

ADAMS COUNTY ZONING ORDINANCE

Ordinance No. 2006-3

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS FOR THE COUNTY OF ADAMS, IDAHO; PROVIDING FOR THE EFFECTIVE DATE; TITLE, INTERPRETATION AND ENACTMENT; PROVIDING FOR SEPARABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR ESTABLISHMENT AND PURPOSE OF THE FOLLOWING ZONING DISTRICTS: AGRICULTURE TIMBER AND GRAZING ZONE, RURAL RESIDENTIAL ZONE, RECREATIONAL RESIDENTIAL ZONE, INDUSTRIAL ZONE, COMMERCIAL ZONE, IRRIGATED LAND OVERLAY ZONE, HIGH DENSITY OVERLAY ZONE, AND AIRPORT OVERLAY ZONE; PROVIDING FOR OFFICIAL ZONING MAP; PROVIDING FOR ZONING DISTRICT REGULATIONS FOR EACH ZONE AND OVERLAY ZONE PROVIDED HEREIN; PROVIDING FOR PERFORMANCE STANDARDS INCLUDING OFF STREET PARKING, SETBACKS, SIGNS, ACCESS, OPEN SPACE, FLOODPLAIN DEVELOPMENT AND ACCESSORY USES; PROVIDING FOR CONDITIONAL USE PERMITS; PROVIDING FOR PLANNED UNIT DEVELOPMENTS (PUD); PROVIDING FOR NON-CONFORMING USES; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AMENDMENT; AND PROVIDING FOR APPEALS.

A summary of the Adams County Zoning Ordinance, ordained and adopted by the Board of County Commissioners of Adams County, Idaho, on June 12, 2006, is as follows:

This Ordinance provides for the enactment, severability, repealment of conflicting ordinances, and passage and publication of the Zoning Ordinance. The Zoning Ordinance shall become effective upon publication.

Chapter 1: Provides for the title, authority, and purpose of the Zoning Ordinance. Provides for the adoption of the Adams County Zoning map and provides for the protection and regulation of non conforming uses.

Chapter 2: Provides for the definition and regulation of the following zones: Agriculture Timber and Grazing Zone (ATG); Rural Residential Zone (R-1); Recreational Residential Zone (R-2); Industrial Zone (I); Commercial Zone (C); Irrigated Land Overlay Zone (IL); High Density Overlay Zone (HD); and Airport Overlay Zone (A).

Chapter 3: Provides for supplementary provisions for all zones including provisions for planned unit developments, off street parking, setbacks, signs, access, dual use of required open space, flood plain, and general provisions regarding accessory uses.

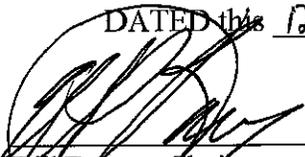
Chapter 4: Provides procedures for changes of use and appeals and provides for the duties of the Board of County Commissioners, and procedures for conditional uses and variances.

Chapter 5: Provides for amendments to the Zoning Ordinance and the Zoning map including text amendments and amendments to zoning district boundaries. Provides for development agreements.

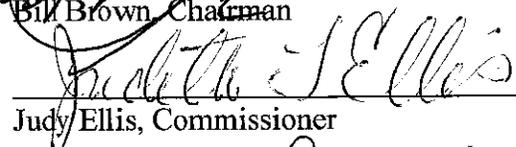
Chapter 6: Provides for administrative provisions, including the duties of the Planning and Zoning Administrator, zoning permits required, time limitations on zoning permits, rights of appeal, form of applications, filing fees, procedures for public hearings, penalties for violation of the Zoning Ordinance and definitions.

The full text of the Zoning Ordinance is available for public inspection during normal office hours at the County offices in Council, Idaho.

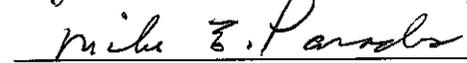
DATED this 12th day of June, 2006. Adams County, Idaho



Bill Brown, Chairman



Judy Ellis, Commissioner



Mike Paradis, Commissioner

By: Michael Fisk
County Clerk

CERTIFICATION OF COUNTY CLERK

As County Clerk for the County of Adams, Idaho, I hereby certify that I have reviewed the foregoing Summary of the Zoning Ordinance of Adams County, adopted on June 12, 2006, and that the same is true and complete and provides adequate notice to the public of the contents of the ordinance.

DATED as of the 13th day of June, 2006.



County Clerk

**Adams County
Zoning Ordinance**

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Chapter 1

GENERAL PROVISIONS

Sec 1-1	Title
Sec 1-2	Authority
Sec 1-3	Purpose
Sec 1-4	Adoption of the Comprehensive Plan
Sec 1-5	Establishment of Land Use Zones

Sec 1-1 Title.

These regulations and the Chapters and subparts contained therein shall be known as the “Adams County Zoning Ordinance.” The words “the Zoning Ordinance” or “this Zoning Ordinance” shall mean all or any part of the Adams County Zoning Ordinance.

Sec 1-2 Authority.

This Zoning Ordinance is adopted pursuant to the authority conferred by Chapter 65, Title 67 and Chapter 13, Title 50 of the Idaho Code and to the home rule authority of Idaho counties granted by Article 12, Section 2 of the Idaho Constitution Section and 302 of Title 50, Idaho Code.

Sec 1-3 Establishment of Land Use Zones.

Pursuant to the policies contained in this Zoning Ordinance and the Comprehensive Plan (“Plan”), the County is divided into zones as depicted upon the Adams County Zoning Map. Zones depicted on the Adams County Zoning Map shall correspond to the zones established by this Zoning Ordinance.

Sec 1-4 Scope of the Zoning Ordinance.

This Zoning Ordinance shall apply to all buildings, structures, and lands situated within the County. The regulations set forth in this Zoning Ordinance for each zone shall be minimum standards and shall be applied uniformly.

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the zone in which it is located.

Sec 1-5 Non Conforming Existing Uses.

A. Intent:

1. Within the zones established by the Zoning Ordinance or amendments thereto, there exist uses and structures that were lawful before this Zoning Ordinance was enacted or amended, but which would be prohibited or restricted under the terms of the Zoning Ordinance. It is the intent of this Zoning Ordinance to permit these

nonconformities to continue until they are removed, destroyed or abandoned. Further it is the intent of this Zoning Ordinance that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

2. If the nonuse of a valid non-conforming use continues for a period of one (1) year or longer, the County may declare such use abandoned after complying with the procedures set forth in I.C. 67-6538.

Chapter 2

ZONES

Sec 2-1	Purpose
Sec 2-2	Agriculture Timber and Grazing Zone (ATG)
Sec 2-3	Rural Residential Zone (R-1)
Sec 2-4	Recreational Residential Zone (R-2)
Sec 2-5	Industrial Zone (I)
Sec 2-6	Commercial Zone (C)
Sec 2-7	Irrigated Land Overlay Zone (IL)
Sec 2-8	High Density Overlay Zone (HD)
Sec 2-9	Airport Overlay Zone (A)

Sec 2-1 Purpose.

The zones and overlay zones created by this chapter are established to promote the orderly development of lands within Adams County. The zones established herein vary in the intensity of development allowed and level of activity accommodated. Application of each particular zone will be determined by the consideration of a number of factors including but not limited to: physical character of the land, availability of public services and utilities, current land use in the area, access via a transportation system and the development policies stated in the Plan.

Sec 2-2 Agriculture, Timber and Grazing (ATG).

- A. **Intent:** The purpose of the Agricultural, Timber and Grazing Zone (ATG) is to foster agriculture and forestry land uses while providing for limited, very low density development uses which will not conflict with ranch and forest practices, nor place inappropriate demands on public services, nor promote the indiscriminate conversion of ranch and forest land to other uses.
- B. **Permitted Principal Uses and Structures:**
1. Uses associated with the growing or harvesting of crops, livestock and forest products and the dwellings and other buildings customarily provided in conjunction therewith.
 2. Home occupations carried on by the resident as an accessory use within their dwelling.
 3. Single family dwellings, including additional dwellings for immediate family members or employees of the landowner.
 4. Utility services necessary for public service, except commercial facilities for the purpose of generating power for public use by sale.
 5. Public or private schools.
 6. Community use buildings owned or operated by non-profit organizations.
 7. Churches.
 8. County and Federal government buildings.
 9. County and Federal government owned and operated parks, playgrounds, or community centers.
- C. **Conditional Uses Permitted:** the following uses may be established subject to the goals and objectives in the Plan and compliance with the requirements for conditional use permits ("CUP"):

1. Commercial activities that provide supporting service to agriculture and forest use.
2. Operations conducted for the exploration, extraction, and processing of mineral and energy resources:
 - a) All mining operations established for personal use will be limited by the following requirements:
 - Require notification to Planning and Zoning Administrator
 - Will not require a fee
 - Used intermittently, or used only on the land owner's property
 - No residence within one mile of the pit
 - No hauling of material on public roads unless within weight limits
 - No continuous blasting
 - b) All commercial mining operations shall be considered a high impact operation and shall require a conditional use permit.
 - Commercial sales of materials to anyone
 - Open year after year
 - No residences within one mile
 - Hauling of material on public roads within weight limits
 - Multiple blasting events involved
 - c) All mining operations require a reclamation plan from the State of Idaho.
3. Private parks, playgrounds, and campgrounds and commercial activities provided directly in conjunction therewith.
4. Communication transmitters or towers.
5. Golf courses.
6. Commercial utility facilities for the purpose of generating power for public use by sale.
7. Private airports for airplanes, including associated hangar, maintenance and service facilities. A private airport as used in this section means an airstrip restricted, except for aircraft emergencies, to the use by the owner, and on an infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agriculture and forest operations. No aircraft may be based on a private airport other than those owned or controlled by the owner of the airstrip. Exception to the activities permitted under this definition may be granted through waiver action by the Idaho Aeronautics Division in specific instances.
8. PUD. See *Supplementary Provisions for PUDs*.
9. Other government buildings and uses.

D. Lot size: Minimum lot size is five (5) acres.

Sec. 2-3 Rural Residential Zone (R-1)

- A. **Intent:** The R-1 Zone is intended to provide areas suitable for small acreage parcels and to maintain a buffer between urban and agriculture and forest uses.
- B. **Permitted Principal Uses and Structures:**
 1. Single family residences.
 2. Public or private schools.
 3. Churches.
 4. Parks, Playgrounds or community centers.

5. Golf Courses.
6. County and Federal government buildings.
7. County and Government owned and operated parks, playgrounds, or community centers.

C. **Conditional Uses Permitted:** the following uses may be established subject to the goals and objectives in the Plan and compliance with the requirements for conditional use permits (“CUP”):

1. Permitted uses in the ATG Zone;
2. Mobile home and/or trailer park;
3. Multiple family dwelling;
4. Hospital, nursing, or retirement home;
5. Airport;
6. Cemetery;
7. Home-based occupations. Such activity shall be incidental to the residential use of the home. Applications for home-based occupations shall be found to comply with the following criteria:
 - a) Participation/employees: At least one resident of the dwelling shall be engaged in the income producing activity. The number of non-resident employees shall be limited to no more than three (3) non-resident employee for income producing activity which occurs primarily on the premises.
 - b) Character of activity: The residence, accessory buildings or any new structures or reconstruction approved for use by the home-based occupations shall conform to the area in terms of color, materials, design, construction, lighting, landscaping or lack of landscaping.
 - c) On premises client/patron contact: Home-based occupations approved in this zone shall be of a nature that service or sales conducted on premises can be controlled by appointment or other means. Commercial or professional activities oriented to attracting off-street customer or client traffic shall not be permitted.
 - d) Traffic generation: Traffic to and from the home-based occupation should not disrupt the residential character of the neighborhood.
 - e) Noise: The permitted activity shall not generate any noise which is discernable at the property lines by normal auditory senses.
 - f) Equipment/restrictions: In addition to the noise restrictions, equipment used in the activity and processes shall not create vibrations, glare, fumes, odors, or electrical interferences detectable to normal sensory perception at the property lines.
 - g) Parking: Off street parking for residents, employees, and patrons shall be found sufficient for the use and not less than the standards set forth in the *Supplementary Provisions* under Parking.
 - h) Prohibited Uses: The Administrator shall not permit a home-based occupation which cannot comply with the above criteria and would be in non-conformance with the residential character of the area. In no instance shall the following activities be permitted as home-based occupations in this zone:
 - 1) Junk yard/salvage yard;
 - 2) Commercial chemical storage facility;
 - 3) Commercial agricultural products storage/processing;
 - 4) Commercial Automobile and truck repair shops.

- 8. PUD. See *Supplementary Provisions for PUDs*.
- 9. Other government buildings and uses.
- C. **Lot Size.** In an R-1 Zone, the minimum lot size shall be five (5) acres, except if either a community water or sewer system is available for use, the minimum lot area may be two (2) acres; or if both are available for use, the minimum lot area shall not be less than one (1) acre.
- D. **Setback, Signs, Off-Street-Parking.** See *Supplementary Provisions*, Chapter 3.

Sec 2-4. Recreational Residential, (R-2):

- A. **Intent:** The intent of the R-2 Zone is to provide for recreational uses compatible and in harmony with the surrounding area.
- B. **Permitted Principal Uses and Structures:** The following uses and their accessory uses are permitted outright:
 - 1. Single family residences;
 - 2. Golf courses and country clubs;
 - 3. Beaches, including public, private and commercial bathing and beach facilities;
 - 4. Marinas and boat launching ramps;
 - 5. Public Parks.
- C. **Conditional Uses Permitted:** the following uses may be established subject to the goals and objectives in the Plan and compliance with the requirements for conditional use permits (“CUP”):
 - 1. Church;
 - 2. School;
 - 3. Tent camps, auto trailer camps and private and public parks, playgrounds and campgrounds;
 - 4. Boys’ and girls’ camps;
 - 5. Dude ranches;
 - 6. Summer and winter resorts, including hotels, motels, cabins, and boarding houses;
 - 7. Retail stores and service establishments;
 - 8. PUD.
 - 9. Commercial stables and riding arenas.
 - 10. Similar uses as determined by the Board.
- D. **Lot Size.** In an R-2 Zone, the minimum lot size shall be five (5) acres, except if either a community water or sewer system is available for use, the minimum lot area may be two (2) acres; or if both are available for use, the minimum lot area shall not be less than one (1) acre.
- E. **Setback, Signs, Off-Street-Parking.** See *Supplementary Provisions*, Chapter 3.

Sec 2-5 Industrial Zones (I).

- A. **Intent:** The Industrial Zone is designed to encourage sound industrial development in close proximity to the incorporated cities in Adams County. This zone is created to promote the orderly development of industrial areas that are compatible with adjacent residential land uses and supplied with adequate existing or potential public services and facilities. Zoning for industrial uses shall be based on the following factors:
 - 1. The physical character of the site;
 - 2. Quality of existing public facilities and utilities;

3. Costs and feasibility of expanding existing public facilities;
4. Current land use in the vicinity of the site.

B. Uses:

1. All uses in the "I" Zone shall be conditional uses and are permitted in accordance with the requirements for Conditional Uses.
2. Mitigation will be required for noise, odor, lighting, signage and parking so industrial uses are compatible with existing land uses in this zone.

C. Lot Size: In an "I" Zone, the minimum lot area shall be determined by the anticipated use and the area necessary to support a sewage and water system.

D. Setbacks will be determined during the conditional use analysis process.

E. Off Street Parking. In an "I" Zone, off street parking shall be provided in accordance with the *Supplementary Provisions* for Parking.

Sec 2-6 Commercial Zone (C).

Commercial lands are for enterprises that provide commercial services and do not have significant external impacts.

A. Intent: The intent of the Commercial Zone (C) is to keep commercial enterprises in close proximity to incorporated cities within the High Density Zone (see below). The zone is designed to promote the orderly development and maintenance of commercial areas that are compatible with adjacent residential land uses and supplied with adequate existing or potential public services and facilities. Zoning for commercial uses shall be based on the following:

1. The physical character of the site;
2. Quality of existing public facilities and utilities;
3. Costs and feasibility of expanding existing public facilities;
4. Current land use in the vicinity of the site.

B. Principal Uses and Structures:

1. Motels;
2. Service Stations;
3. Grocery stores;
4. Retail stores;
5. Restaurants;
6. Car lots;
7. Tire shops;
8. Day care facilities;
9. Storage facilities;
10. Office space;
11. Professional services: Veterinarians, Physicians, Accountants, Engineers, etc.
11. Clinics;
12. RV Parks;
13. Trailer and mobile home parks.
14. Similar uses as determined by the Board

D. Conditional Uses: All proposals for commercial use will be approved through a Conditional Use Permit. Mitigation will be required for noise, odor, lighting, signage, landscaping and parking.

- E. **Lot Size:** In a C Zone, the minimum lot area shall be determined by the anticipated use and the area necessary to support a sewage and water system.
- F. **Setbacks** will be determined during the conditional use analysis process.
- G. **Off Street Parking.** In a C Zone, off street parking shall be provided in accordance with the *Supplementary Provisions* for Off Street Parking.

Sec 2-7 Irrigated Land Overlay Zone (IL)

Irrigated lands are those that are either flood irrigated or irrigated using various sprinkling systems. These lands have natural or artificial high water tables. The irrigated land zone is an overlay zone imposed on ATG zoned land. Irrigation is not a required condition of this zone. Parcels in this zone remain in this zone, whether irrigated or not, unless owner applies for , and receives, a rezone.

A. **Intent:** The Irrigated Land Overlay Zone (IL) is the most sensitive of the zones identified in this Ordinance. The Plan identifies the need to preserve ranch and farm lands, avoid contamination of ground water, and to preserve the beauty of our valleys. The intent is to minimize development in this zone by allowing very limited low density development. It is required that the minimum lot size for development requiring septic systems is 20 acres. Subdivision proposals in IL lands will then proceed through the subdivision or PUD processes that apply to all lands.

B. Permitted Principal Uses and Structures:

- 1. Agriculture, including the raising, harvesting, and selling of crops and livestock; onsite storage of grain and seed; the raising and sale of dairy products; and other similar agricultural, horticultural, or animal husbandry uses.
- 2. Accessory buildings and uses normal and incidental to the buildings and uses permitted, including, but not limited to, dwellings/bunkhouses for persons engaged for farm or forestry labor provided such dwelling units are located on the farm or ranch owned and operated by the employer.
- 3. Single-family dwelling.

C. Conditional Uses Permitted: the following uses may be established subject to the goals and objectives in the Plan and compliance with the requirements for conditional use permits (“CUP”):

- 1. Commercial stables and riding arenas,
- 2. Airports and landing fields,
- 3. Non-agricultural businesses, subject to the following limitations:
 - a. No retail sales shall be permitted on site, except as permitted by other provisions of the ATG zone.
 - b. The number of onsite employees shall be limited (10 or less).
 - c. All material related to the business shall be stored indoors with the exception of a maximum of four (4) business-related vehicles with the exception of mining operations.
 - d. The area within a building devoted to the business use shall be limited to a maximum of two thousand four hundred (2400) square feet.

- e. All conditional uses allowed in the ATG Zone will also be available in the Irrigated Land Zone through a conditional use permit.

Sec 2-8 High Density Overlay Zone (HD).

Intent: The intent of the High Density Overlay Zone is to identify lands within the area of city impact that are appropriate for high-density residential use. This zone would allow lots smaller than the minimums prescribed in the zone affected if central sewer and water are provided. The Zone should be predominated by single family dwellings with multi family dwellings allowed in a density that does not detract from the natural surroundings of the area or that place an undue burden on public services.

A. Permitted Principal Uses and Structures:

1. One (1) single family dwelling per lot with multi family dwellings such as townhouses or apartment buildings allowed in densities that do not detract from the neighborhood.
2. Public parks and recreation facilities, provided, however, that any service yard located within said park shall be maintained no closer than fifty (50) feet to a property line of an adjoining residence or a street frontage.

B. Permitted Accessory Uses and Structures:

1. Private garages and workshops not to exceed one thousand (1000) square feet.
2. Private noncommercial greenhouses from which no products are sold to the public.

C. Conditional Uses Permitted: the following uses may be established subject to the goals and objectives in the Plan and compliance with the requirements for conditional use permits ("CUP"):

3. Home occupations.
4. Day care facilities.
5. Church facilities
6. Boarding house or bed and breakfast.
7. Public service and utility facilities.

D. Lot Requirements: minimum lot size shall not be less than nine thousand (9,000) square feet.

Sec 2-9 Airport Overlay Zone (A).

A. Airport Overlay Zone (A). This zone encompasses the airspace above and outward from existing public use airports as defined by an airport zone overlay map. The airport zone overlays existing zoning, protects the airspace over the existing zones below it, and does not restrict land use except when public or airspace safety would be compromised.

1. Intent: Provide for safety of the lives and property of users of public use airports and property or occupants of land in its vicinity. Thus, it is declared:
 - a. that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by a public airport; and
 - b. that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented.
2. Procedure For Implementation: Most permitted and conditional uses allowed in the underlying zones would not compromise public safety or present a hazard to air

navigation. Applications to build tall structures within the airport zone in excess of 50 feet will be referred to the City of Council Airport Commission for evaluation and recommendation. The Airport Commission will evaluate the proposal in a timely manner and provide a recommendation to the Adams County Joint Planning and Zoning Commission for consideration. If a proposed structure is determined to compromise public safety or present a hazard to air navigation according to the established standards, the Airport Commission will present alternatives and/or mitigation to reduce or eliminate the hazard, if possible.

B. Definitions.

1. Airport Zones

Certain zones are created and established which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to public airports. Such zones are shown on the Council Airport Zoning Map consisting of one sheet. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

- a. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- b. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
- c. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- d. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there for a horizontal distance of 4,000 feet.

2. Airport Zone Height Limitations

Applicable height limitations are established for each of the zones in question as follows:

- a. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- b. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 2968 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they interest the conical surface.

- c. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 3118 feet above mean sea level.
 - d. Conical Zone - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
3. **Primary Surface**- A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is determined by the ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Chapter 3

SUPPLEMENTARY PROVISIONS - These are supplementary provisions for all zones.

Sec 3-1	Planned Unit Developments
Sec 3-2	Off Street Parking
Sec 3-3	Setback
Sec 3-4	Signs
Sec 3-5	Access
Sec 3-6	Dual Use of Required Open Space
Sec 3-7	Flood Plain
Sec 3-8	General Provisions Regarding Accessory Uses

Sec 3-1 Planned Unit Developments.

A. Planned Unit Development (PUD)

B. Purpose. In selected instances, departures from the requirements and allowed uses of the zones of this Zoning Ordinance may be made through the Planned Unit Development (PUD) option. The purpose of the PUD option is to permit and encourage innovative, economical and attractive development which allocates appropriate areas for improvements, open space, and recreation; which includes land uses which harmonize with natural features and constraints; and which efficiently phases and locates public and private services and facilities.

The PUD option creates an overlay zone that does not change the underlying zoning of the parcel. It can be used for innovative subdivision of land, and for development of large parcels under individual or condominium ownership. It shall not be used to sidestep use and density provisions of the underlying zone, or as a mechanism to deal with development problems that should be addressed by securing a Conditional Use Permit. Where a PUD applicant proposes densities, uses, lot layout, building setbacks, or other features that depart from the provisions of the underlying zone, it shall be the responsibility of the applicant to indicate how special features of the site or proposed development, justify such departures.

C. PUD Required Findings. Prior to recommendation of approval of an PUD, the Adams County Joint Planning and Zoning Commission must find:

1. The proposed development is consistent with the Comprehensive Plan.
2. The proposed development is consistent with the purpose of this Zoning Ordinance, and that all departures from the specific provisions of the underlying zone(s) have been adequately justified in terms of special features of the development.
3. The proposed development is compatible with existing zoning and development of the area and will not have significant adverse impact on the surrounding properties.
4. The proposed development will not have significant adverse impacts on the public infrastructure, or has an approved plan to address funding necessary expansion.
5. The proposed development is consistent with the public health, safety, and welfare, and promotes efficiency and economy in the use of land and other resources.
6. Uses in the proposed development are permitted in the underlying zone.

7. Densities in residential development conform to the densities allowed in the zone(s) being developed.

D. Procedures for Submitting a PUD Proposal. The following procedures shall be observed when a PUD proposal is submitted for consideration:

1. An applicant shall submit at least three (3) copies of a preliminary development plan to the Adams County Planning and Zoning Commission for study at least thirty (30) days prior to the commission meeting at which it is to be considered. The preliminary plan shall include the following information:
 - a. Proposed land uses, building locations and housing densities and compatibility of unlike uses within PUD.
 - b. Proposed circulation pattern indicating the status of street ownership.
 - c. Proposed open space uses.
 - d. Proposed grading and drainage pattern.
 - e. Proposed method of water supply, sewage disposal and storm drainage.
 - f. Economic and supporting data to justify any proposed commercial and industrial elements as an accessory use. Financial disclosures shall be required to insure that development could take place as proposed.
 - g. Relation of the proposed development to the surrounding area and compliance with the Comprehensive Plan.
2. Prior to discussion of the plan at an Adams County Joint Planning and Zoning Commission meeting, copies of the proposal shall be submitted to the Southwest District Health and the Planning and Zoning Administrator for study and comment.
3. The Adams County Joint Planning and Zoning Commission shall consider the preliminary development plan at a meeting at which time the findings of the Southwest District Health and Planning and Zoning Administrator shall also be considered. In reviewing the plan, the Adams County Joint Planning and Zoning Commission shall determine that:
 - a. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.
 - b. Resulting development is consistent with the Comprehensive Plan.
 - c. The area surrounding the development can be considered to be in substantial harmony with the proposed PUD.
 - d. The PUD can be completed within a reasonable period of time.
 - e. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned unit area, or the developer has presented an acceptable plan for funding the improvements.
 - f. Proposed utility and drainage facility plans are adequate for the population densities and type of development proposed.
4. If, in the opinion of the Adams County Joint Planning and Zoning Commission, the foregoing provisions are satisfied, the proposal shall be recommended for approval by the Adams County Board of Commissioners. If the Commission finds to the contrary, they may recommend the application be denied or return the proposal to the applicant for revision.
5. In addition to the requirements of this section, the Adams County Joint Planning and Zoning Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance and the Comprehensive Plan.

6. Permits for construction in a PUD shall be issued only on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Adams County Joint Planning and Zoning Commission for review and inclusion as an amendment to the PUD. Development requiring a subdivision plat per the Adams County Subdivision Ordinance must obtain subdivision plat approval in addition to approval for the PUD. Such approvals may be pursued concurrently.
7. An application for PUD that has been denied may not be resubmitted within a one-year period immediately following the denial of said request unless the Adams County Joint Planning and Zoning Commission determines that a substantial change to the PUD plan has been made.

Sec 3-2 Off-Street Parking.

At the time of construction of a structure in all zones, off-street parking spaces shall be provided as follows, unless the Adams County Joint Planning and Zoning Commission determines that greater requirements are necessary. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property.

- A. Residential Use-two spaces per dwelling unit.
- B. Hotel, Motel-one space per guest room.
- C. Institutional Uses-one space per two beds and one space per employee.
- D. Places of Assembly-one space per 2 seats or 4 feet of bench length in the main auditorium. If no permanent seats are provided, one space per 24 square feet of floor area used for meeting rooms
- E. Commercial Uses-one space per 400 square feet of floor area and one space per employee
- F. Industrial Uses-one space per 2000 square feet of floor area and one space per employee
- G. School Uses; high school-one space per two (2) students; jr. high-one space per 4 students; elementary-one space per 50 students and one space for each employee

Sec 3-3 Setback.

No structure shall be closer than eighty (80) feet to the center line of a right of way, in all zones except the High Density Zone where it may be fifty (50) feet to the center line or boundary of a subdivision of a section; or twenty (20) feet to a side or rear property line.

Sec 3-4 Signs.

The following signs are permitted:

- A. Identification signs not to exceed 4 feet by 8 feet of display surface.
- B. One temporary sign pertaining to the lease, rental or sale of the property will not to exceed three (3) square feet in area.
- C. Moving or intermittent flashing and neon type signs may only be allowed with a Conditional Use Permit.
- D. Any other signs require a Conditional Use Permit.

Sec 3-5 Access.

Every lot shall abut a street, other than an alley, for at least fifty (50) feet. No property can be sold that is land locked or without the right of egress and ingress.

Sec 3-6 Dual Use of Required Open Space.

No open space requirement of Section 3-2 and 3-3 above for a given use shall be allowed as open space for any other use.

Sec 3-7 Flood Plain.

No structure constructed, reconstructed or altered shall be located within an area designated as flood plain as provided in the Comprehensive Plan and on file in the Adams County Joint Planning and Zoning Commission files or by the Idaho Water Resources Department or other approved agency unless the requirements of this section can be met.

- A. Floor Elevation. Using the best data available, all new structures or substantially reconstructed or altered structures shall have the lowest, inhabitable floor elevated to two feet above the base flood level, and road heights elevated to one foot above the base flood level, otherwise defined as the 100 year high water mark.
- B. Mobile Homes. All mobile homes must meet state standards for construction. All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors.
- C. Sewage and Water System. All sewer and water systems shall be designed and located so as to eliminate the infiltration of floodwaters into the systems.
- D. Setback. No structure used for human occupancy shall be located closer than one hundred (100) feet to the assumed high water mark of a stream or river or portion thereof located within the boundaries of the flood hazard area.
- E. No net increase in flood elevation: Applicant is required to demonstrate that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the water surface elevation of the base flood.

Sec 3-8 General Provisions Regarding Accessory Uses.

An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary.

Chapter 4

CHANGES OF USE AND APPEALS

Sec 4-1 Duties of the Adams County Board of Commissioners

Sec 4-2 Conditional Uses

Sec 4-3 Variances

Sec 4-1 Duties of the Adams County Board of Commissioners.

The Adams County Board of Commissioners shall have the authority to grant, in particular cases and subject to appropriate conditions and safeguards, Conditional Use Permits and Variances as recommended by the Adams County Joint Planning and Zoning Commission as authorized by this Zoning Ordinance. The Adams County Board of Commissioners shall also have the authority to hear and decide appeals where it is alleged there is an error in any recommendation, order, requirement, decision or determination made by the Adams County Joint Planning and Zoning Commission in enforcement of the Zoning Ordinance.

Sec 4-2 Conditional Uses

A. Procedures:

1. A written application for a Conditional Use Permit indicating the section of the Zoning Ordinance under which the permit is sought and stating the grounds on which it is requested, shall be submitted at least thirty (30) days before the hearing at which the request is to be considered by the Adams County Joint Planning and Zoning Commission.
2. The Adams County Planning and Zoning Commission shall hold a public hearing on the Conditional Use Permit application. See *Public Hearing*, Chapter 6, Sec 6.7
3. Prior to evaluating a Conditional Use Permit application, studies may be required of the social, economic, fiscal, and environmental affects of the proposed conditional use.
4. The Adams County Planning and Zoning Commission will issue a written recommendation to the Board regarding the Conditional Use Permit application.
5. The Adams County Board of County Commissioners will issue a written decision regarding the Conditional Use Permit application. The Board shall have the discretion to schedule additional public hearings before the Commission or the Board prior to issuing a decision.

B. Relevant Criteria and Standards. A decision for approval or denial of a Conditional Use Permit application shall be based upon the following criteria:

1. The proposed use will not endanger the public health or safety if located where proposed and that the use will not result in conditions which will tend to generate nuisances (including but not limited to noise, dust, glare, vibrations, odors and the like).
2. The proposed use meets all the applicable standards of the Zoning Ordinance.
3. The use will not be injurious or detrimental to adjoining properties or the neighborhood.
4. The proposed use is a public necessity or is justified by the applicant and deemed to be a benefit to the public.

5. The character of the proposed use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located.
 6. The proposed use is in accordance with the Comprehensive Plan.
- C. **Reasoned Statement in Writing.** Approval or denial of a Conditional Use Permit application shall be in writing, and shall be accompanied by a reasoned statement that explains the criteria and standards considered to be relevant, the relevant contested facts relied upon, and explains the rationale for the decision based upon the Comprehensive Plan, the Zoning Ordinance, and any other applicable laws and regulations. The reasoned statement shall be adopted by the Adams County Board of County Commissioners not more than thirty (30) days following the date of approval or denial of the Conditional Use Permit application.
- D. **Conditions of approval:** The Adams County Joint Planning and Zoning Commission and/or the Adams County Board of Commissioners may impose conditions including, but not limited to, those:
1. minimizing adverse impact on other development;
 2. controlling the sequence and timing of development;
 3. controlling the duration of development;
 4. assuring that development is maintained properly;
 5. designating the exact location and nature of development;
 6. requiring the provision for on-site or off-site public facilities or services and adequate means of access
 7. requiring more restrictive standards than those generally required in an ordinance; and/or
 8. requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
- E. **No precedent or transfer:** A Conditional Use Permit shall not be considered as establishing a binding precedent to grant other Conditional Use Permits. A Conditional Use Permit is not transferable from one parcel of land to another.
- F. **Compliance:**
1. In the event of failure to comply with the Permit, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
 2. Where plans are submitted and approved as a part of the application for a Conditional Use Permit, modifications of the original plans may be required as a condition of their recommendation for approval.
 3. Where plans approved by the Board of County Commissioners are modified following such approval, such plan modifications must be determined by the Planning and Zoning Administrator to be in substantial conformance with the plans approved. If plan modifications are not in substantial conformance, the plan must be resubmitted to the Planning and Zoning Commission for an additional public hearing as an amendment to the Conditional Use Permit application.
- G. **Revocations:** If a building permit pertaining to the Conditional Use Permit is not obtained for the subject property of the Conditional Use Permit within one (1) year from the date of the written decision, such Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use for which the Conditional Use Permit is approved ceases for a period of twelve (12) consecutive months, unless

otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

Sec 4-3 Variances.

A. Procedures:

1. A written application for a variance indicating the section (s) of the Zoning Ordinance for which a variance is sought and stating the grounds on which it is requested shall be submitted to the Planning and Zoning Administrator at least thirty (30) days before the hearing at which the matter will be considered by the Adams County Joint Planning and Zoning Commission.
2. The Adams County Joint Planning and Zoning Commission shall hold a hearing on the variance application. (See *Public Hearing* under section titled *Administrative Provisions*)
3. The Adams County Planning and Zoning Commission will issue a written recommendation to the Board regarding the Variance application.
4. The Adams County Board of County Commissioners will issue a written decision regarding the Variance application. The Board shall have the discretion to schedule additional public hearings before the Commission or the Board prior to issuing a decision.

B. Relevant Criteria and Standards. Approval or denial of a variance application shall be based upon the following criteria:

1. The applicant has demonstrated that special conditions and/or circumstances exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other property similarly situated in the same zoning district.
2. The applicant has demonstrated that, because of the aforementioned special conditions of the property, application of the provisions of this Zoning Ordinance would impose undue hardship and would deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same zoning district under the terms of this Zoning Ordinance.
3. The special conditions and/or circumstances demonstrated by the applicant are not the result of actions of the applicant or property owner.
4. Granting of the variance will not confer a special privilege to the subject property that is denied other similarly situated property in the same zoning district.
5. Granting of the variance will not be in conflict with the public interest or injurious to property or persons in the vicinity of the subject property.

C. Reasoned Statement in Writing. A decision for approval or denial of a variance application shall be in writing and shall be accompanied by a reasoned statement that explains the criteria and standards considered by the Adams County Board of Commissioners to be relevant, the relevant contested facts relied upon, and explains the rationale for the recommendation for a decision based upon the Comprehensive Plan, the Zoning Ordinance and other applicable laws and regulations. A reasoned statement shall be adopted by the Commission not more thirty (30) days following the date of approval or denial of the variance application.

D. Conditions of Approval: In approval any variance, the Adams County Joint Planning and Zoning Commission or Board of County Commissioners may prescribe appropriate conditions and safeguards that enable the County to recommend approval of the variance

application and ensure the variance is consistent with the purposes, and intents of this Zoning Ordinance.

- E. **Use Variances:** With respect to uses of land, buildings and other structures, this Zoning Ordinance is declared to be a definition of the public interest by the Adams County Board of Commissioners, and the spirit of this Zoning Ordinance will not be observed by any variance which permits a use not permitted in the zone involved, or any use expressly or by implication prohibited, by the terms of this Zoning Ordinance in said zone. Therefore, under no circumstances shall a variance be approved to permit a use not permitted in the zone involved, or any use expressly or by implication prohibited, by the terms of the Zoning Ordinance, in said zone.
- F. **Compliance:**
1. In the event of failure to comply with the Variance or with any conditions imposed upon by the variance, the permit shall be immediately revoked and shall be automatically null and void.
 2. Where plans are submitted and approved as a part of the application for a variance, modifications of the original plans may be required as a condition of approval.
 3. Where plans approved are modified following such approval, such plan modifications must be determined by the Planning and Zoning Administrator to be in substantial conformance with the plans approved. If plan modifications are not in substantial conformance, the plan must be resubmitted to the Adams County Joint Planning and Zoning Commission for an additional public hearing as an amendment to the variance application.
- G. **Revocations:** If a building permit pertaining to the Variance is not obtained for the subject property of the Variance within one (1) year from the date of the final decision, such Variance shall be immediately revoked and shall be automatically null and void. If the use for which the Variance is approved ceases for a period of twelve (12) consecutive months, unless otherwise provided for in the Variance, then the Variance shall be immediately revoked and shall be automatically null and void.

Chapter 5

AMENDMENTS

- Sec 5-1 Purpose**
- Sec 5-2 Text Amendments**
- Sec 5-3 Amendments to Zoning District Boundaries**
- Sec 5-4 Development Agreements**

Sec 5-1 Purpose.

From time to time a change in circumstances or conditions or the need to correct an error may warrant a change in the zoning text or Adams County Zoning Map created by this Zoning Ordinance. The purpose of this chapter is to establish the procedures to amend the zoning text and/or the Adams County Zoning Map when the proposed change would be consistent with the goals and policies of the Comprehensive Plan.

Sec 5-2 Text Amendments.

- A. **Initiation:** An amendment to the text, standards, procedures or other provisions of this Zoning Ordinance may be initiated by action of the Adams County Board of Commissioners or the Adams County Joint Planning and Zoning Commission.
- B. **Procedure:** Text amendments shall be conducted in accordance with the requirements of Idaho Code.

Sec 5-3 Amendments to Zoning District Boundaries.

- A. **Initiation:** Amendments to zoning district boundaries (rezoning) may be initiated by the Adams County Board of Commissioners, the Adams County Joint Planning and Zoning Commission, or by a property owner.
- B. **Procedure:**
 - 1. Application by a property owner shall be made on forms provided by the Planning and Zoning Administrator and shall be accompanied by a fee which shall be set by the County from time to time by resolution. The Planning and Zoning Commission is empowered to recommend expanding the area to be considered for rezoning when it deems such expansion to be in the public interest.
 - 2. All applications for rezoning of property which are found to be in order by the Planning and Zoning Administrator, shall automatically be set for hearing before the Adams County Joint Planning and Zoning Commission, with notice as provided by the Idaho Code, at its next regularly scheduled meeting of the Adams County Joint Planning and Zoning Commission at which hearing time is available. Following a hearing with the Adams County Joint Planning and Zoning Commission a hearing will be scheduled with the Adams County Board of Commissioners with notice as above. The Adams County Board of Commissioners will then make the decision on the rezone.
 - 3. If the requested zoning does not conform to the Comprehensive Plan, a hearing on an amendment to the Comprehensive Plan shall be scheduled in conjunction with the hearing for the zoning change. Any change required in the Comprehensive Plan shall

be achieved prior to or concurrent with an amendment of the zoning district boundaries.

4. The Adams County Joint Planning and Zoning Commission shall conduct its public hearing in accordance with the Idaho Code and the public hearing procedure contained in this ordinance. The Adams County Joint Planning and Zoning Commission may recommend approval of the request of rezone, or may recommend denial of the requested rezone.
5. Following a hearing by the Adams County Joint Planning and Zoning Commission, a hearing on the proposed rezoning shall be set before the Adams County Board of Commissioners at its earliest regular public meeting which has hearing time available.
6. The Adams County Board of Commissioners shall conduct a public hearing on the application to rezone in accordance with the procedures for public hearings contained in this Zoning Ordinance.
7. After hearing and reaching a decision, the Adams County Board of Commissioners may enact an ordinance rezoning the subject property to the requested zone.
8. The County Clerk shall maintain records of amendments to the text and map of this ordinance.
9. **Limitation of Reapplication.** No proposed amendment to the text of this ordinance or to the Zoning Map shall be considered by the Adams County Joint Planning and Zoning Commission within a one-year period immediately following a previous denial of said request, except the Commission may permit an amendment proposal, if in the opinion of the Commission, new evidence or a change of circumstances warrant it.
10. **Recommendation of Expansion by the Planning and Zoning Administrator.** The Administrator may recommend an expansion of an amendment if, in his judgment, such an expansion would result in better conformity with the intent of the Chapter and the purpose of this ordinance. The Administrator or his authorized agent shall present his recommendation for expansion to the Adams County Joint Planning and Zoning Commission prior to the scheduled public hearing for a determination whether the application should be so extended.

Sec 5-4 Development Agreements

- A. **Use and development conditions and limitations:** Conditions and limitations on use and development may be imposed on properties requested for rezoning. Conditions may limit uses under the proposed zone. Any and all conditions and limitations agreed upon by both parties shall be confirmed by a document of commitment signed by both the Adams County Board of Commissioners and the land owner or developer.
- B. **Filing of conditions and limitations:** The County may require that conditions and limitations which are to be imposed on the use and development on the rezoned property be permanent and shall remain in effect with the use of the newly zoned property by the owners, their heirs, assignees and devices. Such conditions and limitations may be enforced by the County. A written commitment shall be deemed written consent to rezone upon failure of the conditions. The County shall require the applicant to have the conditions and limitations filed and recorded with the County Recorder.
- C. **Permits.** Nothing contained in the conditions or provisions required of the land owner shall be deemed a waiver of any ordinance or requirement of the County relating to

construction or development and the applicant shall obtain all necessary construction and occupancy permits as may be required by the County.

Chapter 6

ADMINISTRATIVE PROVISIONS

Sec 6-1 Duties of the Planning and Zoning Administrator

Sec 6-2 Zoning Permits Required

Sec 6-3 Time Limitation on Zoning Permits

Sec 6-4 Right of Appeals

Sec 6-5 Form of Petitions, Applications, Non-Conforming Use Changes and Appeals

Sec 6-6 Filing Fees

Sec 6-7 Public Hearing

Sec 6-8 Severability

Sec 6-9 Applicability

Sec 6-10 Repeal

Sec 6-11 Penalties for Violation

Sec 6-12 Definitions

Sec 6-1 Duties of the Planning and Zoning Administrator.

The Planning and Zoning Administrator duties shall include, but are not limited to, the following:

- A. Enforce and administer this ordinance;
- B. Receive and forward to the Adams County Board of Commissioners and the Adams County Joint Planning and Zoning Commission all applications for conditional use permits, variances and amendments to this ordinance;
- C. Provide and maintain public information relative to matters arising out of this ordinance;
- D. Maintain the County Zoning Map;
- E. Ensure adequate staffing of the department to ensure that the needs of the Ordinance Enforcement are met without undue burden being placed on the Planning and Zoning Administrator;
- F. Request additional staffing requirements to the Adams County Board of Commissioners when the need exists;
- G. Prepare the agenda for the monthly meetings of the Adams County Joint Planning and Zoning Commission;
- H. Keep the Adams County Board of Commissioners informed of proposals currently in process and provide written reports of recommendations made by the Adams County Planning and Zoning Commission on zoning changes, subdivision applications, conditional use permits, variance applications, and appeals of all decisions;
- I. In instances of preliminary plat approval, submit written report indicating the substance of the application to the Adams County Board of Commissioners seven days prior to the scheduled hearing date for the preliminary plat;
- J. Notify adjoining land owners
- K. Organize and convene the Technical Review Committee as needed;
- L. Aid applicants in the preparation of required forms and permit applications;
- M. Investigate all violations of the Ordinance and notify in writing the person responsible for such violation (s), ordering the action necessary to correct such violation;
- N. Maintain permanent and current records of applications, reclassifications, variances and conditional use permits and of the hearings and actions thereon;

- O. Inspect and make recommendations on all filed plats pursuant to this ordinance;
- P. Interpret boundaries of zones;
- Q. Interpret ordinances and adopt Standard Operating Procedures for the Adams County Joint Planning and Zoning Commission;
- R. Provide a liaison between the Adams County Joint Planning and Zoning Commission and the Adams County Board of Commissioners.

Sec 6-2 Zoning Permits Required:

A zoning permit shall be obtained from the Planning and Zoning Administrator prior to the construction, reconstruction, alteration or change of use of a structure or lot. Permits shall also be required when there is a change of use from the intended or stated use or permitted use. Permits are not required for the normal maintenance, repair, or renovation of existing structure when such work does not alter the use permitted or conflict with an approved design standard for a specified zone.

Sec 6-3 Time Limitation on Zoning Permits.

Zoning and building permits shall be void after one (1) year unless substantial construction, reconstruction or alteration pursuant thereto has taken place. The Planning and Zoning Administrator may, if so requested, extend authorization of the permit for an additional period not to exceed one (1) year.

Sec 6-4 Right of Appeals.

A person may appeal the ruling of the Adams County Joint Planning and Zoning Commission or the Adams County Board of Commissioners.

- A. Appeal against the ruling of the Adams County Joint Planning and Zoning Commission:
 - 1. An action or ruling made pursuant to Chapters 1 through 5 of this ordinance may be appealed by an affected person to the Adams County Board of County Commissioners within ten (10) days.
- B. Appeals against the ruling of the Adams County Board of Commissioners:
 - 1. An affected person aggrieved by a decision of the Board may within twenty-eight (28) days after all remedies have been exhausted seek judicial review as provided by chapter 52, title 67, Idaho Code.

Sec 6-5 Form of Petitions, Applications, Non-Conforming Use Changes, and Appeals.

All of the preceding shall be on the forms prescribed by the County. The information on the forms shall contain, but is not limited to, the following information:

- A. A letter of explanation.
- B. Name of Applicant.
- C. Legal description of the property in question.
- D. A map sufficient to indicate the location of the property.
- E. Intended or proposed plans with specifications, drawn to scale, showing the actual shape and dimensions of the buildings and other structures, property boundaries, rights-of-way, roads and utilities, existing and proposed, the existing and intended use of each building,

structure or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine the conformance with this ordinance.

- F. Authorizing signature for the application.
- G. Appropriate filing fee.
- H. Other information including plans and sketches or designs, may be required if necessary to gain a complete understanding of the proposed activity.
- I. An application inaccurately or incorrectly submitted or not containing sufficient information may be grounds for dismissal by the Adams County Planning and Zoning Administrator or the Adams County Joint Planning and Zoning Commission.

Sec 6-6 Filing Fees.

The filing fees for procedures set forth in this Ordinance shall be set by resolution of the Adams County Board of Commissioners.

Sec 6-7 Public Hearing.

A. Hearing Procedure. This procedure shall be followed in all hearings before the Commission or Board.

1. The presiding officer shall announce the purpose and subject of the hearing.
2. The presiding officer shall determine whether proper notice of the hearing has been provided. If proper notice has not been provided, the hearing shall be re-scheduled.
3. The presiding officer shall ask if any Commission/Board member wishes to declare a conflict of interest, as defined by I.C. 67-6506, in the matter to be heard and excuse any member who declares such a conflict from participation in the hearing.
4. The presiding officer shall ask the administrator to present a report on the proposal being considered.
5. The presiding officer shall direct questions from Commission/Board members to the administrator. Questions asked at this time shall be solely for the purpose of clarifying the location and nature of the proposed development.
6. The presiding officer shall remind those present that all statements given must address the merits of the proposed development as measured by its compliance or lack of compliance with the Comprehensive Plan and this Ordinance.
7. The presiding officer shall ask for a statement from the developer or his or her representative. Commission/Board members may ask questions following this statement. All questions and replies shall be directed through the presiding officer.
8. Following the developer's statement, the presiding officer shall ask for statements from the public. Persons giving statements shall begin by stating their name and mailing address. Commission/Board members may ask questions following any statement. All questions and replies shall be directed through the presiding officer.

9. When all statements have been given, the presiding officer shall ask if any person who gave a statement wishes to speak in rebuttal to other statements or to clarify their statement. Neither new statements nor the introduction of new evidence shall be permitted at this time. Questions from Commission/Board members may follow each rebuttal or clarification.

10. The presiding officer shall close the public hearing and call for discussion by the Commission/Board, resulting in action, as provided by this Ordinance.

11. Written statements, plans, drawings, photographs, or other materials offered in support of statements at a hearing are part of that hearing's record and shall be retained by the county. Supporting materials shall be left with the administrator after each statement is made.

Sec 6-8 Additional Hearing Procedures. These procedures may be used without prior notice to assist in the conduct of large or controversial hearings.

1. The Commission/Board may impose time limits on the statements given in order to assure completion of its agenda.

2. The Commission/Board may require persons who wish to make a statement to register their intention to do so with the administrator before the hearing. The presiding officer shall use the register to call on persons to present their statements.

Sec 6-9 Hearings To Be Taped. As required by I.C. 67-6536, the Administrator shall keep a transcribable tape record of all hearings on file for at least six months after the final hearing, including appeals hearings, on the development.

Sec 6-10 Decision Record. All decisions of the Board and Commission shall be reported in the form of findings of fact and conclusions of law, as required by I.C. 67-6535. The completed decision record shall include the application materials and any written report prepared by or on contract for the Administrator. The Administrator's report shall be presented in a form that can serve as a basis for findings of fact.

Sec 6-11 Decision Deadline. This section establishes the "reasonable time" for deliberation on applications by the Commission and Board required by I.C. 67-6519. The Commission/Board shall make a decision on any completed application for a permit within 60 days of the hearing, if a hearing is required by this ordinance, or within 60 days of the meeting at which the completed application first appeared on the agenda. Note that submission of an incomplete application requires no action by the Commission/Board.

Sec 6-12 Penalties for Violation. In addition to the Idaho Code the following provisions shall apply:

- A. A person who violates or fails to comply with the provisions of this ordinance shall, upon conviction thereof, be found guilty of a misdemeanor and may be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

- B. Any building or land use found to be in violation of this ordinance shall constitute a nuisance, and the County may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.

Sec 6-13 Definitions.

1. **Accessory Use.** A use or structure incidental and subordinate to the main use of a property and located on the same lot as the main use. EXAMPLE: A home occupation is an accessory use on an agricultural parcel.
2. **Administrator.** Planning and Zoning Administrator.
3. **Agriculture.** Agricultural use shall be defined as all land used for the purpose of obtaining a profit in money, raising, harvesting and selling crops or timber; by the feeding, breeding, management and sale of, or the production of, livestock, poultry, fur-bearing animals or honey bees; for dairying and the sale of dairy products, or any other agricultural or horticultural use, or animal husbandry, or any combination thereof.
4. **Building.** Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the International Building Code.
5. **Board.** Adams County Board of Commissioners
6. **Commission.** Adams County Joint Planning and Zoning Commission.
7. **Conditional Use Permit.** "Conditional Use Permit" means the documented evidence of authority granted by the Board of Adams County Commissioners to locate a conditional use at a particular location.
8. **Conditional Use.** "Conditional Use" means a use permitted in one or more zoning districts as defined by this Zoning Ordinance but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make uses consistent with and compatible to other existing or permissible uses in the same zoning district (s).
9. **County.** The County of Adams, Idaho.
10. **Dwelling, Single-Family.** Any building or other structure or portion thereof, proposed or built for occupancy as a residence for one family.
11. **Forest Use.** Forest use shall mean use of land for the purpose of raising and harvesting timber and forest products, and may include using land for grazing livestock, maintaining watersheds, fish and wildlife habitat, recreational activities and other open space uses or combinations thereof.
12. **Flood Hazard Area.** An area inundated by a least one foot of water every twenty (20) years, or any area which when restricted, will cause an appreciable rise in flood level or increase in current velocity.
13. **Home Occupation.** A non-residential use conducted in a dwelling which is clearly incidental and subordinate to the use of the dwelling for residential purposes and which complies with all requirements of the home occupation section of the Zoning Ordinance.
14. **Inspector.** County Building Inspector
15. **Land Splits.** The number of times an original parcel of land can be split without having to go through the subdivision process.
16. **Lot.** A parcel, tract, plot or other land area of suitable size as required in these regulations and this ordinance, and created by subdivision for sale, transfer or lease.

17. **Lot Area.** The total area of a lot measured in a horizontal plane within the lot boundary lines, exclusive of street, highway, alley, road, or other rights of way.
18. **Mining Operation.** Activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining, and the surface effects of underground and in situ mining, on-site transportation, concentrating, milling, evaporation, and other primary processing.
19. **Mobile Home Park.** A parcel of land that contains more than three (3) mobile homes.
20. **Non-Conforming Structure or Use.** A use or structure which was legally established according to the applicable zoning and/or building laws of the time, but which does not meet current zoning and/or building regulations.
23. **Original Parcel of Land.** A contiguous tract of land or parcel of land held in one ownership and of record on the effective date of October 13, 1981. The contiguous requirement would not apply to subdivision, town-site or cemetery plats previously recorded and accepted by the Adams County Board of Commissioners.
 - a. Un-recorded transfers creating an original parcel, prior to October 13, 1981 shall require a notarized contract of sale, deed or deed of trust as proof of ownership and date of transfer.
 - b. Should proof of ownership and date of transfer be required by the county, the owner or owner's agent shall have six (6) months to furnish such proof.
 - c. If such required proof is not furnished with six (6) months, the property in question shall be treated as if transferred after the date of October 13, 1981.
24. **Owner.** An owner of a parcel of land as shown by deed or contract and officially recorded in the office of the Adams County Clerk. An owner shall also include an authorized agent of the owner.
25. **Overlay zone.** A zone created to conserve natural resources or promote certain types of development. Overlay zones are imposed over existing zoning districts and contain provisions that are applicable in addition to those contained in the underlying zone.
26. **Parking Space.** An enclosed or unenclosed surfaced area of not less than twenty (20) feet by eight (8) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one motor vehicle and which is accessible to and from a street or other public right-of-way by a route that does not traverse any other parking space.
27. **Person.** Every 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.
28. **Planned Unit Development (PUD).** A development designed as a combination of residential, commercial and/or industrial uses planned for a tract of land to be developed as a unit under single ownership or control, which is developed for the purpose of selling individual lots or estates, fronting on dedicated streets, which may include two (2) or more principal buildings. A PUD may provide for greater flexibility by allowing deviation from the typical design standards.
29. **Residential Use.** A structure or use for occupancy as a human dwelling or lodging place such as single-family; multi-family dwelling; duplexes; apartments; boarding; lodging or rooming houses; trailer houses and trailer house parks; and labor camp.
30. **Restricted Deed.** A deed that restricts or limits a property owner's use of property.
31. **Setback.** The distance between the property line and the closest point on the outer wall, at grade, of structures within the same property.

32. **Street.** A right-of-way which provides access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, and other such terms.
- **Alley.** A minor street providing secondary access at the back or side of a property otherwise abutting a street.
 - **Minor.** A street which has the primary purpose of providing access to abutting properties.
 - **Collector.** A street designed to collect minor street traffic.
 - **Arterial.** A street designated for the purpose of carrying fast and/or heavy traffic.
 - **Loop.** A minor street with both terminal points on the same street.
 - **Cul-de-sac.** A street connected to another street at one end only and provide with a turn-around space at its terminus.
 - **Frontage.** A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.
 - **Partial** - A dedicated right-of-way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.
 - **Private** - A street that is not accepted for public use or maintenance, which provides vehicular and pedestrian access.
41. **Structure.** Anything constructed or erected, and use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.
42. **Subdivision.** The division of an original lot, tract, or parcel of land into more than two parts less than forty (40) acres in size for the purpose of: transfer of ownership for development, the dedication of a public street or the addition to or creation of a cemetery. Specific regulations governing the division of land in Adams County is set forth in the Adams County Subdivision Ordinance.
43. **Variance.** A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.
44. **Zoning Map.** Official Map of Adams County, Idaho which delineates and identifies all zones within the County.