for which the "start of construction" commenced on or after the effective date of this Ordinance.

**NONCONFORMING STRUCTURES OR USE**  
A lawful existing structure or use, which existed prior to April 25, 2005, and is not conforming to the requirements of the zone in which it is located (this includes nonconforming lots of record).

**OFF-STREET PARKING** An area developed and maintained on a parcel of land in an accessible and unobstructed condition for parking of automobiles by residents, visitors, employees and customers of uses permitted on the same or adjacent premises.

**PERMIT** An instrument in writing, issued by the Planning Administrator, permitting a specific use of land, building or structure in conformance to regulations under this Ordinance, and setting forth any conditions to which such use is subject.

**PLANNING ADMINISTRATOR** The individual designated by the County Commissioners to assist them and the Planning Commission with the administration of this Ordinance and related State and County regulations.

**PLANNING COMMISSION** The Planning & Zoning Commission for Jefferson County.

**PASTURE** An area suitable for the keeping of livestock or poultry, excluding the area of the residential use, and any required yard areas, as required by the zone classification.

**PERSON** Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

**PERSONAL SERVICE** Any retail service, which provides service of an individual need, such as dry cleaning, and beauty or barbershops.

**RIDING AREANA** Commercial building or land where horses are kept for riding and also including activities associated with riding horses; including horse shows, team roping, and similar activities.

**RECREATION TERMS:****RECREATIONAL FACILITY**

Shall mean facilities designed for recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists, and other similar uses. Recreational facilities shall not include primary buildings, but may include accessory buildings that are subordinate to and customarily incidental to the primary recreational use (such as maintenance and equipment storage buildings).

**CAMPGROUND**

A recreation park which provides facilities and space for tents, tent vehicles, or camping vehicles.

**PICNIC PARK**

A recreation park which is for day use only and provides no recreational vehicle or overnight camping spaces.

**RECREATIONAL  
VEHICLE PARK**

A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

**CAMPING TRAILER**

A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use, and has a floor area of less than two hundred twenty (220) square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

**MOTOR HOME**

A vehicular unit built on or permanently attached to a selfpropelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

**PARK TRAILER**

A vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.

**RESIDENTIAL CARE FACILITY** Any facility, however named, operated on either a profit or nonprofit basis for the purpose of providing a home with continuous protective oversight and necessary personal care services and facilities for three (3) or more persons not related to the owner, who are eighteen (18) years of age or older and are unable to care for themselves.

- a. Jefferson County shall have only specialized Residential Care Facilities that provide continuous protective oversight, twenty four (24) hour supervision and individualized habilitation plans for only one (1) of the following categories of residents:
  - i. Developmentally disabled;
  - ii. Mental ill;
  - iii. Chemically dependent;
  - iv. Geriatric.
- b. Residential/Assisted Living Facility shall not exceed a licensed capacity of fifteen (15) beds and shall, at a minimum, meet the regulations of the State under Chapter 39, Section 35.

**TRAVEL TRAILER** A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

**TRUCK CAMPER** A portable unit which has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms.

**SPACE** That portion of a park reserved for the location of a recreation vehicle, tent, tent vehicle or camping vehicle.

**ROW HOUSE** A single family dwelling, sharing one (1) or two (2) common side building walls with adjacent similar dwellings.

**SALVAGE (JUNK) YARD** Any location which is maintained, used or operated for dismantling, storing, keeping, buying or selling discarded, scrapped or ruined vehicles, machinery, appliances, metal products, paper, synthetic petrochemical products or any other scrap or waste materials.

**SCHOOL** A public or private preschool, elementary or secondary school or

SEPTIC TANK	college. A water tight, accessible covered receptacle, designed and constructed to receive sewage from a building sewer, to settle solids from the liquid, to anaerobically digest organic matter and store digested solids through a period of retention and allow the clarified liquids to discharge to other treatment units for final disposal.
SETBACK	The minimum distance between two given points, objects, structures or buildings.
SEWAGE TREATMENT WORKS	A system or facility for treating, neutralizing, stabilizing or disposing of sewage, which system or facility has a designated capacity to receive more than two thousand (2,000) gallons of sewage per day. The term “sewage treatment works” includes appurtenances such as interceptors, collection lines, outfall and outlet sewers, pumping stations and related equipment.
START OF CONSTRUCTION	The date the building permit was issued, provided the actual start of construction, repair, reconstruction, 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 and filling.
STORAGE TANKS STREET	Underground fuel storage use including, farm or private. A right-of-way reserved for public use (other than alley) which also provides primary vehicular and pedestrian access to adjacent properties; it may also be used for utility access to adjacent properties.
a.	Street, arterial: A street primarily used for through traffic, as designated on the Zone District Maps.
b.	Street, local: A street primarily used for access to adjacent properties.
STRUCTURE	A walled and roofed building, including a gas or liquid storage tank, that is principally above ground.

**SUBDIVIDED LAND** Land located either within a subdivision, a plat of which has been filed in the office of the Clerk and Recorder of Jefferson County or land which has been specifically exempted from subdivision review by the Planning and Zoning Commission and County Commissioners.

**SUBSTANTIAL IMPROVEMENT** Repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

- a. Before the improvement or repair is started, or
- b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement,” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure.  
The term does not, however, include either:
  - c. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions, or
  - d. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**TOWNHOUSE/ CONDOMINIUM** One of the units in a multi-unit dwelling, each separately owned.

**TEMPORARY** A period of time of six (6) months or less.

**TOWER** A structure whose principal function is to support an antenna for transmitting or receiving communications. This excludes antennas or satellite dishes for private use in a residence.

- USE**
- a. Use, principal: The purpose or function for which a lot, structure or building is intended, designed or constructed or the activity which is carried on within said lot, structure or building; a lot is restricted to one (1) principal use.
  - b. Use, accessory: A use, incidental and subordinate to the principal use of the lot, structure or building on the same lot.
  - c. Use, by right: Use allowed in a particular zone district when listed thereunder with no further conditions or approval required other than the general terms and stipulations of this Ordinance.
  - d. Use, special or conditional: Uses allowed only after a public

hearing by the Planning Commission, which permit may be approved or denied. If approved, certain conditions and performance standards may be imposed and must be complied with by the permittee.

**UTILITY** A structure or facility owned by a government entity, nonprofit organization, corporation, or other entity defined as a utility, and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, telecommunications or electronic signals.

**VARIANCE** A grant of relief from the development standards, but not the use requirements of this Ordinance, which then permits construction in a manner that would otherwise be prohibited by this Ordinance.

**WATER IMPOUNDMENTS** Impoundments of water, including surface runoff stream flow, extracted ground water and water as a by-product of extraction or processing of mineral resources, energy generation or agricultural, municipal or industrial water supply or sewage treatment installation, with a surface area of one (1) acre or more, or a number of smaller impoundments on one (1) lot with an aggregate surface area of one (1) acre or more.

**YARD** The open space on a lot (other than an interior court), unobstructed from the ground upward, except as otherwise provided in this Ordinance:

- a. Yard, front: A yard extending the full width of the lot, the depth of which shall be measured in the shortest horizontal distance between the front lot line and the nearest wall of the principal building; such distance to be known as the front yard setback.
- b. Yard, rear: A yard extending the full width of the lot, the depth of which shall be measured in the shortest horizontal distance between the rear lot line and the nearest wall of the principal building; such distance to be known as the rear yard setback.
- c. Yard, side: A yard extending from the front yard to the rear yard, the width of which shall be measured in the shortest horizontal distance between the side lot line and nearest wall of the principal building; such distance to be known as the side yard setback.

**ZONING OFFICIAL** The Administrator or his/her designee.

**3.3.0 ZONING DISTRICT REGULATIONS:**

**3.3.1 ZONING DISTRICTS DESIGNATED:**

To further the purposes stated in this section the following names shall apply to zoning districts created by this Ordinance:

DISTRICT NAME	SYMBOL
Agricultural 10 Zone .....	A-10
Agricultural 20 Zone.....	A-20
Agricultural 40 Zone .....	A-40
Residential 1 Zone.....	R-1
Residential 5 Zone.....	R-5
Commercial 1 Zone .....	C1
Commercial 2 Zone .....	C2
Light Industrial Zone.....	LI
Heavy Industrial Zone.....	HI
Recreational Res/ Com Zone.....	RR/C
Recreational Open Zone .....	R/O

In order to separate land uses which are incompatible and to mitigate the effects of land uses which conflict, the County is divided into zoning districts as shown on the official zoning map of the County which is adopted and made a part of this Ordinance as though fully set forth in this Ordinance. The zones shown on the official zoning map shall correspond to the zones described in text of this Ordinance. All land within the unincorporated areas of Jefferson County shall be subject to the restrictions contained in this Ordinance.

**3.3.2 ZONING MAP REQUIREMENTS AND DISTRICT BOUNDARIES:**

A. The official zoning map shall serve as the true record of zoning district boundaries and shall bear the signatures of the Board of County Commissioners. Signed originals of the official zoning map shall be kept on file in the office of the County Clerk and Planning and Zoning Office. Zoning district boundaries shall conform as closely as possible to surface features such as roads, alley, streams, and ridge lines or valley bottoms or to legal boundaries, such as lot lines subdivision boundaries, property lines, and government survey boundaries.

B. Should disagreements arise concerning district boundary interpretation made by the planning staff, the question may be submitted in writing to the Board of County Commissioners for a final decision.

**3.3.3 LAND USE TABLE**

A. This table is the official land use table that shows the uses that will be allowed within every zone. This will show if a Conditional Use Permit is required or if the use is permitted or not.

#### 3.3.4 AGRICULTURAL ZONES

GENERAL PURPOSE: The purpose of the agricultural zone or district is to provide for and protect agricultural lands and uses. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural use of the land. The minimum lot size and building locations in this zone shall be of a size to allow for economically viable agricultural uses without affecting surrounding properties adversely.

#### 3.3.5 AGRICULTURAL TEN ZONE (A-10)

1. Purpose -- This zone allows for agricultural uses with the development of residential lots that are ten acres in size or larger.

2. Permitted Uses -- Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses -- Conditional uses are allowed and may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

#### 3.3.6 AGRICULTURAL TWENTY ZONE (A-20)

1. Purpose -- This zone allows for the agricultural uses with the development of residential lots that are twenty acres in size or larger. This area will allow for farming with value added agricultural commercial businesses.

2. Permitted Uses -- Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses -- Conditional uses are allowed and may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the



authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

### 3.3.7 AGRICULTURAL FORTY ZONE (A-40)

1. Purpose -- This zone allows for the agricultural uses with the development of residential lots that are forty acres in size or larger.

2. Permitted Uses -- Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses -- Conditional uses are allowed and may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height Regulations -- Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed two and one-half stories, or thirty-five feet in height unless a greater height is approved by conditional use permit.

5. Setback and Lot Line Requirements –

A. Refer to the setback table 3.3.20

### 3.3.8 RESIDENTIAL ZONE

**GENERAL PURPOSE:** The purpose of this Residential Zones is to provide for and protect residential lands of a single-family residential environment, located conveniently near urban centers, by providing for an area of transition from agricultural to residential. To provide for gardening and family recreation opportunities, the keeping of a limited number of livestock and poultry as forth below, and similar rural activities on a limited scale. The minimum lot size and building location in this zone must be such that water and sewer facilities and locations for the same can be easily provided on an individual basis on each lot, without affecting surrounding properties adversely.

### 3.3.9 RESIDENTIAL ONE ZONE (R-1)

1. Purpose: The purpose of the R-1 single-family residential zone is to preserve residential neighborhood, to prevent over-crowding of the land and to encourage the development of low density area which are best suited for residential purposes. The density in this zone is one acre per dwelling. In the impact area of the incorporated cities within Jefferson County the density may be greater if central sewer and water or municipal water and sewer are provided.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories of thirty-five feet (35') in height.

5. Setback and lot line requirements:

A. Refer to the setback table 3.3.20

6. Accessory Uses: Accessory uses are permitted. Such uses shall be limited to thirty-five feet (35') in height and shall not encroach upon the front or side yards.

7. Off-street parking requirements: The following are off-street parking requirements for the R1 zone:

A. For each single-family residence, two stalls sufficient in size for a garage or carport.

8. Access to a State or County Road: All access to county or state roads shall follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

### 3.3.11 RESIDENTIAL FIVE (R-5)

1. Purpose: The purpose to the R-5 single-family residential zone is to preserve residential neighborhood, to prevent over-crowding of the land and to encourage the development of low density area which are best suited for residential purposes. The density in this zone is five acres per dwelling. In the impact area of the incorporated cities within Jefferson County the density may be greater if central sewer and water or municipal water and sewer are provided.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories or thirty-five feet in height.

5. Setback and lot line requirements:

A. Refer to the setback table 3.3.20

### 3.3.12 COMMERCIAL ZONE (C1)

GENERAL PURPOSE The intent and purposes of the commercial zoning districts are to establish areas within Jefferson County that are primarily commercial in character and to set forth certain minimum standards for development within those areas. The purpose in having more than one commercial district is to provide opportunities for a variety of employment and community service opportunities within the community, while providing a basic level of predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other both within the individual districts and to adjoining zoning districts when the standards of this title are met and any applicable conditions of approval have been satisfied.

### 3.3.13 COMMERCIAL ONE

1. Purpose: The intent of the C1 neighborhood business district is to provide for smaller scale retail and service activities frequently required by neighborhood residents on a day to day basis, as well as residential development as a secondary purpose, while still

maintaining compatibility with adjacent residential land uses. Development scale and pedestrian orientation are important elements of this district.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories, or thirty-five feet in height unless a greater height is approved by conditional use permit.

5. Setback and Lot Line requirements:

A. Refer to the setback table 3.3.20

6. Area requirements: There shall be no minimum lot size.

7. Accessory uses: Permitted uses are allowed in accordance with the land use table 3.3.3

8. Access to a State or County Road: All access to county or state roads shall follow all access policies and ordinances as set by the state or county. Multiple accesses will discouraged and shared access will be encouraged under these policies.

9. Drive-In Restaurant:

A. Will be enclosed within the property lines with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.

B. Will have a six feet (6') high sight obscuring fence along the property lines that adjoin a residence.

C. Will provide for adequate trash receptacles.

10. Outdoor Storage of Commercial Materials:

A. Will be screened from the view from any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street.

B. Will not be located in any front yard setback area.

#### 11. Design Standards:

A. Refer to 3.3.14.11 design standards apply to all commercial zones within this ordinance.

#### 3.3.14 COMMERCIAL TWO (C-2)

1. Purpose: The intent of the C2 community business district is to provide for a broad range of mutually supportive retail and service functions located in clustered areas bordered on one or more sides by limited access arterial streets.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories, or thirty-five feet in height unless a greater height is approved by conditional use permit.

#### 5. Setback and Lot Line requirements:

A. Refer to the setback table 3.3.20

6. Area requirements: There shall be no minimum lot size.

7. Accessory uses: Permitted uses are allowed in accordance with the land use table 3.3.3

8. Access to a State or County Road: All access to county or state roads shall follow all access policies and ordinances as set by the county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

## 9. Drive-In Restaurant:

- A. Will be enclosed within the property lines with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.
- B. Will have a six (6') feet high sight obscuring fence along the property lines that adjoin a residence.
- C. Will provide for adequate trash receptacles.

## 10. Outdoor Storage of Commercial Materials:

- A. Will be screened from the view of any existing adjoining residence or residentially zoned area, whether or not such property is separated by an alleyway or street.
- B. Will not be located in any front yard setback area.

## 11. Design Standards

Structures less than 25,000 sq. ft.

### 1. INTRODUCTION

Small Scale Commercial Developments should implement projects with an overall community design in mind, thus the need exists for Commercial Design Standards to be in place to ensure developments are coordinated into the overall community presentation.

### 2. BACKGROUND AND JUSTIFICATION

The basis for all development within Jefferson County is set forth in the Zoning Ordinance and the Comprehensive Plan. The Zoning Ordinance for Jefferson County states that the purpose of the Ordinance is to promote the general welfare by establishing and regulating zoning districts. These standards require a basic level of architectural variety, compatible scale, pedestrian and bicycle access, and mitigation of negative impacts.

### 3. PROCEDURE

The following standards are intended to be used as a design aid by developers proposing small commercial developments and as an evaluation tool by the county staff and the Planning Commission in their review processes.

These standards shall apply to all projects, which are processed according to the criteria for proposed development plans and to all projects for commercial establishments of 25,000 square feet or less located in the County's commercial zones.. These standards are to be used in conjunction with other County Development Regulations.

### 4. DESIGN STANDARDS

#### a. Aesthetic Character

#### i. Facades and Exterior Walls

INTENT: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of commercial buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that residents will be able to identify with their Community. The resulting scale will ensure a greater likelihood of reuse of structure by subsequent tenants.

STANDARD: Developments with facade over forty (40) feet in linear length shall incorporate wall projections or recesses a minimum of three (3) foot depth and a minimum of eight (8) contiguous feet within each forty (40) feet of facade length and shall extend over twenty (20) percent of the facade. All sides of a structure clearly visible from a public street shall be so treated. Developments shall use animating features such as arcades, display windows, entry areas, or awnings along at least sixty (60) percent of the facade.

#### ii. Smaller Commercial Stores

INTENT: The presence of smaller commercial stores gives a friendlier appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in the principal buildings or development site.

STANDARD: Where principal buildings contain additional, separately owned stores, which occupy less than 25,000 square feet of gross floor area, with separate, exterior customer entrances:

- a. The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores.
- b. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

#### iii. Detail Features

INTENT: Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

STANDARD: Building facades shall include a repeating pattern that shall include no less

than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.

- Color change
- Texture change
- Material module change
- Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

#### Expression of Architectural or Structural Bay

#### iv. Roofs

INTENT: Variations in roof lines should be used to add interest to, and reduce the massive scale of large buildings. Roof features should compliment the character of adjoining neighborhoods.

STANDARD: Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.

#### v. Materials and Colors

INTENT: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

##### STANDARD:

(1) Predominant exterior building materials shall be high quality materials. These include, without limitation:

- Brick
- Wood
- Sandstone
- Other native stone
- Tinted, textured, concrete masonry units

(2) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.

(3) Building trim and accent areas may feature brighter colors, including primary colors, neon tubing shall not be an acceptable feature for trim or accent.

(4) Predominant exterior building materials as well as accents shall not include the following:



- Smooth-faced concrete block
- Tilt-up concrete panels without mitigating surface treatment
- Pre-fabricated steel panels

#### vi. Entryways

INTENT: Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The standards identify desirable entryway design features.

STANDARD: Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

- canopies or porticos
- overhangs
- recesses/projections
- arcades
- raised corniced parapets over the door
- peaked roof forms
- arches
- outdoor patios
- display windows
- architectural details such as tile work and moldings which are integrated into the building structure and design
- integral planters or wing walls that incorporate landscaped areas and/or places for Sitting

#### vii. Parking Lot Orientation/Visual Mitigation

INTENT: Parking areas should provide safe, convenient, and efficient access for vehicles and pedestrians. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. If buildings are located closer to streets, the scale of the complex is reduced, pedestrian traffic is encouraged, and architectural details take on added importance.

STANDARD: No more than sixty (60) percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting street unless the principal building(s) and/or parking lots are screened from view by out-lot development (such as restaurants) and additional tree plantings and/or berms.

INTENT: Parking areas should be visually buffered from the adjoining streets. Minimize the visual impact of off street parking.

STANDARD: Parking shall be located to the rear of the building or screened so that it does

not dominate the streetscape. Fences, hedges, berms and landscaping shall be used to screen parking areas. When large parking lots are necessary, increase the landscaping to screen the lot and divide the lot into smaller components. Landscape islands must be provided in the interior of large lots. These may double as snow storage areas in the winter months.

#### viii. Back and Sides

**INTENT:** The rear or sides of buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts. Any back or side of a building visible from a public or private right-of-way shall be built in accordance with Article I. The Planning Commission may waive this requirement as part of an agreed upon development plan.

**STANDARD:** The minimum setback for any building facade shall be in accordance with the requirements for all Commercial zones, except Community Business Center. Where the facade faces adjacent residential uses an earthen berm shall be installed, no less than six (6) feet in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of fifteen (15) feet on center. Additional landscaping may be required by the Planning Commission to effectively buffer adjacent land use as deemed appropriate. Any and all additional landscape requirements of all the all Commercial zones, except Central business District, shall apply.

#### ix. Outdoor Storage, Trash Collection, and Loading Areas

**INTENT:** Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than forty (40) feet apart, or on those sides of buildings that do not have customer entrances.

**STANDARD:**

(1) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public or private rights-of-way.

(2) No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within twenty (20) feet of any public thoroughfare or street, public sidewalk, or internal pedestrian way.

(3) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash

dumpsters, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

(4) Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and designs of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the buildings.

(5) Temporary sales/displays, such as Christmas trees, landscape materials, and fireworks, shall follow all outdoor requirements for all the Commercial zones, except Community Business Center, as described in the Development Code. Location and time/duration of such sales/displays shall be reviewed and approved by the Community Development Director or appointed designee.

## X. Pedestrian Flows

INTENT: Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

### STANDARD:

(1) Sidewalks at least six (6) feet in width shall be provided along all sides of the lot that abut a public or private right-of-way, excluding interstates. The Planning Commission may waive this requirement as part of a development agreement.

(2) Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.

(3) Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

(4) Internal pedestrian walkways provided in conformance with Subsection b above, shall provide weather protection features such as awnings or arcades within thirty (30) feet of all customer entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.

(5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.

## XI. Central Features and Community Spaces

**INTENT:** Buildings should offer attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces should anchor pedestrian ways. The features and spaces should enhance the building and the center as integral parts of the Community fabric.

**STANDARD:** Each commercial establishment subject to these standards shall contribute to the establishment or enhancement of pedestrian and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning Commission, adequately enhances such Community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

### 3.3.15 INDUSTRIAL ZONES

**GENERAL PURPOSE:** The intent and purpose of the industrial zoning districts is to establish areas within Jefferson County that are primarily industrial in character and to set forth certain minimum standards for development within those areas. The purpose in having more than one industrial district is to provide opportunities for a variety of employment and community service functions within the community while providing a basic level of predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other when the standards of this title are met and any applicable conditions of approval have been satisfied.

### 3.3.16 LIGHT INDUSTRIAL (L-I)

1. Purpose: The purpose of the Light Industrial is to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light manufacturing and similar activities. The zone should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential development, therefore, some type of screening may be necessary.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: In the LI zone roof pitch less than 3:12 – 38 feet at highest point. Maximum height otherwise cumulatively allowed by this section may be increased by thirty percent (30%) through the approval of a special use permit, but only when the additional height is a specifically identified purpose of the review.

5. Setback and Lot Line requirements:

A. Refer to the setback table 3.3.20

6. Area requirements: There shall be no minimum lot size.

7. Accessory uses: Permitted uses are allowed in accordance with the land use table 3.3.3

8. Access to a State or County Road: All access to county or state roads shall follow all access policies and ordinances as set by the State or county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

9. Landscaping: Ten percent of the lot must be in landscaping. The landscaping must include vegetation including trees and provide buffering from the neighboring properties.

10. Screening Requirements: Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, planting and/or berming to the satisfaction of the County Planning Commission.

If an industrial development occurs prior to an adjacent residential development, it shall

be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

Any outdoor storage of display of goods, materials, or damaged vehicles awaiting repairs shall be screened from view from any non-industrial zones to the County Planning Commission using a combination of fencing, coniferous and deciduous plantings and/or berming.

### 3.3.16 HEAVY INDUSTRIAL (H-I)

1. Purpose: The purpose of the Heavy Industrial Zone is to provide locations for industrial activities that have greater than average off-site effects. This zone should be located adjacent to existing industrial development and along federal, state, county or local roads in location consistent with City land use plans as established in the impact zones.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment. Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Screening Requirements: Any industrial development that abuts any existing residential development or abuts any parcel planned or zoned for housing development shall be screened from view from the housing site using a combination of fencing, planting and/or berming to the satisfaction of the County Planning Commission.

If an industrial development occurs prior to an adjacent residential development, it shall be the responsibility of the residential development to provide screening using a combination of fencing, plantings and/or berming to the satisfaction of the County Planning Commission.

Any outdoor storage of display of goods, materials, or damaged vehicles awaiting repairs shall be screened from view from any non-industrial zones to the County Planning Commission using a combination of fencing, coniferous and deciduous plantings and/or berming.

### 5. Access Requirements

The location of any driveway from a public road shall require approval by County Planning and Zoning Commission.

The minimum distance between any two driveway-road intersections shall be two hundred feet (200'). No driveway shall be located closer than two hundred feet (200') to the intersection of the pavement of the two public roads.

## 6. General Regulations

All uses within this zone will meet the requirement of the local and state agencies.

### 3.3.17 RECREATIONAL ZONES

**GENERAL PURPOSE:** It is the purpose of this district to promote general recreational hobbies and to allow the public enjoyment of certain areas of land without the interference of nonconforming uses.

### 3.3.18 RECREATIONAL RESIDENTIAL/COMMERCIAL RR/C

1. Purpose: The RR/C zone is to allow for recreational residential development, as well as recreational related commercial uses. The residential density in this area is five acres per dwelling.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.3

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories or thirty-five feet (35') in height.

5. Setback and lot line requirements:

A. Refer to the setback table 3.3.20

6. Accessory Uses: Accessory uses are permitted. Such uses shall be limited to thirty-five feet (35') in height and shall not encroach upon the front or side yards.

7. Off-street parking requirements: Off-street parking requirements same as the R1 zone:

A. For each single-family residence, two stalls sufficient in size for a garage or carport.

8. Access to a State or County Road: All access to county or state roads shall follow all access policies and ordinances as set by the state or county. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

### 3. 3.19 RECREATION/ OPEN SPACE (R/O)

1. Purpose: It is the purpose the R/O District to promote general recreational hobbies and to allow the public enjoyment of certain areas of land without the interference of nonconforming uses. Also to protect wildlife habitat, flood plain, environmental sensitive area, open space and ensure the preservation of natural habitat. The residential density in this area is ten acres per dwelling.

2. Permitted Uses: Permitted uses are allowed in accordance with the land use table 3.3.5

3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories or thirty-five feet (35') in height.

5. Setback and lot lines requirements:

A. Refer to the setback table 3.3.20

6. Accessory Uses: Accessory uses are permitted. Such uses shall be limited to thirty-five feet (35') in height and shall not encroach upon the front or side yards.

7. Off-street parking requirements: Off-street parking requirements same as the R1 zone:

A. For each single-family residence, two stalls sufficient in size for a garage or carport.

8. Access to a State or County Road: All access to county or state roads shall follow all access policies and ordinances set by the state or county. Multiple accesses will be



9. Open Space: Open Space shall mean any area of land or water that is not a part of a residential lot, is devoted to environmental preservation, agricultural production, or outdoor recreation and generally lacks buildings or other structures except for structures that are subordinate to and customarily incidental to the use of the open space.

### 3.3.20 SETBACKS FOR ALL ZONE

Zone	Location	Setback requirement
Ag 40	Front	50 feet from property line / 80 feet from the centerline of the road
Ag 40	Side	10 feet from property line
Ag 40	Rear	25 feet from property line
Ag 20	Front	50 feet from property line / 80 feet from the centerline of the road
Ag 20	Side	10 feet from property line
Ag 20	Rear	25 feet from property line
Ag 10	Front	50 feet from property line / 80 feet from the centerline of the road
Ag 10	Side	10 feet from property line
Ag 10	Rear	25 feet from property line
R-1(1 acre)	Front	50 feet from property line / 80 feet from the centerline of the road
R-1 (1 acre)	Side	10 feet from property line
R-1 (1 acre)	Rear	10 feet from property line
R-1 ( $\frac{3}{4}$ -1acre)	Front	45 feet for the property line / 75 feet for the center line of the road
R-1 ( $\frac{3}{4}$ -1acre)	Side	10 feet from the property line
R-1 ( $\frac{3}{4}$ -1)acre	Rear	10 feet from property line
R-1 (less than $\frac{3}{4}$ acre)	Front	35 feet from property line / 65 feet from the center line of the road
R-1 (less than $\frac{3}{4}$ acre)	Side	10 feet from the property line
R-1 (less than $\frac{3}{4}$ acre)	Rear	10 feet from the property line
R-5	Front	50 feet from property line / 80 feet from the centerline of the road
R-5	Side	10 feet from the property line
R-5	Rear	10 feet from the property line
C-1	Front	50 feet from property line / 80 feet from the centerline of the road 60 feet from property line / 90 feet from the centerline of the road if the road is a major or minor arterial
C-1	Side	0 feet from the property line
C-1	Rear	15 feet from the property line
C-2	Front	50 feet from property line / 80 feet from the centerline of the road 60 feet from property line / 90 feet from the centerline of the road if the road is a major or minor arterial

C-2	Side	0 feet from the property line
C-2	Rear	15 feet from the property line
LI	Front	50 feet from property line / 80 feet from the centerline of the road 60 feet from property line / 90 feet from the centerline of the road if the road is a major or minor arterial
LI	Rear	15 feet from the property line/ 100 feet from the property line if adjacent to a Residential Zone
HI	Front	50 feet from property line / 80 feet from the centerline of the road 60 feet from property line / 90 feet from the centerline of the road if the road is a major or minor arterial
HI	Rear	50 feet from property line / 80 feet from the centerline of the road 60 feet from property line / 90 feet from the centerline of the road if the road is a major or minor arterial
RR/C	Front	50 feet from property line / 80 feet from the centerline of the road
	Side	15 feet from the property line/ 100 feet from the property line if adjacent to a Residential Zone
	Rear	10 feet from the property line
R/O	Front	50 feet from property line / 80 feet from the centerline of the road
	Side	10 feet from the property line
	Rear	25 feet from the property line

### 3.4.0 SUPPLEMENTARY REGULATIONS

#### SECTION 3.4.1: SUPPLIMENTARY REGULATIONS

##### 3.4.2 Lot Size.

(a) Minimum lot size shall be subject to District Seven Health Department standards for the installation of approved domestic water supply and sewage disposal systems, provided that:

(1) Any lot created shall be at least 1 acre in size except in the R-I Zone and PUD's.

(b) If an existing lot is divided by a County road that is maintained by the County, the minimum lot size for that portion may be less than the minimum required for the zoning district.

(c) Public and semi public utilities shall be exempt from the minimum lot size in any district, but shall be at least a minimum lot size of one-half (1/2) acre.

##### 3.4.3 Clear Vision Area Requirements.

A clear vision area, as defined in Section 3.2.0, shall be maintained on the corners of all public and private property within the intersection of roadways, or of a roadway and railroad. The clear vision area shall contain no trees, shrubs or other plantings, fences, walls, signs or other temporary or permanent sight obstructions of any nature exceeding thirty (30) inches

in height above the existing center line elevation of the adjacent roadway, except that trees exceeding thirty (30) inches in height may be permitted if all branches and foliage are removed to a height of nine (9) feet above the existing center line elevation of the adjacent roadway.

#### 3.4.4: Accessory: Apartment Requirements.

**A. Purpose:** The purpose of this ordinance is to provide regulations and limitations that will develop affordable alternatives of housing for both homeowners and renters. These apartments can also allow families to provide support to another family member. Accessory apartments help to maximize use of existing public infrastructure and services since they are created on already developed sites thereby reducing the pressure to develop on open space and farmland.

#### **B. Definitions:**

**Accessory** A use, building structure or part thereof, which is subordinate to or incidental to the primary structure or use on the same parcel of land.

**Accessory Apartment** A dwelling unit added to or created within a single family dwelling or separate from an existing principal dwelling, with provisions for independent cooking, living, bathroom facilities and sleeping occupying less than 50% of the gross floor area of the principle structure. (Also referred to as a guest apartment, in-law apartment, or maid/servant quarters).

- Interior- Using the interior part of the primary dwelling.
- Interior with modifications- The outside of the primary dwelling is modified to accommodate a separate unit. Also called “attached” accessory apartment.
- Detached- A structure on a residential lot that is separate from the primary dwelling, yet by definition is still “accessory” and smaller than the primary dwelling.

**Gross Floor Area** The floor area inside the building envelope and include the external walls.

**Primary Dwelling** The residence or dwelling in which the owner occupies or resides on a full-time basis or at least seven months out of a calendar year. Also known as a principle residents.

**Real Property** All land, structures, integrated equipment firmly affixed, dug into or built on to the land and anything growing on the land and all “interests” in the property. Anything not considered personal property, which is made up of movable items.

#### **C. Zoning / Permit Requirements**

1. Accessory apartments are allowed in Residential, Agricultural, and Residential/Recreational Commercial Zones. Accessory Apartments shall not be allowed in Recreational Open Space, Commercial, or Industrial Zones unless a residential use has already been established at the time the accessory apartment is applied for.
2. One accessory apartment is allowed per parcel of land or lot unless related to farm labor housing and is physically located on farm land.
3. Any new structure must meet all other zoning requirements. The owner of such property must obtain a valid building permit, as well as, state permits (i.e. septic, well, electrical, plumbing, and HVAC) prior to any construction; the structure must pass all inspections, and the structure must receive a certificate of occupancy.
4. Any existing structure to be remodeled as an accessory apartment must meet as many zoning requirements as possible. The owner of such property must obtain a valid building permit, as well as state permits (i.e. septic, well, electrical, plumbing, and HVAC) prior to any construction, the structure must pass all inspections, and the structure must receive a certificate of occupancy.

#### **D. Other Requirements and Restrictions**

1. Accessory Apartments shall be real property with a permanent foundation or within a structure on a permanent foundation.
2. An Accessory Apartment must share an access or driveway with the principal or primary dwelling.
3. The accessory apartment shall be constructed so that the appearance of the building matches that of the single-family residence.
4. The accessory apartment shall have at least one exterior exit and all sleeping rooms shall have an egress window or emergency exit.
5. The accessory apartment shall have its own toilet, bathtub or shower, kitchen facilities (only one kitchen shall be permitted) and shall not have more than two bedrooms.
6. The owner shall occupy the primary dwelling for a minimum of seven months of a calendar year, except for bona fide temporary absences as determined by the Planning and Zoning Administrator.
7. An Impact fee will be assessed for all accessory apartments.

### 3.4.5 Home Occupation / Home Business / Cottage Industries

#### 1. Home Occupation. Home Occupation shall meet the following standards:

A. Incidental to Residence. A home occupation shall be operated by a person or persons residing within the dwelling unit, shall be clearly secondary and incidental to use of the dwelling unit as a residence, and shall be conducted entirely within the dwelling unit, without altering the exterior of the dwelling unit.

B. Impact. A home occupation shall not affect the rural or residential character of the neighborhood. Consideration should be specifically given to impact on sight, sound, smell and traffic.

C. Permitted Uses. Uses permitted may include, but are not limited to: professional services such as an accountant, physician, real estate agent; art studio, handcraft studio, music studio, or similar studio uses; a tailor; tutoring or classes for no more than two (2) students at one time; and counseling primarily for individual persons; or, similar activities.

D. Employment. No one residing off-premises may be employed on the premises of a home occupation.

E. Parking. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location so as to be visually unobtrusive.

F. Display and signage see section 3.5.0

#### 2. Home Business. Home businesses shall meet the following standards:

A. Incidental to Residence. A home business shall be operated by a person or persons residing within the dwelling unit, and shall be clearly an incidental and secondary use of a residential dwelling unit and/or an accessory building.

B. Impact. A home occupation shall not affect the rural or residential character of the neighborhood. Consideration should be specifically given to impact on sight, sound, smell and traffic.

C. Permitted Uses. Home businesses may include, but are not limited to: those occupations allowed in home occupations; construction and/or contracting businesses; service businesses; repair of furniture and small appliances; offices; music, art or other schools; art studios and galleries; or, similar activities.

D. Parking. All parking for customers or clients shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.

E. Display and signage see section 3.5.0.

3. Cottage Industries. Cottage industries shall comply with the following standards:

A. Secondary to Residence. A cottage industry shall be operated by a person or persons residing within the dwelling unit, and shall be a secondary use of a residential dwelling unit and/or accessory building.

B. Impact. A cottage industry shall have limited impact on the rural or residential character of the neighborhood. Consideration should be specifically given to impact on sight, sound, smell and traffic.

C. Permitted Uses. Uses permitted may include, but are not limited to those occupations allowed in home businesses; businesses related to agriculture, landscaping, snow plowing, trucking, small automotive repair, septic system service, well service, carpentry, construction work, upholstery, and woodworking, or similar activities.

D. Parking. All parking shall be provided on-site, and shall be located to the rear of the structure or in another location that is visually unobtrusive.

E. Display and signage see section 3.5.0.

3.4.6: Off-road Parking;

At the time a new structure is erected or enlarged, or the use of an existing structure is changed, off-road parking spaces shall be provided as set forth in this Section. If parking space has been provided in connection with an existing use, or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this ordinance. When square feet are specified, then the area measured shall be the gross floor area of the building, but shall exclude any space within a building devoted to off-road parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. All requirements for ADA parking shall be addressed in accordance with the ICC.

Fractional space requirements shall be counted as a whole space.

(a) Residential uses:

(1) One or two-family: Two (2) spaces per dwelling unit.

(b) Commercial residential:

(1) Motel or hotel: One space per guestroom or suite, plus additional spaces for the owner or manager.

(2) Club or lodge: Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.

(c) Institutions:

(1) Convalescent hospital, nursing home, sanitarium, rest home, or home for aged: One space per every two (2) Beds for patients or residents.

(d) Places of assembly:

- (1) Church, temple or synagogue: One space per four (4) seats, or eight (8) feet of bench length in the main auditorium.
- (2) Library or reading room: One space per four hundred (400) square feet of floor plus one space per two (2) employees.
- (3) Other auditorium or meeting room: One space per four (4) seats, or eight (8) feet of bench length. If no fixed seats or benches, one space per sixty (60) square feet of floor area.

(e) Commercial:

- (1) Retail stores, except as provided in paragraph (2) of this subsection: One space per four hundred (400) square feet of floor space.
- (2) Service or repair shop: retail store handling exclusively bulky merchandise such as automobiles and furniture: One space per six hundred (600) square feet of floor area plus one space per two (2) employees.
- (3) Eating or drinking establishment: One space per two hundred (200) square feet of floor area
- (4) Office: One space per two hundred fifty (250) square feet of floor area plus 1.5 spaces per two (2) employees.

(f) Industrial:

- (1) Storage warehouse, manufacturing establishment, air, rail, or trucking freight terminal: One space per employee.
- (2) Wholesale establishment: One space per employee plus one space per seven hundred (700) square feet of patron service area.

(g) The Administrator shall determine parking requirements for uses other than those listed above.

### 3.4.7: Landscaping: in off-road Parking Areas.

Landscaping in commercial and industrial uses shall be required for all off-road parking areas for more than ten (10) vehicles, excluding those spaces used for single-family residential use, in order to reduce the barren appearance of parking lots, and to provide landscaped buffers between public right-of-ways and parking lot areas, subject to the following provisions:

(a) A minimum of five (5%) percent of the gross parking area, including a minimum three (3) foot buffer strip abutting a public right-of-way, except for required clear vision area, shall be landscaped with approved living plant materials which shall include but not be limited to trees and shrubs. Trees shall be at least six (6) feet high at the time of planting.

Landscaping shall be of such a density, and distributed in such a manner, as to achieve a pleasing appearance, as determined by the Administrator.

(b) An automatic underground sprinkling system shall be installed for all required landscaping in any area requiring more than one hundred (100) off-road parking stalls.

(c) A performance bond may be required to insure compliance with this paragraph and to cover maintenance for a period not to exceed one year after time of planting.

#### 3.4.8: Off-road Loading.

Off-road loading shall be required as provided in this Section and Section 3.4.9

(a) A school having a capacity greater than twenty-five (25) students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

(b) Buildings or structures to be built or substantially altered, and which receive and distribute material or merchandise by truck, shall provide and maintain off-road loading berths in sufficient numbers and sizes to handle adequately the needs of the particular use.

(c) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public road.

(d) Loading space that has been provided in connection with an existing use, or is added to an existing use, shall not be eliminated if it would result in less space than is required to handle the needs of the particular use. Off-road parking space used to fulfill the requirements of this ordinance shall not be used for loading and unloading except during periods of the day when it is not required to meet the parking needs.

#### 3.4.9: General Provisions. Off-road Parking and Loading.

The general provisions for off-road parking and loading shall be as follows:

(a) The provision and maintenance of off-road parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented which show property that is, and will remain, available for exclusive use as offroad parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-road parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until such time as the increased off-road parking or loading requirements are complied with.

(b) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Administrator based upon the requirements for comparable uses listed.

(c) When several uses occupy a single structure or parcel of land, the total requirements for off-road parking shall be the sum of the requirements of the several uses computed separately.

(d) Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly



the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the County in the form of deeds, leases, or contracts to establish the joint use.

(e) Off-road parking spaces for dwellings shall be located on the same parcel with the dwelling.

(f) Other required parking spaces shall be located not farther than three hundred (300) feet from the building or use they are required to serve, measured in a straight line from the building.

(g) Required parking spaces shall be available for the parking of passenger automobiles or residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.

(h) Unless otherwise provided, required parking and loading spaces shall not be located in a yard required by the chapter.

(i) A plan, drawn to scale, indicating how the off-road parking and loading requirements are to be met shall accompany an application for a building permit.

The plan shall show all elements necessary to indicate that the requirements are being met, including the following:

- (1) Individual parking and loading spaces.
- (2) Circulation area necessary to serve spaces.
- (3) Access to roads and property to be served.
- (4) Curb cuts.
- (5) Dimensions, continuity, and substance of screening, if any.
- (5) Grading, surfacing, drainage, and sub grading details.
- (6) Obstacles, if any, to parking and traffic circulation in finished parking area.
- (7) Specifications for signs and bumper guards.
- (8) Landscaping in parking areas.
- (9) Other pertinent details.
- (10) Design requirements for parking lots:
  - (1) Areas used for parking vehicles and for maneuvering shall have durable and dustless surfaces adequately maintained.
  - (2) Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling, shall be designed to minimize disturbances of residents by the erection between the uses of a sight; an obscuring fence of not less than five (5) or more than six (6) feet in height, except where vision clearance is required.
  - (3) Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four (4) inches high, and which is set back a minimum of one and one-half (1-1/2) feet from the property line.

- (4) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- (5) Access aisles shall be of sufficient width to permit easy turning and maneuvering.
- (6) Except for single-family and two-family dwellings, groups of more than two 2 parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a road rightof-way.
- (7) Service drives to off-road parking areas shall be designed to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic. In no case shall service drives be less than one hundred (100) feet apart measured center to center.
- (8) Driveways shall have a minimum clear vision area formed by the intersection of the driveway centerline, the road right-of-way line, and a straight line joining said lines through points thirty (30) feet from the intersection.
- (9) Completion time for parking lots. Required parking spaces shall be improved as required, and made available for use before the final inspection is complete by the County zoning official. If the parking space is not required for immediate use, an extension of time may be granted by the County zoning official, providing that a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the zoning official. If the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited, and the improvements constructed under the direction of the County.

#### 3.4.10 Animals in the Residential Zone

##### Animals in R-1

(a) Livestock of any sort will be allowed at one (1) head for the first one-half (1/2) acre of pasture and one (1) head for each additional acre (not including sucklings).

##### Animals in R-5.

The following standards shall apply:

(a) Horses, donkeys, mules, llamas and cattle: One (1) head for the first one-half (1/2) acre of pasture and one (1) head for each additional acre (not including sucklings).

(b) Sheep and goats: Five (5) head of feeder sheep, or three (3) head of breeding sheep per one acre of pasture (not including sucklings). Five (5) head of female or castrated male goats, or any combination thereof, per one acre of pasture (not including sucklings)

(c) Poultry: Ten (10) laying hens or growing chickens per acre of land (not including chicks).

(d) Swine: One (1) per acre of pasture (not including sucklings).

(e) Animals shall be kept in such a manner as not to constitute a nuisance or health hazard with respect to neighboring property.

(f) Pasture does not include that portion of land where the residence and accessory buildings are located. It does include any buildings used for animals.

(g) Animals that are kept for 4-H, FFA, or other educational projects, shall not be included in the number of animal units described above, but shall be removed from the premises within sixty (60) days of the selling date of the animal. Projects must be verified.

#### 3.4.12 Temporary Siting of Recreational Vehicles in non-approved trailer/RV park

A recreational vehicle may be used for a temporary residence, including weekend or vacation use, for no more than sixty (60) days, whether consecutive or not, in any one calendar year. Notice of such use shall be given to the Department of Planning and Zoning Department with dates of when the vehicle will be used. There may be only one (1) unit per lot allowed. Proof of approval by the District Seven Health Department must be submitted to Planning and Zoning Department.

If a building permit for a dwelling is obtained, a recreational vehicle may be used as a temporary dwelling for no more than one year. The Administrator may extend this period for an additional six months. After one year, or expiration of the extension, the owner must obtain a conditional use permit stating reasons why the unit should be allowed as a residence for more than one year.

If a recreational vehicle is located in an approved trailer/RV Park, this section does not apply.

#### 3.4.13 Site Plans

Site plans may be required for various uses to determine setbacks, parking, landscaping, etc. requirements. Site plans shall be submitted for all uses listed in Appendix A requiring a site plan and for any other use which is required by this ordinance, the Administrator, or the Planning and Zoning Commission.

#### 3.4.14 Canal Setbacks

1. Incorporated Canal System: In an effort to protect structures and persons from water incursion there shall be setback of sixty feet (60') measured horizontally from a point perpendicular to the high water mark on each side of any incorporated canal in which no habitable structures of any kind shall be permitted; provided a non-habitable structure or structures may be allowed within the sixty feet (60') with the discretion of reasonable setback for cleaning and maintenance of the canal is maintained.

2. Elevated Incorporated Canal Systems: In an effort to protect structures and person

from water incursion there shall be setback of eighty feet (80') measured horizontally from a point perpendicular to the high water mark on each side of any incorporated canal that is elevated above the ground in which no habitable structure of any kind shall be permitted provided a non-habitable structure or structures may be allowed within the setback of eighty feet (80') with the discretion of reasonable setback for cleaning and maintenance of the canal is maintained. These canals including the Mud Lake Users canal, Butte Market Lake canal, Independence canal (West of Roberts) and the Jefferson Canal to have an eighty foot setback from the high water mark.

3. Waters of the United States (not including tributaries): A setback of eighty feet (80') measured horizontally from a point perpendicular to the high water mark on each side of any navigable water way. These water ways are known in Jefferson County as the Snake River, Dry Bed, Great Feeder, Camas Creek, Mud Lake, Market Lake and Ray's Lake.

### **3.4.15 Sexually-Oriented Business**

#### **A. Purpose**

The purpose of this Chapter is to establish provisions for a SOB (Sexually Oriented Business) this provision will reasonably govern the location of sexually-oriented business in order to avoid adverse secondary effects which may result from the operation of such business; and to promote the health, safety, morals, and general welfare of the citizens of Jefferson County. This section shall be construed to protect the governmental interests with protections provided by the United States Constitution and Idaho Constitution.

#### **B. Definitions**

Terms involving sexually-oriented businesses shall have the meaning set forth in this section of the Ordinance.

**ADULT ARCADE:** Means any place to which the public is permitted or invited wherein coin-operated token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

**ADULT BOOTH:** An establishment or a separate enclosure within a structure featuring adult entertainment or adult material. The term adult booth does not include a restroom or a foyer through which any person can enter or exit.

**ADULT CABARET:** An establishment that features adult entertainment.

**ADULT ENTERTAINMENT:** Any modeling, posing, exhibition, display, or exposure, of any type, whether through book, pictures, film, displays, live performance, dance, or modeling, 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 articles of clothing, d) appearing nude or semi-nude.

**ADULT ENTERTAINMENT ESTABLISHMENT:** An adult video or bookstore, adult cabaret, adult booth, adult modeling or display establishment, adult motel, or adult theater.

**ADULT MATERIAL:** One or more of the following materials that have as their primary or dominant theme matter depicting, illustrating, describing or relating to adult entertainment, regardless of whether it is new or used: a) books, magazines, periodicals or other printed matter; b) photographs, film, motion pictures, videocassettes, slides, or other visual representations, c) recordings or other audio matter. The term adult material shall also include instruments, novelties, devices or paraphernalia that are designed for use in connection with adult entertainment or adult material.

**ADULT MODELING OR DISPLAY ESTABLISHMENT:** Any establishment whose employees engage in adult entertainment or adult private modeling.

**ADULT MOTEL:** 1) Any motel, hotel, boarding house, rooming house, or other place of temporary lodging that offers a sleeping room for rent for a period of time that is less than twenty-four hours or allows a tenant or provides accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical area"; and has a sign that advertises the availability of this adult type of photographic reproductions or includes the word "adult" or "exotic" in any name it uses, or otherwise provides or advertises adult entertainment or adult material.

**ADULT PRIVATE MODELING:** modeling, posing, exhibition, display, or exposure by an employee relating to adult entertainment before a nonemployee while the nonemployee is in an area not accessible to all other persons in the establishment, or while the nonemployee is in an area either totally or partially screened or partitioned during such display from the view of all persons outside the area. The term "private performance" is considered private modeling.

**ADULT THEATER:** An establishment consisting of an enclosed structure, or a portion or part of an enclosed structure, or an open air area where a person may view adult material or adult entertainment. Generally, the adult material or adult entertainment is prerecorded material.

**ADULT VIDEO OR BOOK STORE:** An establishment that sells or rents adult material, however, any establishment meeting all the following criteria shall not be considered an adult video or book store:

- a) the adult material is accessible only by employees.
- b) the individual items of adult material offered for sale and or rent comprise less than ten percent (10%) of the individual items publicly displayed at the establishment as stock in trade in the following categories: video, books, magazines, periodicals, other printed matter, slides, other visual representations, recordings, and other audio matter.
- c) the establishment does not use the following terms in advertisements or other promotional activities relating to the adult materials "XXX," "XX", or "X", or any series of the

letter “X” whether or not interspersed with other letters, figures , or characters; “erotic” or deviations of that word; “adult entertainment” or similar phrases; “sex” or “sexual acts” or similar phrases; or any other letters, words, or phases that promote the purchase or rental of adult material.

ESCORT: Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: Means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other considerations other than a sex or sexual act.

OBSCENE: Any act or material which the average person finds unwholesome, morbid, offensive, or lewd.

#### SPECIFIED ANATOMICAL AREAS:

a) Less than completely and opaquely covered part of the human body consisting of : 1) human genitals, 2) pubic region, 3) buttock, 4)anus, 5)female breast below a point immediately above the top of the areola, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided that the areola is not exposed.

b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES:

a) Human genitals in a state of sexual stimulation, arousal or tumescence.

b).Acts of human anilingus, bestiality, buggery, coprophagy, coprophilia, cunnilingus, fellatio, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, and sodomy.

SADDLE DANCE: An employee’s use of any part of his or her body to touch the human genitals, pubic region, buttock, anus, or female breast of a nonemployee while at the establishment, or the touching of the human genitals, pubic region, buttock, anus, or female breast of any employee by a nonemployee while at the establishment. Conduct shall be a straddle dance regardless of whether the “touch” or touching” is direct or through a medium. The terms lap dance, table dance, and face dance are considered straddle dance.

### **C. Zoning and Requirements**

Any sexually-oriented business, adult business or adult entertainment business shall be permitted only with a Conditional Use Permit in the HI zone as shown on the Zoning Map of Jefferson County and shall not be permitted as a home based business or home occupation.

**1.** No sexually-oriented business shall operate within twenty-five hundred feet (2500 ft.) (State minimum) of any of the following:

- a.) residential zone boundary line as shown on the Jefferson County Zoning Map;
- b.) the property boundary of any church public park, public library, or school; daycare or
- c.) the boundary of any property for which a sexually oriented business license earlier has been issued and has not expired.
- d.) another adult entertainment establishment or SOB.

2. No church, public parks, public library, daycare or school shall be established closer than 2500 feet from any sexually-oriented business.

3. For the purpose of this section, the distance from any church, public park, public library, daycare or school shall be measured in a straight line from the nearest point of the line of any property on which a sexually-oriented business is operating, or is proposed to operate, to the nearest residential zone boundary line or property boundary line of any church, public park, public library, daycare or school, as the case may be.

4. The applicant shall provide evidence certified by a professional land surveyor licensed in the state of Idaho that the proposed adult entertainment establishment conforms to the separation requirements of this subsection C.

#### **D. Developments Standards**

Each sexually-oriented business shall be subject to all development standards of the heavy industrial zone in which it is located, including, but not limited to, setbacks, building height, projections, etc.

#### **E. Signs**

All signage for a SOB will comply with section 3.5.0 (Signage) of this Ordinance and shall have administrative approval.

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.

Signs for any SOB providing adult entertainment or adult material shall have in place at each entrance to such business a legible door sign stating "Persons under 18 years of age not permitted".

Any sign considered obscene, as defined in section B Definitions, shall be considered a public nuisance. Signs shall not display nudity, semi-nudity, pictures of sexual acts, other related adult material, or "XXX," "XX", or "X", or any series of the letter "X". Signage shall not display the words or phrases "erotic", "adult entertainment", "sex or sexual acts".

#### **CORRIDOR DESIGN STANDARDS**

US Highway 20 / US Highway 15 Corridor

### 3.4.16 Purpose

3.4.16.1 The purpose of the US Highway 20 Corridor design standards is to implement the principles and recommendations adopted in the US Highway 20 Corridor Design Manual. This overlay district is adopted to establish design guidelines that create a consistent framework of architecture and urban design along US Highway 20's streetscape. The goal of these guidelines is to create a civic environment that will grow and evolve over a period of time creating a unique identity for Jefferson County.

### 3.4.16.2 Establishment of the US Highway 20 Design Standards

3.4.16.2 The US Highway 20 Design Standards is hereby established as a commercial and industrial development which is adjacent to Highway 20

3.4.16.3 The US Highway 20 Overlay District, as provided for in this section, may from timeto-time, be designated, amended, or repealed by Jefferson County in accordance with State and Local requirements.

### 3.4.17 Permitted Uses

3.4.17.1 Permitted uses shall be governed by the zoning district.

### 3.4.18 Review Criteria

3.4.18.1 The following criteria shall be considered, when relevant, by planning staff in reviewing development proposals. All applications for Major or Minor Site Plan approval shall be subject to review based upon the design guidelines then in effect. These guidelines are set forth in the US Highway 20 Corridor Design Manual as adopted and amended by Jefferson County:

- lot coverage, defined as the percentage of lot area covered by primary structures;
- setback, defined as the distance from the lot lines to the building(s);
- building height;
- spacing of buildings, defined as the distance between adjacent buildings;
- exterior building materials;
- proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
- surface textures;
- roof shapes, forms and materials;
- use of local or regional architectural traditions;
- general form and proportions of buildings and structures, and relationship of any additions to the main structure;
- expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
- orientation of the building to the street;
- scale, determined by the size of the units of construction and architectural details in



relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;

- proportion of width to height of the total building facade;
- appurtenant fixtures and other features such as lighting;
- walls--physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these;
- ground cover or paving;
- maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement;
- lighting;
- color; and effect of trees and other landscape elements.

#### 3.4.19 Application Review

3.4.19.1 All applications for Major or Minor site plan approval, for projects within the US Highway 20 Overlay District, shall be subject to review by the Planning Department. As part of this review, the administrator may seek the advice of an architectural firm of his/her choosing. The cost of such review shall be the responsibility of the applicant.

#### 3.4.20 Appeal of Decision

3.4.20.1 An aggrieved party may appeal a decision of the Planning Administrator in writing within 30 days of a decision. All appeals shall be heard by the Jefferson County's Board of Adjustments.

#### 3.4.21 Enforcement

3.4.21.1 Any violation of a permit issued under this Article shall be a misdemeanor and may be enforced through the provisions allowed by law.

#### 3.4.22 Flexibility in Administration

3.4.55.1 Because these standards cannot cover every possible scenario that may arise, the Planning Administrator is authorized to make determinations on development applications that may vary from the written standards so long as the determination fits within the purpose and intent of the US Highway 20 Corridor Design Guidelines.

#### 3.5.0: Signs Off and On-Premise.

##### 3.5.1: AUTHORITY:

These regulations are authorized by title 40, chapter 19 of the Idaho Code; title 67, chapter 65 of the Idaho Code;

##### 3.5.2: PURPOSE:

The purpose of this Ordinance is:

- A.. To promote and protect the public safety, morals, comfort, convenience and general welfare by the orderly placement and erection of signs and billboards in the County.
- B. To foster the effective use of signs as a means of communication within the County.
- C. To maintain a balance between the community's visual character and sustain ability of economic growth;
- D. To ensure the County will have the ability to attract sources of economic development and growth.
- E. To improve, maintain and enhance pedestrian and traffic safety;
- F. To ensure that signs themselves are safe and consistent with building regulations through adoption of the Uniform Sign Code;
- G. To minimize the possible adverse effects of signs on nearby public and private property; and
- H. To enable the fair and consistent enforcement of sign regulations.

### 3.5.3: DEFINITIONS:

As used in this Section 3.5.0

**ARCHITECTURAL BLADE:** A roof sign or projecting sign with no legs or braces, designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

**CANOPY:** A rooflike structure projecting from a wall and supported in whole or in part by vertical supports from the ground, and erected primarily to provide shelter from the weather.

**CHANGEABLE COPY PANEL:** A panel which is characterized by changeable copy, regardless of method of attachment.

**CHANGING SIGN:** A sign such as an electronically or electrically controlled publicservice time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

**COPY AREA OF SIGN:** That actual area of the sign copy applied to any background. Computer copy area by straight lines drawn closest to copy extremities encompassing individual letters or words.

**ELECTRIC SIGN:** Any sign containing electrical wiring. This does not include signs illuminated by an exterior flood light source.

**FIXED SIGNAGE:** Signs which are permanently affixed to the ground or a building surface in accordance with the Uniform Sign Code.

**FLASHING SIGN:** Any directly or indirectly illuminated sign on which the artificial light is not constant in intensity or color at all times when such sign is in use. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classed as "changing signs", not flashing signs.

**FREEWAY:** A trafficway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**GROSS AREA:** The entire area within a single continuous perimeter enclosing the

extreme limits of such sign. However, such perimeter shall not include any structural elements outside the limits of such sign and not forming an integral part of the display. When two (2) sides of a double-faced sign are located not more than thirty six inches (36") apart at the widest point and not more than twelve inches (12") apart at the narrowest point and display identical messages or other representation, the gross area shall include only one of the sides. If the sign consists only of individual letters affixed directly to the wall of a building, only the areas of a simple geometric figure which will encompass the letters is counted as part of the gross sign area.

**HEIGHT:** The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of the sign.

**IDENTIFICATION SIGN:** A sign which contains advertising but is limited to the name, address and number of a building, institution or person on the premises.

**ILLUMINATED SIGN:** Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

**INCIDENTAL SIGN:** A sign pertaining to goods, products, services or facilities which are available on the premises where the sign is located.

**INDIRECTLY ILLUMINATED SIGN:** A sign illuminated with a light so shielded that no direct rays from it are visible elsewhere than on the lot where illumination occurs.

**INDIVIDUAL LETTER SIGN:** Any sign made of self-contained letters that are mounted on the face of a building, top of a parapet, roof edge of a building or on top of / or below a marquee.

**LOT FRONTAGE:** The distance at the property line adjacent to the street, right of way, arterial or collector, serving the property. On corner lots, the lot frontage on the shorter shall not count as part of this computation. Alley rights of way shall not count as part of this computation.

**MANSARD ROOF:** A roof with two slopes on each of the four sides, the lower steeper than the upper.

**MARQUEE:** A rooflike structure of a permanent nature which projects from the wall of a building.

**MARQUEE SIGN:** Any sign attached to or constructed in a marquee

**MULTI-PRISM SIGN:** A sign made with a series of triangular vertical sections that turn and stop, or index, to show more than one message in the same area.

**NAMEPLATE:** A nonelectric sign identifying only the name and occupation or profession of the occupant of the premises include more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

**NONCONFORMING SIGN (Legal):** Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the Ordinance codified in this Chapter and any amendments thereto, and which fails to conform to all applicable regulations and restricts of this Chapter.

**OFF-PREMISES SIGN:** A sign which advertises goods, products or services not sold or located on the property where the sign is located.

**ON-PREMISE SIGN:** A sign which carries only advertisements strictly incidental to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, name of the person, firm or corporation occupying the premises.

**POLITICAL SIGN:** Any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general, or special elections.

**PORTABLE SIGN:** Any sign made of wood, metal or plastic not permanently attached to the ground or a building, and designed to be capable of being readily moved.

**POSTER PANELS (Including Poster Board and Painted Bulletins):** A structure or framework attached to a building or the ground for the purpose of posting advertising bills, posters and painted signs.

**PRINCIPAL IDENTIFICATION SIGN:** A primary permanent, on-premises sign designed to identify or advertise the business or industry to motorists or pedestrians approaching the business.

**PROJECTING SIGN:** Any sign extending more than eighteen inches (18") from the face or wall of a structure to which it is affixed.

**PUBLIC SERVICE INFORMATION SIGN:** Any sign intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, new, traffic control, etc.

**PYLON SIGN:** A massive gateway or tower advertising the name, address and tenants of a large integrated shopping center or industrial park.

**REAL ESTATE SIGN OR PROPERTY FOR SALE, RENT, OR LEASE SIGN:** Any sign pertaining to the sale, lease or rental of land or building.

**ROOF SIGN:** A sign erected upon a roof or above a parapet wall of a structure or building (see also definition of Roof Sign, Integral).

**ROOF SIGN, INTEGRAL:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure, and extending vertically above the highest portion of the roof.

**SANDWICH BOARD SIGN:** A two (2) sided freestanding portable sign made of two (2) flat surfaces less than twelve (12) square feet in size (on each side), hinged at top to permit bottom to be spread apart for footing.

**SCOREBOARDS:** Signage used to record or tally scores at an athletic or sporting event. Scoreboards are allowed off-premises signage for the sponsor of the scoreboard only.

**SIGN:** A name, identification, description, display, or statuary which is affixed to, or represented directly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not mean any display of official court or public office notices nor shall it mean the flag, emblem, or insignia of a nation, political unit, school or religious group. Furthermore, assembly property (on location no more than 90 days annually per display), in the form of equipment which delivers no communicative message, other than to draw attention by virtue of its size, motion, or prominent location upon the property, shall not be considered a sign.

**SIGN STRUCTURE:** Any structure which supports or is capable of supporting any sign as devised in this Chapter. A sign structure may be a single pole or may not be an integral part of the building.

**STREET:** A public or private right of way which affords a means of access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land throughway, or however otherwise designated, but does not include driveways to buildings.

**TEMPORARY SIGN:** A sign, banner pennant, advertising balloon or blimp, poster, or advertising display constructed of cloth, canvas, light fabric, paper cardboard or other light material, with or without frames, that is not permanently attached to a building or the ground and which is intended to be displayed for a limited period of time.

**WALL SIGN:** Any sign attached to, erected or painted on the wall of a building or structure, and which projects not more than eighteen inches (18") from such wall.

**WINDOW SIGN:** Any sign located completely within an enclosed building and visible from the exterior.

**ZONING LOT:** A parcel of land of sufficient size to meet minimum zoning requirements and shall consist of a single lot or lots of record under one ownership or control and described as part of a subdivision or by metes and bounds description.

**ZONING OF LAND USE:** The land use zone as established by the Planning and Zoning Commission.

#### 3.5.4: APPLICABILITY:

This Section pertains to and regulates all signs within Jefferson County.

#### 3.5.5: UNIFORM SIGN CODE ADOPTED:

The Uniform Sign Code, 1997 Edition, as published by the International Conference of Building Officials, is hereby adopted to supplement the regulations set forth in this Jefferson County Sign Ordinance. If any conflict exists between these regulations and Uniform Sign Code, these regulations shall govern. All signs allowed, including those which do not require permits, must be in conformance with the Uniform Sign Code and other applicable building codes and County regulations.

#### 3.5.6: PERMIT:

All persons desiring to erect, construct or paint a new sign exceeding six (6) square feet in size, except those exempt, shall make application to and obtain a permit therefore from the office of the Planning and Zoning Department and shall pay a fee as established by resolution of the County Commissioners for such permit. At the time such application is sought, applicant shall furnish the following minimum information to the Planning Administrator or his/her designee:

- A. A scaled drawing of the sign;
- B. Exact dimensions of the proposed sign;
- C. A site plan showing the location and setbacks of the sign support relative to property lines and any projection of the signage into the rights of way or over public ingress/egress travelways;

D. Footing and foundation plans that demonstrate “stability.”

E. Such other information as may be required by the Planning Administrator or his/her designee for his/her determination of compliance with the provisions of this ordinance.

## NONFIXED SIGNAGE

### 3.5.7: TEMPORARY SIGNS:

Temporary signs as defined in this ordinance shall require a permit and shall be allowed under the following circumstances.

1. Applicants will be allowed temporary signs so long such signs are well maintained and are removed or replaced when they deteriorate, become faded or tear. Temporary signs may be changed or replaced by signs of equal size and character of those applied for in the permit without the applicant needing to obtain a new permit.
2. Banners shall be permitted temporary signs and shall be maintained in a clean, sightly and undamaged condition. Banners in excess of eight (8) square feet in size shall be either placed on walls or attached in accordance with the Uniform Sign Code.
3. Temporary signs will be restricted to the same cumulative area, size, and spacing and height requirements as permanent signage within the respective zone.
4. Temporary political signs or banners may be erected by any person, party, group, or organization by applicant upon a form provided by the Planning and Zoning Department. One permit shall be sufficient for all temporary political signs erected during any one campaign.
5. Temporary political signs not exceeding thirty-two (32) square feet in area, purporting to advertise candidates or issues, may be erected on private property, with the written consent of the property owners during the campaign for a period of ninety (90) days prior to the election in which such candidates or issues are to be voted upon. Such signs shall be removed not later than the fourth day following such election. Any such signs which have not been removed by the fifth day following such election shall be removed by the County Building Inspector or designee. The sponsoring organization, or, if such cannot be found, the owner of the property upon which the sign was erected, shall be assessed the actual cost of removing such sign or with a ten dollar (\$10.00) minimum charge, whichever is greater.

### 3.5.8: PORTABLE SIGNS:

Portable signs, including sandwich, swinger, and reader boards may be utilized subject to the following regulations:

1. Portable signs must be removed when the business is closed, except for portable reader boards, which may be left in place when the business is closed.
2. A one-time permit must be obtained. Permits for portable reader boards shall expire six (6) months after placement of the sign or issuance of the permit (whichever date comes first). Only one permit for a portable reader board will be issued during any one year for a specific premise.

3. Square footage shall be computed as part of the allotted signage for the premises.
4. Locations must be approved as part of the permit process.
5. No more than one portable sign per fifty feet (50') of street frontage.
6. May be placed adjacent to sidewalk, but not block sidewalk or must not obstruct visibility at access point.
7. Must be removed if worn, deteriorated, or damaged.
8. May not be placed in the public right of way.
9. Must be aesthetically secured so that the sign will not fall over or blow away.
10. Maximum square footage is limited to eight (8) square feet on each side, and thirty two (32) square feet on each side for reader boards.
11. Electrical signs must conform to the Uniform Sign Code and the National Electrical Code. Electrical cords may not extend across pedestrian walkways or areas where vehicles will drive over them.
12. Mobile signs are prohibited, except for signs painted on the surface of vehicles (or magnetically attached) identifying the business actively using the vehicle for transportation purposes.

#### 3.5.9: MARQUEE OR MANSARD ROOF SIGNS:

Marquee and mansard roof signs may be placed on, attached to, or constructed on a marquee or mansard roof and shall be limited to the size of the surface.

#### 3.5.10: REAL ESTATE SIGNS:

Advertising the sale, lease or rental of real property shall be permitted in accordance with the following:

- A. Real estate signs may be placed within the boundaries of the property being advertised and in any zone, without a permit. Such signs may be placed for a period of not more than one year and must be removed within thirty (30) days of the sale, lease or rental of the property.
- B. Real estate signs may not exceed six (6) square feet in size in all Residential zones except as provided in subsection F of this Section and not more than thirty two (32) square feet in any other zone.
- C. Real estate signs may not be placed in public right of way without a license to use right of way granted by the County Commissioners
- D. Real estate signs may not violate the Visibility Triangle Standards enacted by the County or other governmental entity having jurisdiction.
- E. Real estate signs may not be placed so that view of roadway is obstructed for drivers entering roads from private drives.
- F. Signs announcing new subdivision sales may be placed within the boundaries of the subdivision, but may not exceed forty (40) square feet in size. Permit shall be obtained before erecting such signs and such signs shall be removed when ninety five percent (95%) of the lots have been sold by the developer.

#### 3.5.11: FREESTANDING SIGNS

Freestanding signs may not project over the property line, and shall have minimum clearance of twelve feet (12') measured from the ground, curb or sidewalk surface to the bottom of the sign. Every sign projecting over public ingress and egress travelways shall have a minimum clearance of fifteen feet (15'), and shall obtain a conditional use permit.

## FIXED SIGNAGE

### 3.5.12: MOUNTING:

All signs shall be mounted in accordance with the Uniform Sign Code and in one of the following manners:

- A. Flat against a building or wall;
- B. Back to back in pairs, so that back of sign will be screened from public view;
  - 1. In cluster in an arrangement which will screen the back of the signs from public view; or
  - 2. Otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

### 3.5.13: ROOFTOP SIGNS:

Rooftop signs must conform to the following requirements:

- 1. The sign area shall be calculated as part of the total allowable sign area for the premises.
- 2. The sign may not exceed three feet (3') in height unless approved by the Planning and Zoning Commission.
- 3. Integral rooftop signs which were approved as part of a building permit on the building shall not require a separate sign permit.
- 4. Temporary rooftop signage requires Planning and Zoning approval.
- 5. Rooftop signs shall require a submittal of an engineer-stamped construction or design drawing prior to issuance of a permit.
- 6. Provisions requiring Planning and Zoning approval shall be considered conditional use permits and shall follow that procedure.

### 3.5.14: ILLUMINATION:

No flashing of intermittent red, green or amber illumination shall be located in the line of vision of approaching vehicular traffic. Where reflecting, radiating, or other illumination is permitted, then:

- 1. The light from any illuminated sign shall be so shaded, shielded or directed so that the light intensity or brightness will be minimized to surrounding areas.
- 2. Such illumination shall be direct and the source of light shall not be exposed when located in or facing a residential district.

### 3.5.15: REMOVAL OF OBSOLETE, UNMAINTAINED OR ABANDONED SIGNS:

All signs, including those painted on a building, which no longer serve the purpose for



which they were intended, or are not maintained, or which have been abandoned, shall be removed or restored by the business or property owner within thirty (30) days after the receipt of a removal or restoration request. If not such signs removed or repaired the county will have the sign removed at the expense of the property owner.

#### 3.5.16: LOCATION

All signs shall be located within the property lines of property owned by or licensed or leased to the applicant. Placement of signs at intersections shall conform to visibility regulations adopted by any governmental entity having jurisdiction.

#### 3.5.17: OFF-PREMISES SIGNS:

1. Off-premises signs will be permitted only along Highway 20, and I-15 only within a commercial or industrial zone.
2. The following minimum standards shall apply to all off-premises signs:
3. Off-premises signs may be spaced not less than one thousand (1000) feet apart along each side of Highway 20, and Interstate 15. The point of the sign nearest the highway shall be used to determine the measuring point between signs.
4. The "Highway 20 and Interstate 15 corridor" is defined as that property within one hundred feet (100') of the right-of-way lines of Highway 20 and Interstate
5. Off-premises signs are allowed in Commercial zones only.
6. No such sign shall be located within one hundred feet (100') of any residentially zoned property. Flashing signs that will cause a hazard are prohibited. The area of these signs shall not be counted as part of the total gross area of signs allowed for the property upon which they are located.

The review process will require the following submittals be made to the Planning Department:

1. Completed sign permit application.
  - A. One-fourth ( $\frac{1}{4}$ ) scale (minimum) drawing depicting elevation view, location on-site, material specifications, and engineered structural and footing details.

#### 3.5.18: GENERAL EXEMPTIONS – SIGNS PERMITTED WITHOUT PERMIT:

A. The provisions of this Ordinance shall not apply to a sign located in a display window; or on a door of a business establishment which announces only the name of the proprietor or business establishment and the nature of the business; nor to a sign not exceeding six (6) square feet on a building, or on premises adjacent to a building in which persons congregate for civic, political, educational, religious, social or recreational purposes, displaying the name and nature of the occupancy, and information as to the condition of use, admission or time of services or event; nor to street signs erected by the County.

B. The following signs shall be permitted within any zone of the County and shall not

require a permit, provided however, they must comply with setback and sight obstruction regulations:

1. Construction signs which identify the architects, engineers, contractors and other individuals or firms with the construction, but not including any advertisement of any product. Two (2) such signs not to exceed thirty two (32) square feet each shall be confined to the premises upon which construction occurs during the construction period. Such signs shall be removed within sixty (60) days of the beginning of occupancy.
2. Street banners advertising a public event may be erected as approved by the Planning Administrator or his/her designee. The banners shall be removed within five (5) days after the termination of the event.
3. Parking area signs designating parking area entrances and exits are limited to one sign for each such exit or entrance and to a maximum size of six (6) square feet each. One sign per parking area, designating the conditions or use of identity of such parking area and limited to a maximum size of twenty four (24) square feet, shall be permitted. On a corner lot, two (2) such signs, one facing each street, shall be permitted.
4. Off-premises and on-premises signs that are placed and removed on the same day and that are intended to direct traffic or advertise a special event or sale, however, such signs are to be limited to the following conditions:
  - A. A maximum of fourteen (14) days per year.
  - B. The consent of the property owner must be obtained.
  - C. Signs must comply with or be located outside the "visibility triangle."
  - D. Signs shall be a maximum of twelve (12) square feet in size.

**3.5.1.5.19: TOURIST TRADE EXCEPTION:**

A. Any business or trade transacted upon a property within Jefferson County which can establish to the satisfaction of the Planning and Zoning Commission the following percentages of their gross revenues are derived from customers who reside outside of Jefferson County, shall be entitled to a Tourist Trade Exception, which shall consist of a factors shown in the following table which will be applied to their otherwise allowed signage. This exception shall only apply to On premises signage, and shall not allow any greater size of individual signs, only the cumulative gross total of signage. (ie. Sign Size Table allows 1000 square feet, if 65% of revenue is derived from outside of the county Tourist Trade, allowed 1500 square feet.)

Percent of revenue derived from customers outside of Jefferson County	Allowed signage per acre
50% to 60%	1.25
61% to 70%	1.50

71% to 80%	1.75
81% to 100 %	2.00

**SIGN SIZE TABLE**

\* This table shall regulate the cumulative total of all signs allowed within Jefferson County.

<b>ZONE/LAND USE</b>	<b>SIZE</b>	<b>HEIGHT</b>
Commercial Zones	0 to 8 acres = 200 SF 8 acres and over = 25 SF per acre. Maximum size 480 SF per sign  Distance from property line: Sign Area divided by 10 = distance from ROW	Not to exceed 35 LF  0 to 10 ft from ROW 10 ft 10 to 20 ft from ROW 20 ft. 20 to 40 ft. from ROW 27 ft. 40 and beyond from ROW 35 ft.
Industrial Zones	0 to 8 acres = 200 SF 8 acres and over = 25 SF per acre. Maximum size 480 SF per sign.  Distance from property line: Sign Area divided by 10 = distance from ROW	Not to exceed 35 LF  0 to 10 ft from ROW 10 ft 10 to 20 ft. from ROW 20 ft. 20 to 40 ft. from ROW 27 ft. 40 and beyond from ROW 35 ft.
Residential Zone Agricultural	Allowed only under Section 3.5.10	
Non Conforming Area	C.U.P./ No greater than the Non Conforming Use Zone	C.U.P./ No greater than the Non Conforming Use Zone
Home Occupations Home Business Cottage Industry	Not Allowed	Not Allowed

LF = Linear feet      SF = Square feet      LtF= Lot frontage      ROW = Right of Way

**ADMINISTRATION AND ENFORCEMENT**

**3.5.20: NONCONFORMING SIGNS; REMOVAL OF SIGNS IN VIOLATION:**

No sign or billboard shall hereafter be altered, rebuilt, enlarged, extended or relocated, except in conformity with the provisions of this ordinance. The changing or movable parts of signs that are designed to be changed or the repainting of display matter in conformity herewith and maintenance and repair shall not be deemed to be alterations within the meaning of this ordinance.

- A. Determination of Legal Nonconformity: Existing signs which do not conform to specific provisions of this Ordinance may be eligible for the designation “ legal nonconforming”; provided that:

B. The Planning Director or his/her designee determines that such signs are properly maintained and do not in any way endanger the public;

1. The sign was issued a valid permit or variance or complied with all applicable laws on the date of adoption hereof.
2. Loss of Legal Nonconforming Status: A legal nonconforming Status: A legal nonconforming sign may lose this designation if:
  1. The sign is relocated or replaced.
  2. The structure or size of the sign is altered in any way except towards compliance with the ordinance. This does not refer to change of copy or maintenance and repair;
  3. There is a change of use of the property as determined by the Planning Administrator or his/her designee.

C. Portable or Temporary Signs: All portable or temporary signs as defined herein, not having a valid permit prior to the effective date hereof, shall be responsible for obtaining a permit within sixty (60) days from the effective date.

1. Maintenance and Repair of Nonconforming Signs: The legal nonconforming sign is subject to all requirements of this ordinance regarding safety, maintenance and repair. However, if the sign suffers more than seventy five percent (75%) appraised damage or deterioration, it must be brought into conformance with this ordinance or removed.
2. Removal and Impounding: Signs which are established in violation of this chapter or which are left in place after removal was required may be removed by the County and impounded after (7) days' written notice to the property owner. The fees for removal and impounding shall be set by the County Commissioners by resolution. Signs erected within the public right-of-way may be removed by the County without notice.

### 3.5.21: DUTIES OF BUILDING OFFICIAL:

A. Enforcement of Provisions; Entry onto Premises: The Building Official is authorized and directed to enforce all of the provisions of this Section of the Ordinance (3.5.0). Upon presentation of proper credentials, the Building Official may enter at reasonable times and building or structure or upon any premises to perform any duty imposed upon him by this Section of the Ordinance (3.5.0) as follows:

1. All signs may be inspected or reinspected at the discretion of the Building Official. The Building Official may inspect footings, structural components, and fire resistance for freestanding or rooftop signs. The Building Official may enter at reasonable time upon the premises of any person licensed under the provisions of this Section of the Ordinance for the purpose of inspecting signs under construction.
2. Neither the Building Official nor the County shall be liable for any damages for

failure to enforce of the provisions of the Ordinance.

A. Removal of Signs:

1. If the Building Official finds that a sign is in violation of this Chapter and that the sign is in violation of this Chapter and that the sign, by reason of its condition, presents an immediate hazard to the public, they may, without prior written notice, order its removal or repair within a period of time he may specify. If, within a reasonable time as determined by the nature of the hazard and the immediacy of the threatened harm to persons or property, the Building Official cannot find the person responsible for the sign, then he may remove or authorize others to remove such sign, or make minimum repairs that are necessary to bring the sign into compliance and remove the hazard.

3.5.23.5.22: VARIANCES:

Variances to this Ordinance shall be heard by the Planning and Zoning Commission and processed in accordance with the Section 3.9.0 of this Title.

3.5.23: VIOLATION – PENALTY:

Violations of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00), or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Commissioners or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance.

3.5.24: APPEAL – TIME LIMIT FOR FILING AND DECISION:

Appeal notice shall be filed within ten (10) days after the decision or order of the Planning and Zoning Administrator or designee. The Planning and Zoning Commission shall hear such appeal within thirty (30) days after filing of all required matters by appellant which shall be filed no later than twenty (20) days from the appeal notice. An appeal from a decision of the Planning and Zoning Commission must be filed pursuant to the same time limit.

3.5.25: PLANNING AND ZONING COMMISSION – APPEAL LIMITATIONS:

In determining an appeal, the Planning and Zoning Commission shall:

- A. Allow only the minimum appeal necessary to meet the hardship or practical difficulties;
- B. Find that the granting of the appeal will not be materially detrimental to the purposes of this Ordinance, be injurious to the characteristics of the premises on which the signs are located or be otherwise detrimental to the objectives of the County development plans or policies;
- C. Attach such conditions to granting all or a portion of any appeal as necessary to achieve the purposes of this Ordinance;

- D. Give due consideration to whether or not granting all or a portion of the appeal would materially improve the safety, appearance of the sign, sign location on the building, structure or premises on which the sign is located.

#### 3.5.26: STAY DURING APPEAL EXCEPTION:

Unless the Planning and Zoning Administrator or his/her designee finds an immediate and serious danger to persons or property, the filing of notice of appeal shall stay further action pending appeal and decision of the Planning and Zoning Commission or County Commissioners upon appeal of the Planning and Zoning Commission's decision.

#### 3.5.27: APPEAL OF PLANNING AND ZONING COMMISSION DECISION TO COUNTY COMMISSIONERS:

- A. Any person aggrieved by a final determination of the Planning and Zoning Commission shall have the right of further appeal to the County Commissioners.
- B. An appeal to the County Commissioners must be made within ten (10) days after receiving written notice of the decision by the Planning and Zoning Commission.
- C. Filing an appeal to the County Commissioners shall meet the requirements set forth in Section 3.5.25 of this Ordinance.
- D. Upon accepting an appeal application to the County Commissioners, the Planning and Zoning Administrator, or his designee, will file the appeal with the County Clerk for scheduling before the Commissioners.
- E. The Council shall hear all pertinent data and make a binding determination on the parties involved.

#### 3.6.0: EXCEPTIONS

##### 3.6.1: Projections From Buildings.

In residential zones, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and other similar architectural features shall not extend beyond the exterior walls more than thirty-three and one-half (33 ½ %) percent of the distance of the required setback.

##### 3.6.2: General Exceptions of Lot Size Requirements.

If a lot or the aggregate of contiguous lots or parcels are recorded prior to April 1, 2005, has an area or dimension which does not meet the requirements of this ordinance, the lot or aggregate holdings may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling. Lots divided by court decree are not subject to minimum lot requirements.

##### 3.6.3: General Exceptions to Front Yard Requirements.

The following exceptions to the front yard requirements are authorized for a lot in any zone:

- (a) On corner lots, the owner of the lot may determine which road the front of the lot shall face.
- (b) If the elevation of a lot rises or falls more than four (4) feet in the first twenty (20) feet measured from the front lot line, the following provision shall apply: The required depth of the front yard shall be equal to the horizontal distance measured from the front lot line to where the average lot profile line intersects a horizontal line four (4) feet above or below the front lot line.
- (c) The Planning and Zoning Commission may establish greater yard requirements when the yard abuts a road which the County has designated for widening.

#### 3.6.4 General Exceptions to Building Height Limitations.

The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

#### 3.7.0: CONDITIONAL USES

##### 3.7.1 Authorization to Grant or Deny Conditional Uses.

(a) Uses designated in this ordinance as conditional uses may be permitted upon authorization by the Planning and Zoning Commission in accordance with the standards and procedures established in this Section. The Planning and Zoning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the County as a whole. Those conditions may include, but are not limited to:

- (1) More restrictive standards than generally required, such as increased lot or yard size, with limitations, or increased parking space requirements.
- (2) Minimizing adverse impacts, such as limiting the number, size, and location of signs, and requiring screening, diking, fencing, or landscaping.
- (3) Controlling the timing, sequence, and duration of development.
- (4) Designating the exact location and nature of development, and assuring that it is maintained properly.
- (5) Requiring the provision of on-site or off-site public facilities.

(b) Any use, which is granted and permitted as a conditional use under the terms of this ordinance, shall be deemed to be a conforming use in said zone. A use existing prior to the effective date of this ordinance shall be considered a nonconforming use, except that any use which existed prior to April 1, 2005, and which could be allowed by a conditional use upon the existing lot, shall be deemed as a conforming use if complying with current standards of this ordinance.

##### 3.7.2: Application for a Conditional Use Permit.

A property owner, or his agent, may initiate a request for a conditional use, or for the

modification of an existing conditional use, by filing an application with the zoning official on forms prescribed by Planning and Zoning Department. The application shall be submitted at least twenty-eight (28) days prior to the meeting at which it will be considered. The application for a conditional use shall be accompanied by a site plan drawn neatly and accurately and to an appropriate scale showing at least the following items:

- (a) Setbacks.
- (b) All building locations and overhangs.
- (c) Driveways and parking spaces.
- (d) Landscaping, if required.

The plan, as approved or modified by the Planning and Zoning Commission, shall be made a part of the applicant's file, and all construction and development shall comply with said plan.

### 3.7.3: Public Hearing on a Conditional Use.

Before the Planning and Zoning Commission shall act upon a request for a conditional use, it shall hold a public hearing pursuant to Section 3.15.0 of this ordinance.

### 3.7.4: Standards Governing Conditional Uses.

A conditional use shall comply with the standards of the zone in which it is located, except as the Planning and Zoning Commission may modify these standards in authorizing the conditional use, or as otherwise provided as follows:

- (a) Yards. In a residential zone a required yard shall be at least two-thirds (2/3) the height of the principal structure. In any zone, additional yard requirements may be imposed.
- (b) Churches, Synagogues, Temples, and Other Religious Facilities. The Planning and Zoning Commission may authorize a church etc., as a conditional use, if in its judgment, the size of the site is adequate for the intended use, access to the site is adequate, and the surrounding property will not otherwise be adversely affected. A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1 ½ ) times the area of the site, and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure. In addition to the signs permitted in the zone in which it is located, a church may have a bulletin board not exceeding twenty (20) square feet in area and set back ten (10) feet from the road.
- (c) Public utility. In considering an application for a public utility use, the Planning and Zoning Commission shall determine that the site, easement, or right-of-way is located so as to best serve the immediate area, and in the case of a right-of- way, easement will not result in the uneconomic parceling of land. As far as possible, transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designated, and installed as to minimize their effect on scenic values and interference in radio and television receivers in the vicinity.
- (d) Wrecking yard. A wrecking yard shall be enclosed by a sight-obscuring fence not less than eight (8) feet high from the grade of the land.
- (e) Mini-storage complexes. The following standards shall govern all conditional use permits for mini-storage complexes:
  - (1) Each mini-storage complex shall be screened by a sight obscuring fence of a



minimum height of six (6) feet from the grade or landscaping along any lot line abutting a residential zone.

(2) A dustless surface shall be required on all areas designated for vehicular movement, on- or off-loading, or parking.

(3) A minimum of five percent (5%) of the gross vehicular area, including a minimum three-foot (3') buffer strip abutting a public right-of-way, except for required clear vision area, shall be landscaped with approved living plant materials which shall include but not be limited to trees and shrubs. Trees shall be at least six (6) feet high at the time of planting. Living plant materials shall be spaced on three- (3) foot to five (5) foot centers, depending on maximum growth at maturity. Shrubs shall be a minimum of thirty (30) inches in height at maturity.

(4) Adequate on-site area for on- and off-loading of vehicles shall be provided so that such operations do not take place on, or interfere with, public right-of-way.

(5) If exterior security lighting is provided, it shall be screened to prevent spillover into any adjacent residential areas.

### 3.7.5 Mineral Extraction Requirements:

Mineral (gravel, sand, and other minerals) extraction may be allowed pending the approval of a Conditional Use Permit in Zones designated on the Land Use Table section 3.3.3 of this ordinance. The following stipulations are required when applying and considering a Conditional Use Permit to extract minerals:

(A) Parcel size shall be a minimum of forty (40) acres in each zone.

(B) Applicant shall provide a Reclamation / Master plan showing the extraction or pit area with a landscape plan, irrigation system for trees/landscaping, and setbacks from existing roads, adjacent residential and commercial areas.

Landscaped buffer areas and setbacks are as follows:

(1) Landscaping Requirements:

- Fifteen foot (15') landscaped buffer between extraction area and existing residents, commercial structures, and roadways. Landscape buffer must setback forty-five feet (45') from the center line of a County road. More restrictive setbacks maybe required if property abuts a State road way.
- A twenty-five foot (25') wide earth berm that is five feet (5') in height with a slope of no more than two to one (2:1) is required. The buffer area shall contain a solid fence, wall, or a combination of six foot (6') tall coniferous and deciduous trees staggered / two rows. The berm shall also have grasses, shrubs, or fence to collect dirt, other debris and act as a sound barrier.
- Irrigation plan.  
The landscaped buffer area must be in place before the extraction of minerals commences. There shall also be an irrigation plan to ensure dust mitigation.

(2) Setback Requirements:

- Setbacks between an open pit and County /public roads, shall be three hundred feet (300') from the center line of the road. The setback from property lines shall not be less than fifty feet (50'). The Planning and Zoning Commission may impose a more restrictive setback as a condition depending on burden or unless otherwise determined in the best interest of the County.

(C) Applicant shall have evidence that all State and Federal regulations have been met and approved.

- Applicant must provide an approved reclamation plan from the Department of Lands (as per I.C. 47-1501).
- Applicant shall provide a review or approval letter from Idaho Department of Environmental Quality for setbacks and dust mitigation.
- Applicant shall have a letter of approval from Eastern Idaho Health Department to ensure pond / pit will not cause septic leach fields on abutting properties to fail.
- Applicant must submit a Storm Water Permit from the Environmental Protection Agency (EPA) for any extraction area that will disturb more than one (1) acre.

(D) A Bond or Irrevocable Letter of Credit shall be required to ensure the completion and compliance of the "re-use" plan. The Bond or Letter of Credit shall be updated/renewed before the expiration date or shall stay current until a County Repetitive verifies the reclamation and "re-use" plan are completed and satisfy the conditions of the Conditional Use Permit. The number of years and hours of operation shall be provided on the application. If the extraction area is inactive for three (3) years or longer the Conditional Use Permit shall be revoked and the applicant must re-apply.

(E) Mining or Extraction of minerals shall not result in the damage or alteration of a floodway, channel, natural drainage way, wetlands, or wild life corridors.

- Developer / Applicant shall submit a Natural Features Analysis.

(F) Developer / Applicant shall include the number of trucks traveling county roads, a planned route said trucks will travel and evidence that adjacent roads and bridges can withstand the increase and impacts of additional traffic created by gravel / sand pit or mineral extraction area; or the developer may be asked to allocate funds to improve or maintain the local infrastructure. This will be assessed by a per vehicle / weight fee for road impact.

(G) Developer / Applicant shall show the need and public benefit of the extracted material and remaining pit.

(H) Gravel, sand, and other mineral mining is viewed as a temporary use to be

followed by another land use that is compatible with surrounding landscape. When an extraction area is progressively reclaimed during active mining, problems can be minimized and operator costs can also be reduced if reclamation is accomplished as part of the mining plan. Developer / Applicant shall have a drawing of a master plan of the "Re-Use" or what the project will look like when finished, beyond the basic reclamation plan (i.e. park, water feature, game reserve, and farm ground).

(I) Developer / Applicant shall show a guarantee of bonding for the "Re-Use" plan.

(J) Developer/Applicant shall include on the application or letter of intent the estimated time of completion and compliance of reclamation and "Re-Use" plan.

(K) To mitigate dust the Developer / Applicant shall pave areas of transportation from private property / or extraction area to county roads.

(L) Water Quality-The Planning and Zoning Commission may require the applicant to perform testing of water quality according to the Department of Environmental Quality (DEA) standards as a condition. If the pit or extraction area is a point source of contamination the Conditional Use Permit shall be revoked and the developer shall be responsible for mitigating the issue. If water in a pit becomes stagnate or creates a mosquito problem the Conditional Use Permit shall be revoked and it shall be the developer's responsibility to mitigate the problem.

(M) The Planning & Zoning Commission shall place a time stipulation as a condition.

(N) All other regulations for Conditional use Permits as set forth in this ordinance shall apply.

#### 3.7.6 Time Limit on Permit for Conditional Use:

Authorization of a conditional use shall be void after one year unless the use has been established or a building permit has been issued for the use. The Planning and Zoning Commission may extend this period upon the written request of the applicant if received prior to the expiration date.

#### 3.8.0 NONCONFORMING USES

##### 3.8.1: Continuance of a Nonconforming Use or Structure.

Subject to the provisions of this Section, a nonconforming use may be continued and maintained in reasonable repair but shall not be altered or extended, except that the extension of a nonconforming use to a portion of a structure that was provided for the nonconforming use at the time this ordinance is adopted shall be permitted, and except that a structure with respect to use but nonconforming with respect to height, setback, or coverage may be altered or extended if the alteration or extension does not further deviate from the standards of this ordinance.

### 3.8.2: Discontinuance of a Nonconforming Use.

- (a) If a nonconforming use involving a structure is discontinued from use for a period of one (1) year, further use of the property shall conform to this ordinance.
- (b) If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this ordinance.
- (c) On lots which have more dwelling units than that allowed by the Zone, and one or more of the dwelling units are manufactured homes, a manufactured home may be replaced by another manufactured home if said manufactured home is replaced within thirty (30) days from the date the initial manufactured home is removed. Replaced means the home has been issued a building permit and has received final approval for occupancy. If the unit is not replaced within thirty (30) days, another dwelling may not be placed upon the lot. A thirty (30) day extension may be granted upon written request and approval by the Board if the request is received prior to the 30-day expiration

### 3.8.3: Change of Nonconforming Use.

If a nonconforming use is located in a conforming structure, any change in use shall conform to this Section.

- (a) A nonconforming use located in a nonconforming structure, may upon review by the Planning and Zoning Commission, be changed to another nonconforming use, provided the Planning and Zoning Commission shall find that the proposed use is equally appropriate, or more appropriate, to the zone than the existing nonconforming use. In permitting such a change of use, the Planning and Zoning Commission shall consider whether the proposed use will:

- (1) Generate less traffic.
- (2) Decrease hours of operation.
- (3) Generally be less offensive.

- (b) In permitting any such change of use, the Planning and Zoning Commission may require additional appropriate conditions and safeguards in accord with other provisions of this Section. Structural alteration may be allowed to any portion of the nonconforming structure, provided it does not increase the existing floor area, and provided the alteration is aesthetically acceptable for the neighborhood in which the structure is located, as determined by the Planning and Zoning Commission.

### 3.8.4: Destruction of a Nonconforming Use.

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty (80%) percent of fair market value as indicated by the records of the County Assessor, a future structure or use on the site shall conform to this ordinance. This Section does not apply to manufactured homes described in 3.11.0

### 3.8.5: Completion of Structure.

Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued and

construction work has commenced prior to the adoption of this ordinance, except that if the building is nonconforming or is intended for a nonconforming use, it shall be completed and in use within one year from the time the permit was issued.

### 3.9.0: VARIANCES

#### 3.9.1: Authorization to Grant or Deny a Variance.

The Planning and Zoning Commission may authorize variances where it can be shown that the literal interpretation of this ordinance would cause hardship. A variance shall not be considered a right or special privilege, but may be granted only upon the showing of undue hardship because of characteristics of the site, and that the variance is not in conflict with the public interest. Once granted, a variance is permanent and runs with the land. In granting a variance, the Planning and Zoning Commission may attach conditions which it finds necessary to protect the interests of the surrounding property or neighborhood, and otherwise to achieve the purpose of this ordinance. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.

#### 3.9.2: Circumstances for Granting a Variance.

No variance shall be granted unless it can be shown that all of the following circumstances exist:

- (a) Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.
- (b) The variance is necessary for the preservation of a property right of the applicant, substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (c) The authorization of the variance will not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any county development plans or policies.
- (d) The variance requested is the minimum variance, which will alleviate the hardship.

#### 3.9.3: Application for a Variance.

A property owner may initiate a request for a variance by filing an application with the zoning official, using forms prescribed by Planning and Zoning Department. The application shall be submitted twenty-eight (28) days prior to the meeting at which it will be considered. The application shall be accompanied by a site plan, drawn to scale, showing the condition to be varied, and the dimensions and arrangement of the proposed development. The Planning and Zoning Commission may request other drawings or information necessary to an understanding of the request. The zoning official shall utilize the services and facilities of other County officials in the preparation of reports to the Planning and Zoning Commission.

#### 3.9.4: Public Hearing on a Variance.

Before the Planning and Zoning Commission may act on a request for a variance, it shall hold a public hearing pursuant to 3.15.0 of this ordinance.

### 3.10.0: ADMINISTRATIVE USE PERMIT

#### 3.10.1: Permits.

Administrative use permits may be issued for uses in the Agricultural Zones, Residential Zones, and Recreational Zones by the Administrator, subject to the conditions specified for each use. The following conditions must also be met, by determination of the Administrator.

- (a) The use is consistent with the Jefferson County Comprehensive Plan.
- (b) The use makes adequate provision for access, circulation, water supply, drainage and sanitary sewage disposal.
- (c) The use is beneficial to the public health, safety, and general welfare.

#### 3.10.2: Authorization.

Authorization of an administrative use permit shall be void one year after the effective date, unless a building permit has been issued, and substantial construction has taken place, or the use has commenced. However, the Administrator may extend the permit one (1) year longer if the Administrator finds that the facts on which the permit was approved have not changed substantially.

#### 3.10.3: Uses.

The following uses may be authorized by administrative use permit providing the use complies with all conditions stated.

##### (a) Rock Crushing - existing gravel pit:

- (1) Crushing must not be closer than 1,200 feet from any dwelling, other than that of the owner.
- (2) Crushing shall comply with all state and federal permits, and proof of any permits shall be submitted within thirty (30) days of issuance of the administrative use permit.
- (3) Crushing shall only operate during daylight hours - official sunrise to official sunset. If the crushing site is located in an area that would not cause interference with surrounding properties, as determined by the Board of Commissioners upon review of the application, consideration for extended hours may be granted.
- (4) County Road and Bridge Department shall be notified of transportation of any rock from the site, for additional permits.

##### (b) Rock Crushing - at a temporary location other than a gravel pit:

- (1) Crushing must not be closer than 1,200 feet from any dwelling, other than that of the owner.
- (2) Crushing shall comply with all state and federal permits, and proof of any permits shall be submitted within thirty (30) days of issuance of the permit.
- (3) Crushing shall only operate during daylight hours - official sunrise to official sunset.
- (4) County Road and Bridge Department shall be notified of transportation of any rock from site (for additional permits).
- (5) Crushing shall be limited to thirty (30) days in any calendar year.

##### (c) Rock Crushing - new gravel pit - conditional use permit required.

(d) Off Premise Signs. (Off Premise Signs are exempt from Section 10.5.1.)

(1) Off-premise signs shall comply with the Jefferson County Sign Ordinance.

(e) Commercial uses on a residential lot in an accessory building.

(1) The use must be an accessory use to the residence; the residence must already be established, or a building permit shall be issued and construction begun (if after two (2) years the residence is not finalled for occupancy, the permit shall not be renewed).

(2) The lot area used for the entire business, including buildings, storage area, drives, and parking areas, shall not exceed twenty-five (25%) percent of the lot size, or one acre, whichever is smaller, excluding parking for employees but including parking for customers, whichever is smaller.

(3) The business shall be enclosed completely in a building. Supplies may be kept outside if kept in an organized manner. If the business involves vehicle repair, no more than two (2) vehicles may be kept outside the building at any one time, excluding vehicles used by employees to transport to the job site.

(4) No more than five (5) persons, not residing on the property, per shift shall be employed in the business.

(5) If either employees or the public will use the site, structures shall meet all requirements of the Uniform Building Code and Uniform Fire Code for type of usage.

(6) No part of the business, except structures, but including storage, shall be located any closer than twenty (20) feet from the property lines of adjoining landowners. Structures shall be a minimum of five (5) feet from property lines of adjoining landowners. If storage is located near a residential building other than that of the owner, it shall be screened to prevent sight pollution.

(7) Vehicles for transporting products or materials shall be allowed on site only from 7 a.m. to 8 p.m.

(8) Sales from the property shall be limited to the hours of 7 a.m. to 8 p.m. and shall be limited to not more than five (5) customers each day during the week, and no more than ten (10) customers each day on Saturday and Sunday, excluding tours. Tours shall be limited to four (4) per month.

(9) The business shall be conducted in such a manner that it does not interfere with surrounding property owners so as not to pollute from air, noise, sight, or water. All effluent shall be contained on site.

(10) The use shall not create a nuisance because of dust, odor, noise, smoke, or gas. Any commercial or manufacturing use, which does not meet these requirements, may only be permitted by conditional use permit.

(f) Temporary sales lots for Christmas trees or agricultural stands for products not grown on the premises:

(1) Christmas tree sales shall be allowed from November 15th to December 25th each year.

(2) Agricultural stands shall be allowed from May 1st to October 31st each year.

(3) Adequate off road parking shall be provided.

(4) Two on-premise signs may be placed, which shall not exceed thirty-two (32)

square feet each, and must be removed when the operation closes. There shall be no flashing or intermittent lighting.

(5) Exterior lighting shall not interfere with surrounding neighbors and may be illuminated between the hours of 7 a.m. and 9 p.m. only.

(6) Access to the site shall meet County and State requirements.

(7) Music or other amplified sound shall be played between the hours of 7 a.m. and 9 p.m. only.

(g) Special Events:

One time (or one day) special events which exceed more than one hundred (100) total persons, including participants and spectators, may be permitted with recommendation by the Administrator, and approval by the Board of County Commissioners. Special events may include but shall not be limited to, concerts, entertainment, rodeo events, vehicle racing, or shows. Approval on special events will take into consideration sanitary facilities, vehicle access, spectator areas, surrounding property, hours and days of event etc. If any effected resident opposes a special event, an appeal may be made directly to the Board of County Commissioners for consideration.

3.10.4: Fees.

Application for an administrative use permit, including special events, shall be seventy-five dollars, (\$75.00), which is non-refundable if the permit is denied. The fee for temporary Christmas tree lots and agricultural stands shall be twenty-five dollars (\$25).

3.10.5: Notice of Decision.

The Administrator shall prepare and distribute a Notice of Decision as follows:

(a) Mailing notice to the applicant or applicant's representative, and the owner of the property.

(b) Mailing notice to property owners within one thousand, (1,000) feet of the property of intent to grant approval. Notification shall be made by delivery by first class mail by the US Postal Services.

(c) Publication of the notice in the official County newspaper of general circulation.

(d) Distribution of the notice to the County Assessor's Office.

(e) Final approval will be granted unless a request for a public hearing is filed with the Planning and Zoning Administrator within fifteen (15) days of the date of the notice. If a public hearing is requested, the procedures shall be pursuant to 3.15.0

(f) A statement describing the procedure for an appeal.

3.10.6: Issuance of Permit.

If there is no appeal filed within the time specified in Section 3.10.5 (e), the permit shall be issued.

3.10.7 Renewals.

A permit shall be valid for two (2) years, and may be renewed for consecutive two-(2) year periods. Fee for a renewal shall be ten dollars (\$10). Temporary permits, 3.10.3, must be renewed each year. If application for permit renewal is not received by expiration date,



permittee must reapply as for a new permit.

### 3.10.8: Appeals.

If the permit or renewal is denied by the Administrator, the applicant may appeal the denial to the Planning and Zoning Commission for consideration of the permit. There shall be no fee for the applicant's appeal. If the Planning and Zoning Commission denies the appeal, the applicant may appeal the decision to the Board of County Commissioners.

## 3.11.0 MANUFACTURED HOME PARKS

### 3.11.1: Application Process.

Any application for a manufactured home park shall be submitted as a conditional use permit.

(a) The application shall be made to the Administrator in writing. If complete, the Administrator shall certify that the application contains all required information specified in 3.11.2 of this ordinance and any other County ordinances and regulations. The developer shall be encouraged to develop detailed designs as described in Section 3.11.2 in cooperation with the Planning and Zoning Commission to avoid undue costs and repeated application.

(b) The Administrator shall transmit copies of the completed application to such agencies that have jurisdiction over, or interest in, the proposed development within seven (7) days of the receipt of the completed application. Such agencies may include but shall not be limited to:

- (1) Department of Health and Welfare, Division of Environment.
- (2) District Health Seven Department.
- (3) Appropriate utility companies.
- (4) Superintendent of the school district.
- (5) County Road Department.
- (6) Soil conservation district.

The reviewing agencies shall have fourteen (14) days from the date of referral to transmit comments to the Administrator. Within seven (7) days of receipt of recommendations from the reviewing agencies, the Administrator shall certify that the application is complete, and shall submit a recommendation on the application to the Planning and Zoning Commission.

Fee - Application for a manufactured home park shall be accompanied by such fees as indicated in the Fee Schedule of this ordinance.

Commission Action - In determining the acceptability of a proposed development, the Planning and Zoning Commission shall consider the objectives of this ordinance, and at least the following:

- (a) The conformance of the development with the Jefferson County Comprehensive plan.
- (b) Approved domestic water and sewage disposal to accommodate the proposed development.
- (c) Any health, safety, or environmental problems that may be brought to the Planning and Zoning Commission's attention.
- (d) The compatibility of the proposed development with existing uses of adjoining land.
- (e) The overall design of the development, including the layout of building sites, open

spaces, recreational areas, and circulation system, as well as landscaping and aesthetic considerations.

- (t) The ability of the development to provide a healthful and pleasant living environment. The Planning and Zoning Commission shall proceed with a decision as required in

3.15.1.2 of this ordinance.

3.11.2: Design Standards.

(a) An application for a manufactured home park shall be in writing, signed by the applicant, and shall contain the following in sufficient detail to determine compliance with the design standards and requirements of this ordinance, and all other applicable regulations.

(b) The name and address of the applicant, and the name and address of the owner, if not the applicant.

(c) The interest of the applicant in, and the location and legal description of, the proposed manufactured housing development.

(d) The zoning designation.

(e) A complete plan of the development showing the following:

(1) The area and dimensions of the development site and its relationship to surrounding properties.

(2) The number, location, and size of all proposed building sites, service buildings, or other structures, and proposed improvements.

(3) The location of manufactured homes within each building site.

(4) The pattern of roads and driveways, including widths of parking facilities and walkways.

(5) The type and location of existing and proposed sewer and water facilities.

(6) The location of existing and proposed service buildings or other structures.

(7) The location of recreation or open space areas to be set aside for use-in-common.

(8) General landscape treatment.

(9) Plans for all buildings and other improvements existing or proposed.

(10) Type of drainage system proposed to handle surface, underground, and runoff waters.

(11) Type and location of fire protection systems to be used.

(12) Contour lines at 20-foot intervals.

(13) Scale and north point of the plan.

(14) Enlarged plot plan of a typical space showing location of manufactured home, storage space, parking, utility connecting, and other necessary improvements.

3.11.3: Site Standards.

(a) A manufactured home park shall meet the minimum lot size required by this ordinance, but in no case shall be less than two (2) acres, and shall contain no less than two (2) sites.

(b) No manufactured home park shall exceed a density of twelve (12) units per acre.

No structure or accessory structure shall exceed a maximum height of thirty (30) feet.

(c) Spaces within a manufactured home park shall contain a minimum of 3,000 square feet with maximum lot coverage of seventy-five percent (75%). Every manufactured home park shall abut on a driveway or other clear area with unobstructed access to a County road.

(d) No units within a manufactured home park shall be closer than ten (10) feet to another unit.

(e) Attached structures shall be considered part of the manufactured home for setback purposes.

(f) All units shall be installed in accordance with the manufacturer's Instructions, or in accordance with Idaho Code, 44-2200.

(g) All manufactured homes located on property abutting a County road shall have a minimum setback of forty-five (45) feet from the centerline of said road or in the case of a State Highway, shall have a twenty (20) foot setback from the property line.

(h) Two parking spaces shall be provided at each manufactured home space and within a ten- (10) foot access to any interior road.

(i) A minimum of one parking space per three manufactured home spaces shall be provided for parking recreational vehicles, boats, trailers, and related items.

Recreational vehicles shall not be kept on individual lots in manufactured home parks, however, one recreation vehicle, boat, or trailer, may be parked in a parking space designated as off road parking for the manufactured home provided it does not eliminate parking for motor vehicles (e.g. if the resident owns one vehicle, a recreation vehicle, boat, or trailer may occupy the second required parking space).

(j) A six- (6) foot high sight-obscuring fence with a lockable gate shall be erected around the perimeter of said storage area

(k) Internal streets - All internal streets shall provide a dustless surface, however, for a manufactured home park with more than ten (10) lots the surface shall be based, graded, and paved with asphalt, concrete, or approved tar and rock. All streets shall have a minimum width of twenty (20) feet and shall be approved by the County Road and Bridge Department.

(1) Street surfaces shall be free of cracks, holes, and other hazards.

(m) Dead end streets shall be no more than five hundred (500) feet in length and shall terminate with an adequate turn around radius of not less than forty (40) feet.

(n) Access to a County road shall meet the requirements of the Jefferson County Road Department.

(o) Open areas - A common landscaped area shall be provided in each development consisting of five percent (5%) of gross land area, but in no case shall be less than 5,000 square feet. The area shall be exclusive of all building space, street, and buffer areas. Landscaping shall be required in all open areas of the manufactured home park not otherwise used for park purposes. All required landscaping shall be maintained by the developer on a continuing annual basis.

(p) Buffering, screening, and windbreaks (surrounding the park) as required by the Planning and Zoning Commission shall be a sight obscuring fence, wall, evergreen, or other suitable planting of at least four (4) feet high. Fences or windbreaks exceeding forty (40) inches high shall be no closer than three (3) feet to any home or accessory structure. Screening shall not be located so as to create a traffic hazard.

(q) All manufactured home parks shall be furnished with lighting units, so spaced and equipped with luminaries placed as to provide for the safe movement of pedestrians and vehicles at night.

(r) Each lot in a manufactured housing development shall be conspicuously marked with the proper lot number that will provide identification.

(s) Sanitary sewage disposal shall meet the requirements of the District Seven Health Department Construction plans and specifications for all systems shall be approved by the District Seven Health Department prior to approval by the Planning and Zoning Commission.

(t) Domestic water shall meet the requirements of the District Seven Health Department and construction plans and specifications shall be approved by the District Seven Health Department prior to approval by the Planning and Zoning Commission.

(u) Manufactured homes shall have a compatible pre-finished skirting of moisture resistant, noncombustible material of fire retardant wood, which shall extend from the grade of the ground to the base of the manufactured home. Skirting shall remain in good repair at all times, and shall extend around the entire perimeter without gaps or holes, other than that required for ventilation, which shall be screened.

(v) The developer shall provide for a solid waste collection site.

(w) The tongue of a manufactured home shall not be closer than thirteen (13) feet from the centerline of any internal street.

#### 3.11.4: Location of Combustible Materials.

Liquefied petroleum (LP) gas tanks shall not be located closer to any manufactured home unit than five (5) feet for tanks of less than one hundred (100) gallons, nor ten (10) feet for tanks of one hundred (100) gallons or more. If sufficient space is not available to comply with this provision and another source of fuel is available, said tanks shall be removed within ninety (90) days from the effective date of this ordinance, provided that each manufactured home unit may not have more than two (2) factory installed propane tanks of not more than ten-(10) gallon capacity, each notwithstanding the foregoing provision.

(a) The storage of personal property beneath manufactured home units shall not be permitted under any bedroom or sleeping quarters and shall be limited to twenty-five (25%) percent of the area under the manufactured home unit.

(b) The following materials shall not be stored under manufactured homes:

(1) Flammable liquid, which includes any liquid having a flash point below one hundred forty (140) degrees Fahrenheit, and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit.

(2) Combustible liquid, which includes any liquid having a flash point at or above one hundred forty (140) degrees Fahrenheit, and below two hundred (200) degrees Fahrenheit, and shall be known as Class III liquids.

(3) Compressed gas, which includes any mixture or material having in the container either an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit, or both; or any liquid flammable material having a vapor pressure, as defined in Section 1.424 of the Uniform Fire Code, exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.

(4) Flammable material, which includes any material that will readily ignite from common sources of heat; any material that will ignite at a temperature of six hundred

(600) degrees Fahrenheit or less.

(5) Combustible waste matter including magazines; books; trimmings from lawns, trees, flower gardens; pasteboard boxes; rags; paper; straw; sawdust; packing material; shavings; boxes; and all rubbish and refuse that will ignite through contact with flames of ordinary temperatures.

#### 3.11.5: Existing Manufactured Home Parks.

Manufactured home parks in existence as of the effective date hereof, shall be permitted to continue as an established land use, but shall not be altered so as to deviate below the minimum standards of this chapter. Any addition to an existing manufactured home park shall meet all the standards required by this chapter. If an addition or series of additions result in the doubling of the size of an existing manufactured home park, when such doubling exceeds ten (10) total manufactured homes for the entire park, the entire park shall be required to meet all standards required by this chapter.

The term "addition to an existing manufactured home park" shall mean the addition of units to an existing park; provided that new spaces created by the rearrangement of manufactured home units within an existing park for the maintenance or improvement of vehicle access shall not, so long as the minimum yard requirements of this ordinance are met, be deemed an addition.

Private drive access presently provided to manufactured home units in existing parks shall not be altered so as to decrease the vehicular access area presently provided.

#### 3.11.6: Manufactured Homes

1. Manufactured homes existing as of the effective date hereof shall be permitted to continue as an established dwelling

2. Allowing new manufactured housing:

Manufactured housing units are permitted in the R-1, R-5, Ag-10, Ag-20, Ag-40, and Rec/Com zone on individual lots under specific conditions.

- a. The home shall be at least twenty-four (24) feet in width.
- b. It shall have a non-glare, wood shake, or asphalt roof with a minimum slope of 3/12 and a minimum six (6) inch eaves.
- c. The home shall have an exterior siding that is residential in character, including but not limited to clapboards, simulated clapboard such as conventional vinyl or metal siding, or similar material. The siding shall not be composed of smooth, ribbed, or corrugated metal or plastic panels.
- d. The home shall be placed on a permanent foundation that complies with the county most current Building Code for residential structures.
- e. The hitch, axles, and wheels must be removed, and the foundation, and foundation fascia must be similar in appearance and durability to the masonry foundation of built buildings.
- f. Expection to 2-a thru e maybe allowed if the following condition are met with the application of a Conditional Use Permit and a building permit:
  1. the dwelling is a temporary unit
  2. the dwelling is to provide for a relative on not more than one level of

consanguinity.

3. the dwelling is to use for farm labor and will be owner will be the same as the property in which it is placed.

3. Meeting the conditions.

Mobile homes and manufactured homes that meet the conditions immediately above are also permitted in established or approved mobile home courts and mobile home subdivisions.

### 3.12.0 Cluster Development Regulations

#### 3.12.1 Purpose

The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments; which will promote or encourage a variety of types of residential dwelling; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open space to preserve recreational, scenic, agricultural, and public service purposes, and other purposed related thereto, within the densities established for the clustering. To achieve these goals:

1. Variations in lot areas are permitted.
2. A greater variety of building types is permitted in Residential, Recreational and Agricultural Zones.
3. Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to the public use or for the purpose of agricultural use.
4. Procedures are established to assure adequate protection of existing and potential developments adjoining the proposed planned unit and cluster development.

#### 3.12.2 Cluster Development; Dwelling Types; Size.

1. All single-family residential dwellings may be permitted in cluster development in the R-1, R-5, A10, A20, A40, and RC/C.
2. Cluster developments shall consist of lots not less than one acre in size in all zones.
3. Cluster developments shall be determined by the number of acres within the parcel of land, divisible by the zoning density designated within the zone.  
Acreage divided by Zone equal to number of development rights.  
ie: 40 acre parcel within a R-5 zone (divided by 5) would allow for the property to be divided into 8 development rights not less than one acre in size.  
(40 divided 5 = 8 one acre lots)

#### 3.12.3 Subdivision Approval for Cluster Development

No Cluster development may be constructed except in accord with a Preliminary Subdivision Plan. Clustering plats consisting of four or less lots may be allowed through an administrative platting process. All other clustering plats will be required to meet the subdivision platting process.

### 3.13.0 CONFINED ANIMAL FEEDING OPERATION

#### 3.13.1. PURPOSE

3.13.1 The purpose of this ordinance is to establish an orderly procedure to regulate the placement and construction of Confined Animal Feeding Operations within Jefferson County. Jefferson County does not have the resources or authority to enforce State or Federal environmental laws. However, it is the intent of the Board of County Commissioners to require all CAFO's operating in Jefferson County to obtain and be in compliance with all applicable federal and state environmental standards, to be sited within agriculture zones and meet certain development standards. The Board also feels that it is appropriate to take advantage of all resources and assistance available from other government agencies in making CAFO Permit decisions.

#### 3.13.2. GENERAL.

1. The specific provisions of this Chapter control when other portions of the Jefferson County Zoning Ordinance are inconsistent with provisions of this Chapter.
2. Any action by Jefferson County pursuant to this Chapter does not insure that the applicant is in compliance with any other provisions of applicable local, State, and/or Federal laws, rules, and/or regulations.
3. The provisions of this Chapter are minimum standards, and any more restrictive standards required by other applicable local, State, and/or Federal laws, rules, and/or regulations must be complied with.

#### 3.13.3. DEFINITIONS

**ADMINISTRATOR:** The official or that official's designee appointed by the Board to administer the Jefferson County Zoning and Development Ordinance.

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

**ANIMAL UNITS:** Animal unit is described as a measurement unit and is 1,000 pounds per unit.

**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, storage or utilization of Animal Waste.

**APPLICANT:** Any person initiating an application for any action or provision authorized under this Ordinance.

**APPLICATION:** The document and accompanying information required of a person seeking a

CAFO Siting Permit.

BOARD: The Board of County Commissioners.

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

CAFO: Confined Animal Feeding Operation.

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, and which consists of:

1. Any combination of animal units that total one thousand (1,000) animal units or more confined for ninety (90) days or more a year;
2. Any facility with a milk shipping permit; or,
3. Any facility with an Animal Waste Management System.

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 process wastewater 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 OPERATION PERMIT: Permit required to occupy a new CAFO facility area or the added portion of an expanded CAFO.

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

CAFO SITE ADVISORY TEAM: Team authorized by Idaho Code § 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 that site's suitability for a CAFO.

COMMISSION: Planning and Zoning Commission of Jefferson County appointed by the Board.

COMMENCE OR START OF CONSTRUCTION: Date building permit is issued or notice of Agriculture Construction is submitted to Jefferson County. Where no building permit or notice is required, the date work is actually begun.



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

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

**EXPANDING CAFO:** An existing CAFO that: (1) Cumulatively increases its One-Time Animal Unit Capacity by one hundred and fifty (150) or more Animal Units; or (2) Cumulatively increases its One-Time Animal Unit Capacity by ten percent (10%) or more, whichever increase is less; or (3) An existing CAFO that increases the capacity of its Animal Waste Management System.

**FSA:** Farm Service Agency of the United States Department of Agriculture.

**ISDA:** Idaho State Department of Agriculture.

**IDAPA:** Idaho Administrative Procedures Act.

**IDEQ:** Idaho Department of Environmental Quality.

**IDWR:** Idaho Department of Water Resources.

**LARGE CONCENTRATED ANIMAL FEEDING OPERATION (Large CAFO):** An AFO is defined as a Large CAFO if it stables or confines as many or more than the numbers of animals specified in any of the following categories:

- 700 mature dairy cows, whether milked or dry;
- 1,000 veal calves;
- 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls and cow/calf pairs;
- 2,500 swine, each weighing 55 pounds or more;
- 10,000 swine, each weighing less than 55 pounds;
- 500 horses;
- 10,000 sheep or lambs;
- 55,000 turkeys;
- 30,000 Laying hens or broilers, (if the AFO uses of liquid manure handling system);
- 30,000 ducks (if the AFO uses other than a liquid manure handling system);  
or
- 5,000 ducks (if the AFO uses a liquid manure handling system)

**LAND APPLICATION:** The spreading on or incorporation of animal waste into the soil mantle primarily for beneficial purposes.

**MATERIAL CHANGE CRITERIA:** An alteration in the CAFO that meets at least one of the following:

1. Change in the size and/or location of the animal waste management system.
2. Relocation of CAFO Improvements outside of the CAFO Facility Area for which they were approved.
3. Relocation of any CAFO improvement so that it no longer meets a setback required by this ordinance.
4. Change in type of animal housed.
5. Change to Dead Animal Storage Area.
6. Change or relocation of Feed Storage Area.
7. Cumulative increase of the permitted one (1) time Animal Unit Capacity by ten (10) percent or 150 animal units, whichever is less.

**MEDIUM CONCENTRATED ANIMAL FEEDING OPERATION (Medium CAFO):** The term Medium CAFO included any AFO with the type and number of animals that fall within any of the ranges listed below and which has been defined or designated as a CAFO. An AFO is defined as a Medium CAFO if the type and number of animals that it stables or confines fall within any of the following ranges:

- 200 to 699 mature dairy cows, whether milked or dry;
  - 300 to 999 veal calves;
  - 300 to 999 cattle other than mature dairy cows or veal calves, cattle includes but is not limited to heifers, steers bulls and cow/calf pairs;
  - 750 to 2,499 swine each weighing 55 pounds or more;
  - 3,000 to 9,999 swine each weighing less than 55 pounds;
  - 150 to 499 horses;
  - 3,000 to 9,999 sheep or lambs;
  - 16,500 to 54,999 turkeys;
  - 9,000 to 29,999 laying hens or broilers, if the AFO uses a liquid manure handling system;
  - 37,500 to 124,999 chickens (other than laying hens), if the AFO uses other than a liquid manure handling system; or
  - 1,500 to 4,999 ducks (if the AFO uses a liquid manure handling system); and
- Either one of the following conditions are met:
- Pollutants are discharged into waters of the United States through a man-made ditch, flushing system, or other similar man-made device; or
  - Pollutants are discharged directly into waters of the United States which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animal confined in the operation.

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

**NON-CONFORMING CAFO:** Any grand fathered operation or operation that met the definition of a Livestock Confinement Operation, 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.

**NRCS:** Natural Resource Conservation Service of the United States Department of Agriculture.

**NUTRIENT MANAGEMENT PLAN:** A plan approved by the Director of the Idaho 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.

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

**ONE -TIME ANIMAL UNIT CAPACITY:** The maximum number of animal units that a CAFO Facility Area is capable of housing at any given point in time.

**PEST:** Insects, rodents and other vermin.

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

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

**REGISTRATION NOTICE:** The document and accompanying information that an existing CAFO shall file with the Administrator in order to register the CAFO.

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

**SMALL CONCENTRATED ANIMAL FEEDING:** An AFO is designated as a small CAFO if it stables or confines less than the standards of the medium CAFO.

USGS: United States Geologic Survey.

VARIANCE: A modification of the requirements of this Ordinance approved through the process outlined in Section IX of this Ordinance

#### 3.13.4. APPLICABILITY.

##### REQUIREMENTS.

Any and all livestock operations are subject to the following requirements:

a) A Waste Distribution Plan for all waste from a livestock operation. Discharge of waste from a property owned or controlled by any livestock operator is prohibited. This applies to any livestock operation, regardless of size or type. Animal waste products, including sprinkled waste, shall not leave the property of the operator, unless the operator has agreed with another party to disperse animal waste products on that person's property. Liquid waste treatment lagoon, separators and holding ponds and such dispersal shall meet all local, State and Federal guidelines.

b) A Nutrient Management Plan and Waste System Design for solid and liquid waste approved by the appropriate State agency regulating solid and liquid waste.

c) All new operations or the expanding portion of an existing operation shall be required to use shielded or directional lighting.

d) Waste storage on property not a part of the CAFO, i.e. leased or rented property, is required to follow setbacks stated in 4.04.

e) All new operations are required to have a Closure Bond, the amount will set by board of County Commissioners.

#### 3.13.5 PASTURED ANIMALS.

Pastured animals are not considered to be a confined livestock operation and, therefore, they do not need a permit, nor are they regulated as to the number of animals that an owner can have on his property. Pasture is defined as land where crops, vegetation, or forage growth are sustained in the normal growing season.

#### 3.13.6 OPERATIONS REQUIRING A PERMIT.

Livestock operations requiring a permit include all operations in Jefferson County, which meet the definition of a Confined Animal Feed Operation (CAFO). A CAFO is defined as a use of real property which may produce crops, vegetation or forage grown outside of the CAFO animal confinement site and includes the animal confinement site (other than fish production facilities) where the following conditions exist:

a. Animals have been, are, or will be stabled or confined and fed or maintained for a total of

90 days or more in any 12 month period, or as adopted by state and,

b. Crops, vegetation, or forage growth are not sustained in the normal growing season on the animal confinement site.

### 3.13.7 ANIMAL UNITS.

One animal unit is the unit of measure for any CAFO and is defined as 1,000 pounds of livestock. The weight of any type of livestock is determined by tables of weights typical for that type of livestock.

Multiply the number of animals by the animal equivalency factor to determine animal units:

3.13.8 ZONES. In Agricultural zone as show in the Land use table 3.3.3:

Animal Sector	Size Thresholds (number of animals)		
	Large CAFO's	Medium CAFO's	Small CAFO's
Cattle or cow/ calf pairs	1,000 or more	300-999	Less than 300
Mature dairy cattle	700 or more	200-699	Less than 200
Veal calves	1,000 or more	300-999	Less than 300
Swine (weighing over 55 pounds)	2,500 or more	750-2,499	Less than 750
Swine (weighing less than 55 pounds)	10,000 or more	3,000-9,999	Less than 3,000
Horses	500 or more	150-499	Less than 150
Sheep or lambs	10,000 or more	3,000-9,999	Less than 3,000
Turkeys	55,000 or more	16,500-54,999	Less than 16,500
Laying hens or broilers (liquid manure handling system's)	30,000 or more	9,000-29,999	Less than 9,000
Chickens or other laying hens (other than a liquid manure handling systems)	125,000 or more	37,500-124,999	Less than 37,500
Laying hens (other than a liquid manure handling systems)	82,000 or more	25,000-81,999	Less than 25,000
Ducks (other than a liquid manure handling systems)	30,000 or more	10,000-29,999	Less than 10,000
Ducks (liquid manure	5,000 or more	1,500-4,999	Less than 1,500

handling systems)			
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3.13.8 EXISTING CAFO WITHOUT A CAFO/AFO PERMIT.

- a. Such CAFO's shall be granted a Livestock Siting Permit without a fee upon filing a completed Livestock Siting Permit Application with the Planning and Zoning Administrator.
- b. Such CAFO's shall file a completed application no later than 60 days after notification by the Planning & Zoning Administrator of the requirements of 2.03.

3.13.9 EXPANSION OF AN EXISTING CAFO, STRUCTURES AND PROPERTY.

- a. Expansion of an existing CAFO holding a CAFO or a Livestock Siting Permit will require the CAFO owner to apply for a new CAFO Permit as outlined in section 3.13.13. Expansion is defined, for the purposes of this Chapter, as an increase in animal units.
- b. An expansion of structures only with no increase in animal units of a CAFO with an existing permit requires a CAFO Expansion Siting Permit for corrals and lagoons. A building permit is required for all other structures.
- c. An expansion of property area only, with no increase in animal units or change of structures, will only require the approval of the Planning & Zoning Administrator.
- d. Changes of structure(s) in an existing CAFO, mandated by new Federal or State regulations, shall be permitted provided there is no erosion of existing setbacks.

3.13.10. PERMITTED LOCATIONS.

NEW CAFO'S.

New CAFO's shall be allowed only in Agricultural Zone, and only after compliance with the provisions of this Chapter and the Jefferson County Zoning Ordinance.

MAXIMUM ANIMAL UNIT DENSITY FOR CAFO'S.

New facilities shall include any livestock feeding operation designed, implemented and requested to be placed in existence subsequent to the implementation of this Ordinance.

1. Cattle.

- a. Any confined feeding, raising or breeding of beef cattle, exceeding seven (7) months in any given fiscal year commencing July 1 and ending June 30 in the succeeding year, shall require a minimum of one (1) acre for each twenty (20) head of weaned animals to be placed contiguous and adjacent to the confined facility.

b. Any confined feeding, raising or breeding of dairy cattle, exceeding seven (7) months in any given fiscal year commencing July 1 and ending June 30 in the succeeding year, shall require a minimum of one (1) acre for each ten (10) head of weaned animals to be placed contiguous and adjacent to the confined facility.

c. Sanitation of such confined facility shall be in accordance with the Idaho State regulations governing the same.

2. Sheep.

a. Any confined feeding of sheep, exceeding seven (7) months in any given fiscal year commencing July 1 and ending June 30 in the succeeding year, shall require a minimum of one (1) acre for each one hundred (100) head of weaned animals to be placed contiguous and adjacent to the confined facility.

b. Sanitation of such confined facility shall be in accordance with the Idaho State regulations governing the same.

3. Swine.

a. Any confined feeding of swine, exceeding seven (7) months in any given fiscal year commencing July 1 and ending June 30 in the succeeding year, shall require a minimum of one (1) acre for each fifty (50) head of weaned animals to be placed contiguous and adjacent to the confined facility.

4. Poultry.

a. Any confined feeding of poultry shall require a minimum of one (1) acre for each five hundred (500) head of animals to be placed contiguous and adjacent to the confined facility.

5. Other animals.

All other animals, not heretofore mentioned, shall be considered on a case by case basis and require appropriate conditions according to the specifics of such confined feeding operation.

3.13.11 REQUIRED SETBACKS FOR A NEW CAFO OR EXPANSION OF EXISTING CAFO.

CAFO SETBACKS

Public Roads	Distance 50 feet	From County rights of way
	300 feet	From State rights of way
Confinement Area	1000 feet	Residents not associated with the CAFO
	50 feet	Water's edge of any canal, lateral or ditch, which might return to the Snake River
	80 feet	Live water, Lakes, Rivers, Streams
Property Line Liquid	50 feet	Waters edge

waste treatment lagoons, separators, holding ponds, waste storage facilities	1000 feet	Residence not associated with the CAFO
	300 feet	Wells for potable water
Composting	50 feet	County rights of way
	1000 feet	Residence not associated with the CAFO
	50 feet	Waters edge
Zoning	1000 feet	R-1 & R-5 Residential C-1 & C-2 RR/C – R/O
Incorporated Municipalities	3 Miles	-All cities with the population of 3000 or more from the CAFO property line.
	1 Mile	-All cities with the population of 2999 or less from the CAFO property line
Setback applied Equally	1000 feet	New construction must be 1000 feet from existing CAFO confinement area

### 3.13.12. PROCEDURE FOR CAFO AND SITING PERMIT APPLICATION.

A CAFO permit application as required in this Chapter shall be filed with the Planning & Zoning Administrator by the owner of the real property for which the CAFO is proposed.

#### APPLICATION.

CAFO Permit application forms shall be available at the Jefferson County Planning & Zoning Administrator's Office, Jefferson, Idaho. Completed applications for CAFO's will be filed with the Administrator. The Administrator shall forward a copy of the application to the Department of Agriculture Siting Team. The CAFO Permit application shall include the following items:

- a. The name, complete address and telephone number of the applicant(s).
- b. The legal description of the real property upon which the CAFO will be constructed and operated, along with common directions from the nearest intersection within the boundaries of Jefferson County.
- c. A full description of the present use of the property, including the present zoning of the property.
- d. A full written description of the CAFO.



e. A parcel map of all the property of the proposed livestock confinement operation with the site location of the animal confinement site outlined on the parcel map. Vicinity map with the CAFO site location. (If available, a detailed sketch of the site location on an aerial photograph with the following:)

1. Private and community domestic water wells, irrigation wells, and existing monitoring wells, existing injection wells as documented by the IDWR; irrigation canals and laterals, rivers, designated wetlands, streams, springs, and reservoirs which are within a one (1) mile radius of the proposed facility.

f. A complete site plan of the CAFO/AFO animal confinement site, minimum size 18" x 24". Minimum site plan drawing scale shall be 1" = 100'. The site plan shall include, but not be limited to, location of all structures, feed storage areas, animal confinement areas, waste storage areas, rock outcroppings, sink holes, traffic access, area lighting fixtures, adjoining residences within one mile of site boundaries of the proposed facility and public thoroughfares, and shall also include all setback measurements.

g. FEMA Flood Zones or other appropriate flood data for the facility site and land application sites owned or leased by the applicant. This is obtainable from the Planning & Zoning Administrator's office.

h. A waste system design for solid and/or liquid waste approved by the appropriate State agency regulating solid and/or liquid waste.

i. A sketch of how the natural drainage would go around the confinement area and not through it. An engineered drawing is not required.

j. A characterization of the proposed facility and any land application site(s) owned or operated by the applicant that, if available, includes the following information:

1. Annual precipitation as contained in the Idaho Waste Management Guidelines; and
2. Soil characteristics from NRCS.
  - i. Topographical map.
  - ii. Soils map.
  - iii. Soils profile.
3. Hydrogeological factors from IDWR, ISDA or USGS including:
  - i. Depth to water at nearest wells
  - ii. Direction of ground-water movement and gradient.
  - iii. Sources and estimates of recharge.
  - vi. Ground water/surface water relationships.
4. Water quality data from IDEQ, ISDA, IDWR or USGS, including:
  - i. Microorganisms (bacteria or single-cell).
  - ii. Nutrients.
  - iii. Pharmaceuticals and organic compounds.

k. Written comment on and approval of the site plans and site assessment by Department of Agriculture CAFO SITE ADVISORY TEAM is required. Site assessment comments are required from the appropriate Idaho Transportation Department, Irrigation District, District Seven Health Department, Department of Agriculture, Department of Water Resources, and/or other agencies designated by the Planning & Zoning Administrator.

l. A non-refundable fee, in an amount to be determined by resolution of the Jefferson County Commissioners, shall accompany each application or re-application for a CAFO Use Permit. Commissioners may waive or adjust fee at their discretion.

#### 3.13.13 LIVESTOCK SITING PERMIT APPLICATION.

The Livestock Siting Permit Application shall include the following items:

- a. The name, complete address and telephone number of the applicant.
- b. Legal description of property and common address.
- c. Acres of land, existing use, zoning district, type of CAFO, quantity of animal units and species of animal.
- d. Full description of the CAFO with a complete CAFO Animal Confinement Site Plan.

#### 3.13.14 LIVESTOCK STRUCTURE EXPANSION SITING PERMIT APPLICATION.

- a. The name, complete address and telephone number of the applicant.
- b. Legal description of the property and common address.
- c. Acres of land, type of structure and zoning district.
- d. A CAFO animal confinement site including the dimension, size, setbacks or alterations and the location of the existing and new proposed structure(s) on the lot, including all feed storage areas, animal confinement areas, waste storage areas, water wells, canals, ditches, injection wells, traffic accesses, public thoroughfares and building heights. A topographical map of the parcel shall be submitted. (If a CAFO or Siting Permit is on file, then the applicant only needs to up-date the existing file with the new information.)

#### 3.13.15 TIME LIMITATIONS.

Once granted, a CAFO permit remains with the property described in the application. If the applicant fails to begin construction within 2 years of permit issuance, or fails to have a CAFO Occupancy Permit within 5 years of CAFO permit issuance, with the exception of legitimate legal delay, the CAFO permit is no longer valid and an application must be

resubmitted. If the CAFO remains out of operation for a period of more than 10 years, the CAFO permit is no longer valid and an application must be resubmitted.

#### 3.13.16 EXISTING PERMIT TRANSFERS.

The holder of the existing permit may transfer a Livestock Siting Permit or CAFO Permit to a new owner or operator upon written notification to the Planning & Zoning Administrator. The Administrator shall place the transfer document in the existing CAFO Permit file.

#### 3.13.17 AMENDING THE LIVESTOCK SITING PERMIT AND CAFO PERMIT.

If the type of animal or animal species is changed from the existing Livestock Siting Permit or CAFO Permit, then amended permits are required. The procedure for amending the permits includes the following:

- a) The siting team is required to visit the site and provide written comment and approval.
- b) The applicant shall comply with the requirements of 5.02 e.

#### 3.13.18. CAFO PERMIT APPROVAL AND APPEAL PROCEDURE.

##### 3.13.18 PUBLIC NOTIFICATION.

The Planning & Zoning Administrator shall cause a Notice of the filing of an application for a CAFO Permit to be published in a newspaper of general circulation in Jefferson County, Idaho. The Administrator shall also send the notice by mail to all property owners within one mile of the boundaries of the contiguous property owned by the applicant of the proposed CAFO pursuant to Idaho Code 67-6529. The property owner shall be responsible to forward Notice of Hearing to all primary residents on the property. The applicant for the CAFO Permit, in addition to the application fee, shall pay all costs of publication and notice.

##### 3.13.19 PUBLIC COMMENT.

The application shall be available for public inspection for a minimum period of 15 days after publication in the newspaper, including weekends and holidays, during regular business hours, at the Planning & Zoning Administrator's office. Any primary resident, in accordance with Idaho Code 67-6529, may submit written comments and/or objections to the Administrator within 15 days after publication of the notice in the newspaper. The Administrator shall evaluate the written comments and submit those comments to be part of the record for the Hearing before the Planning and Zoning Commission.

##### 3.13.20 PERMIT DECISION.

One Public Hearing shall be heard before the Planning and Zoning Commission. A permit to construct shall be issued or denied by the Planning and Zoning Commission.

##### 3.13.21 APPEAL

The appeal of this decision is provided for in 3.15.0 of the Jefferson County Zoning Ordinance. An affected person, aggrieved by the decision of the Board of County Commissioners, may, seek judicial review under the procedure provided by Idaho Code or as the section may be amended.

#### 3.13.22 AMENDMENTS DURING CONSTRUCTION.

New CAFO's shall be constructed according to the site plans submitted to the Planning & Zoning Administrator. The Administrator may approve amendments submitted by the applicant during the construction process to the site plan as long as the amended changes and/or material changes do not change the set back requirements in the Jefferson County Zoning Ordinance.

#### 3.13.22 OCCUPANCY PERMIT.

The Occupancy Permit shall be issued and operation of the CAFO may commence upon receipt by the Planning & Zoning Administrator of all the following:

- a. Certification by the applicant that the CAFO has been constructed according to the site plans submitted to the Planning & Zoning Administrator, including any changes to those plans that were approved by the Administrator.
- b. A final approval letter from the appropriate State agency certifying that the waste system as constructed is approved.
- c. A letter or other certification from the Department of Water Resources that the applicant has water rights sufficient to operate the facility with the number of animal units permitted under the CAFO Permit.
- d. A letter of approval for Nutrient Management Plan from appropriate agency, if required.

#### 3.13.23 OPERATION.

CAFO's shall be operated in accordance with the CAFO Permit submitted in the application.

#### 3.13.24 VIOLATION.

Any CAFO owner, who has not filed a CAFO Permit or Livestock Siting Permit with the Planning & Zoning Administrator within 60 days of written notification from the Administrator that this is required, shall be in violation of the Jefferson County Zoning Ordinance. The owner may not continue operation and must apply for a CAFO Permit. Failure of the owner of an existing CAFO to make application for a Livestock Siting Permit or CAFO permit as required by this Chapter shall constitute a violation of the Jefferson County Zoning Ordinance and the owner may not continue operation of the CAFO without a CAFO or Siting Permit obtained in accordance with this Chapter.

### 3.14.0 AMENDMENTS

#### 3.14.1 Authorization to Initiate Amendments.

An amendment to the text of this ordinance, or to the official zoning map, may be initiated by the Board of County Commissioners, by the Planning and Zoning Commission, or by a property owner. A property owner may initiate a request for an amendment by filing an application with the zoning official using forms prescribed by Planning and Zoning Department. The application shall be submitted at least twenty-eight (28) days prior to the meeting of the Planning and Zoning Commission at which it will be considered.

#### 3.14.2: Public Hearing and Records of Amendments.

The Planning and Zoning Commission shall hold a public hearing on every requested change in zoning district boundaries in accordance with 3.15.0 of this ordinance. Its recommendations on each requested zone change shall be transmitted to the Jefferson County Commissioners. No zone change shall be accomplished other than by ordinance duly passed by the Jefferson County Board of County Commissioners. The County Recorder shall maintain records of amendments to this ordinance in a form convenient for use by the public.

#### 3.14.3: Accordance with Adopted Comprehensive Plan.

The Planning and Zoning Commission shall evaluate a requested amendment to a zoning district to determine the nature and extent of the requested change. If it is in accord with the adopted Jefferson County Comprehensive Plan, the Commissioners may recommend, and the Board may adopt or reject the requested change.

If the requested change is not in accord with the adopted comprehensive plan, the Planning and Zoning Commission may either recommend denial of the request or recommend to the Board an appropriate amendment to the plan. The Board may adopt or reject the amendment under the procedures provided in Section 67-6509, Idaho Code. After the plan is amended, the zoning map may be amended in conformity therewith.

The Planning and Zoning Commission may require, or permit as a condition of rezoning, that a written commitment concerning the use or development of the subject parcel is submitted in accordance with County Policy.

### 3.15.0: ADMINISTRATIVE PROCEDURE

#### 3.15.1: Duties of the Planning and Zoning Commission.

The Planning and Zoning Commission shall have jurisdiction and authority as follows:

(a) To conduct a comprehensive planning process; to prepare a comprehensive plan as required by Section 67-6508 through 67-6510, Idaho Code; to recommend its adoption by the Board; to prepare implementing measures; and to review and update the comprehensive plan as necessary.

- (b) To receive and act upon applications for actions authorized and specified herein.
- (c) To hold public hearings on applications for variances, conditional use permits, comprehensive plan amendments, and proposed zoning amendments.
- (d) To determine the classification of use not specifically mentioned in this chapter. Such determination shall be based upon a detailed description of the proposed use, and such other information as may be required.
- (e) To provide and maintain a continuing program of public information on planning and zoning matters, including reasons or grounds for actions taken.
- (f) To hear appeals from rulings of the zoning official.
- (g) To make recommendations to the Board regarding requests for zoning and comprehensive plan amendments.

### 3.15.2: Rules for Conduct of Public Hearing.

- (a) Public hearing required. Upon the receipt of an application for a conditional use, a variance, or an application for a zone change, comprehensive plan amendment, or an amendment to the text of this ordinance, a public hearing shall be scheduled.
- (b) Notifications.
  - (1) Each notice of public hearing on an amendment to the text of this ordinance shall contain the date, time, and place of the hearing, a summary of the proposed amendment, and any other information considered pertinent; and shall be published at least once in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing.
  - (2) Each notice of public hearing on a conditional use or a variance request, or on an amendment to change the zoning map or comprehensive plan map, shall include as a minimum the date, time, and place of the hearing and a summary of the proposal. The notice shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing, and shall in addition, be mailed to the owners of all properties within one thousand (1,000) feet of the exterior boundary of the property for which the application is made at least eight (8) calendar days prior to the hearing. In variance cases, notices shall be mailed only to owners of adjoining properties, including properties across roads and right-of-ways. For notice purposes, the names and addresses of owners as shown on the records of the County Assessor may be used.
  - (3) When notice is required to two hundred (200) or more property owners or residents, mailed notice may be omitted. In lieu thereof, public announcements of the hearing shall be made on local radio and television stations at least five (5), but not more than fifteen (15) days before the hearing.
  - (4) Failure of any person to receive the notice prescribed in this section shall not impair the validity of the hearing.
  - (5) The Planning and Zoning Commission may recess a hearing to serve further notice upon property owners or persons it determines may be interested in the proposal that is being considered.
- (c) Conduct of hearings. A public hearing shall be held to determine whether the application is consistent with the policies and goals enumerated in this ordinance.

(1) No person shall be permitted to testify at such a hearing until the person has been recognized and called upon by the Commission/Board Chairman or one of the Commission/Board members. All proceedings shall be recorded electronically or stenographically, and all persons speaking at such hearings shall speak before a microphone in such a manner as to ensure the accuracy of the recorded testimony and remarks. A person desiring to testify may also submit written testimony at any time prior to the conclusion of the public hearing.

(2) At the commencement of the public hearing the chairman may establish a time limit to be observed by all speakers.

(3) Each Commission/Board member shall be allowed to question the speaker, and the speaker shall be limited to answers to the questions asked. The question and answer period shall not be included in the speaker's time limit that might be established by the chairman. The Commission/Board shall not interrupt the speaker until his time has been expended or until he has finished his statement.

(4) Any person not conforming to the above rules may be prohibited from speaking during the public hearing. Should such person refuse to comply with such prohibition, he may be removed from the room by order of the chairman.

(5) The decision of the Commission/Board shall be announced by findings of fact, conclusions of law and decision, of the hearing body.

(6) The public hearing may be continued or recessed to a date, certain or indefinitely, upon motion by the Commission/Board.

(7) Cross-examination of persons testifying at the public hearing shall not be permitted. An applicant shall have an opportunity to rebut any testimony submitted.

(8) Any exhibit introduced by any person shall be retained by the Commission/Board and made a part of the record therein.

(d) Content of decisions. All decisions of the Commission/Board, made pursuant to the authority given by this ordinance, shall include and specify the following:

(1) The ordinance provisions and standards used in evaluating the application.

(2) The reasons for approval or denial.

(3) The further actions, if any, that the applicant could take to obtain a permit.

(e) Decision and appeal. Within five (5) working days after the Planning and Zoning Commission has adopted findings of fact, conclusions of law and decision of the application, the zoning official shall notify the applicant of the decision. The decision is final unless appealed by the applicant or any interested person within fifteen (15) days of the Planning and Zoning Commission's adoption of the findings of fact, conclusions of law and decision.

### 3.15.3: Appeal From Action or Ruling of the Planning and Zoning Commission.

An action or ruling by the Planning and Zoning Commission pursuant to this ordinance may be appealed to the Board of County Commissioners, by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under 3.15.2(B) of this ordinance within fifteen (15) days after the Planning and Zoning Commission has adopted findings of fact, conclusions of law and

decision; written notice of the appeal shall be filed with the Board within the fifteen- (15) day period. If the appeal is not filed and the fee required by 3.15.4 is not deposited with the County Recorder within the fifteen- (15) day period, the decision of the Planning and Zoning Commission shall be final.

(a) If an appeal is filed and the required fee is deposited within the required time, the Planning and Zoning Commission shall make a written report of the case to the Board. The Board may, in its sole discretion and without hearing or notice, refuse to accept jurisdiction of such appeal, in which case the decision of the Planning and Zoning Commission shall be final and any appeal fees shall be refunded, or it may provide that such appeal shall be heard at a public or administrative hearing before the Board, at such time, and pursuant to such rules as the Board may determine.

(b) If the Board requires a hearing on such appeal, the Board may conduct such appeal either by public hearing or by administrative hearing. At any time after such hearing on the appeal, the Board may affirm, reverse, or modify any decision of the Planning and Zoning Commission, or it may order the case to be returned to the Planning and Zoning Commission for further proceedings.

Should the Board choose to conduct a Public hearing on the appeal, it shall conduct the public hearing in compliance with 3.15.2.1 (b) notice of hearing and 3.15.2.1 (c). Should the Board choose to conduct an administrative hearing on the appeal, the Board shall conduct the hearing.

(c) An applicant denied a permit or aggrieved by a decision may, within twenty-eight (28) days after all remedies have been exhausted under this ordinance, seek judicial review under the procedures provided by Section 67-5215 and 67- 5216, Idaho Code.

**3.15.3: Reinitiated Hearings on Zoning Amendments. Conditional Use Permits. And Variance Permits.**

No person, except the Planning and Zoning Commission or the Board, shall reinitiate an application for a zone amendment, conditional use permit, or variance permit for any property for which a previous application has been submitted and denied, within one (1) year after final determination of such application. This limitation shall not apply where a material change in circumstances has occurred since the date of denial.

**3.15.5.1: Forms of Petitions and Appeals.**

All petitions and appeals provided in this ordinance shall be made on forms prescribed by Planning and Zoning Department.

**3.15.4: Filing Fees.**

<b>Fee Item</b>	<b>Fee</b>
Accessory Use	\$75.00
Administrative Modification	\$75.00
Appeals	\$350.00
Comprehensive Plan	\$500.00



Amendment	
Conditional Use Permit	\$450.00
Clustering (Development Rights)	\$150.00
Home Occupation Permit	\$50.00
One-Time Division of Property	\$200.00
Planned Unit Development	\$400.00 plus \$10 per lot
Property Status Report (nonproperty owners)	\$50.00
Sign Approval	\$75.00
Subdivision (preliminary)	\$400.00 plus \$10 per lot
Subdivision (final)	\$400.00 plus \$10 per lot
Subdivision, Sketch Plat	\$150.00
Variance	\$450.00
Zoning Ordinance Amendment	\$500.00
Street Signage	\$100.00 per sign
Legal Fees	Cost+ \$32.00 per hour for staff administration
Engineering Fees	Cost + \$32.00 per hour for staff Administration
Staff Reviews	\$32.00 per hour
Zoning Ordinances (copies)	\$25.00
Comprehensive Plan (copies)	\$25.00
Copies	\$.15
CD	\$1.00
Maps	11 x 17 \$5.00

Any person appealing a decision of the Planning and Zoning Commission to the Board shall, at the time of filing written notice of appeal, deposit with the County Recorder an appeal fee as follows: For appeal of decision of the zoning official, \$300.00; appeal of a decision on a variance request, \$300.00; appeal of a decision on a zone change or conditional use request, \$300.00; provided however, that if an appeal is brought by a person who was the original applicant for a variance, conditional use permit, or zone change, any fees paid by such person at the time of the original application should be applied to the appeal fee. If a comprehensive plan amendment and a zone change are filed jointly, the fee shall be only the cost of the comprehensive plan amendment.

### 3.15.5: Zoning Certificate Required.

It shall be unlawful for an owner to use or to permit the use of any structure, building, land or part thereof hereafter created, erected, changed, converted, or enlarged, wholly or partly,



of products without processing or manufacturing on premises								P	P		
Bowling Alley						P	P				
Broadcasting Tower	C	C	C						C		
Business and professional offices and studios						P	P				
CAFO (Large)		C	C								
CAFO (Medium)		C	C								
CAFO (Small)	C	P	P								
Cargo Containers	P	P	P			P	P	P	P		
Carports	P	P	P	P	P					P	P
Cemeteries or mausoleums	C	C	C	C	C	C	C	C	C	C	
Child or day care centers	C	C	C	C	C	C				C	
Churches and Religious Temples	C	C	C	C	C	C	C	C			
Clinics						P	P			C	
Club or Lodges			P			P	P			C	
Clubs and lodges which are non-profit and/or fraternal in nature					C	P	P			C	
College/University					C	P	P				
Commercial fresh vegetable/fruit stands Temporary or Seasonal	P	P	P		P	P	P			P	
Commercial Greenhouses and Garden Shop	C	P	P				P	P			
Commercial Signage						P	P	P	P		
Communication Station/Towers	C	C	C					C	C	C	
Construction Trades								P	P		
Cottage Industries		C	C		C	P	P			C	
Country Clubs						P	P			P	C
Cultural centers, museums & art galleries						P	P				
Dance Hall						C	C			C	
Dwelling #2	C	C	C								
Dwelling Single Family	P	P	P	P	P					P	P
Elementary or Secondary Schools		C	C	C	C						
Extraction of sand/gravel or other minerals	C	C	C		C	C	C	C	C	C	
Farm building directly related to agricultural uses	P	P	P		C					P	P

Farm Labor Housing	C	C	P							P	P
Financial institutions and Offices						P	P				
Food Processing			C					C	C		
Forestry		C	C					C	C		
Freight or trucking yards or terminals								P	P		
General Farming	P	P	P		C					P	P
General retail stores (20,000 square feet)						P	P				
Golf Courses										P	C
Gov't or Public						P	P				
Grain elevators/storage bins/feed mills	P	P	P					C	C	C	P
Greenhouses and gardens or areas for the raising of agricultural crops	P	P	P		C	P	P				
Grocery or convenience stores (20000 square feet)						P	P				
Grocery or convenience stores (5000square feet)						P	P			C	
Gun Ranges/rifle ranges/pistol ranges	C	C	C		C	C	C			C	C
Home Business	C	C	C	C	C						
Home Occupation	P	P	P	P	P					P	P
Hospital						P	P				
Hotels and motels						P	P				
Jail						C	C	C			
Kennels	C	P	P		C	P	P			C	
Laundry							P	P			
Livestock	P	P	P		P						
Manufactured Home Parks				C							
Manufacturing								P	P		
Manufacturing non consumable products								P			
Medical and dental clinics and offices						P	P				
Mini storage/Mini warehouses						C	P	P			
Mortuaries					P	P	P				
Municipal Sewer Treatment Facilities			C					P	P		
Nursing Home Etc	C				P						

Oil or natural gas drilling operations or the extraction of minerals			C								
Outdoor advertising signs		C	C			P	P	P	P		
Outdoor sales lots						C	C			C	
Outdoor storage						C	C	P		C	
Parks & Playgrounds				P	P					P	P
Potato Warehouses		P						P			
Private Garages	P	P	P	P	P					P	P
Private Swimming Pools	P	P	P	P	P					P	P
Private Tennis Courts	P	P	P		P					P	
Public buildings and offices					C	P	P				
Public fairgrounds and/or publicly owned rodeo arenas		P								P	C
Public Stables		P			C						
Public Swimming Pools						P	P			C	C
Public Utilities						C	C	C	P		
Public utility yards receiving or transforming stations, or oil field equipment yards									P		
R.V. Park						P	P			P	
Radio, T.V., F.M Stations						P					
Ranching	P	P	P							P	P
Recreational Buildings						P	P			P	P
Recreational or Play Areas				P	P					P	P
Recycling Center								P	P		
Restaurants and Cafés					C	P	C			C	
Retail Stores						P	C				
Salvage Yards								C	C		
Schools	C	C	C	C	C						
Secondary Dwellings	C	C	C		C						
Sexually Oriented Business									C		
Single Family Dwellings	P	P	P	P	P					P	P
Storage Bldgs. and Units	C	C	C				C	C			
Storage warehouse without processing or manufacturing facilities			C					P			
Structures related to the operation of municipal, county, state or federal government operations							P	P			

Tavern & Lounges						P					
Temporary Bldgs (1Year)	C	C	C		C	C		C	C	C	C
Temporary construction work buildings	P	P	P	P	P	P	C	P	P	P	P
Temporary Dwellings	C	C	C	C	C						
Theaters and indoor entertainment						P	P				
Trailer Sales						P	P	P			
Truck & Tractor Repair	C	C	C		C	P	P	P			
Utilities ie. Sub stations	C	C	C	C	C	P	P	P	P	C	C
Wholesale display and salesroom						P	P	P			
Wholesale facilities without processing or manufacturing on premises						P	P	P			
Small Wind Energy Systems	P	P	P	P	P	P	P	P	P	P	P
Large Wind Energy Systems			C								
Zero Lot Lines						P	P	P	P		