

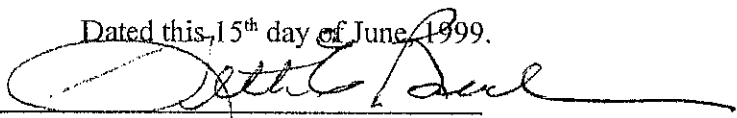
**SUMMARY OF ORDINANCE # 3-99
ORDINANCE OF BUTTE COUNTY
NOTICE OF ADOPTION OF ORDINANCE #3-99
ADOPTING A ZONING CODE FOR BUTTE COUNTY**

Notice is given that Butte County has adopted an Ordinance entitled Zoning Ordinance. The Ordinance adopts a zoning code, consisting of zoning requirements for the unincorporated areas of Butte County. The Ordinance has several chapters and provisions including GENERAL PROVISIONS, DEFINITIONS, USE DISTRICTS, OFF-STREET PARKING AND LOADING FACILITIES, ZONING MAP AND COMPREHENSIVE PLAN, A-AGRICULTURAL ZONE, AT-AGRICULTURAL TRANSITIONAL ZONE, R-SINGLE FAMILY RESIDENTIAL ZONE, C-COMMERCIAL ZONE, I-INDUSTRIAL ZONE, APPEALS, AREA OF CITY IMPACT, FLOOD PLAIN OVERLAY ZONE, CONDITIONAL USE PERMITS, VARIANCES, FILING FEES, ENFORCEMENT, SIGNS, PERFORMANCE STANDARDS, DEVELOPMENT AGREEMENTS. The Zoning Ordinance defines various land use zones, including residential, agricultural, agricultural transition, industrial and commercial zones, and sets the requirements and limitations of land use within those zones; sets forth various building size, location and use limitations and requirements within a defined zone, including set back restrictions and acreage limitations; places restrictions on off-street parking; adopts a "zoning" map with the various zones; sets forth the procedure for applications with the Butte County Planning and Zoning Commission and appeals from the Commission to the Butte County Board of Commissioners; allows for the creation and the adoption of areas of city impacts; adopts a flood plain overlay zone creating a special zone with restrictions and requirements specifically related to flood concerns; establishes authority for permit fees and adoption of those fees by resolution; limits sign use, size and placement; sets forth conditions for variances and conditional uses; establishes performance standards which restricts and limits certain buildings, structures and commercial and industrial operations, including but not limited to meat packing/processing/slaughterhouse, bulk storage and manufacturing of flammable and chemical products, gravel pits, home occupations, storage facilities, riding stables and schools, firearm ranges, wrecking and junk yards, landfills and solid waste facilities, concentrated livestock operations, and mobile/manufactured homes; and allows for development agreements. A violation of the Ordinance is provided for as a misdemeanor, with a fine of \$300.00 and six months in jail, or both for each and every day or portion that a violation persists. **This Ordinance becomes effective upon publication.**

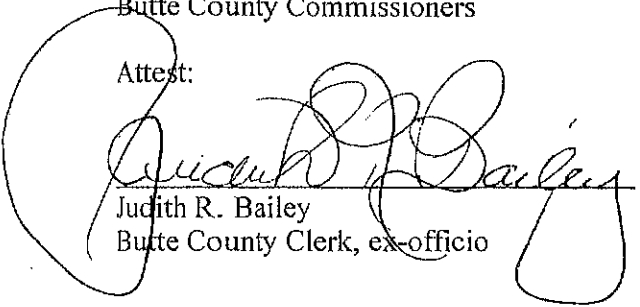
Ordinance #3-99 was approved and passed by the Butte County Commissioners on the 28th day of May, 1999, after notice and hearings. The full text of the Ordinance is available at the County Recorder/Clerk's Office at the Butte County Courthouse, 248 West Grand Ave., Arco, Idaho, during regular office hours of 9:00 a.m. to 5:00 p.m. The official Zoning Map may be viewed at the same location.

The County Commissioners approve the foregoing summary for publication.

Dated this 15th day of June, 1999.


Seth E. Beal, Chair
Butte County Commissioners

Attest:


Judith R. Bailey
Butte County Clerk, ex-officio

Statement of Compliance

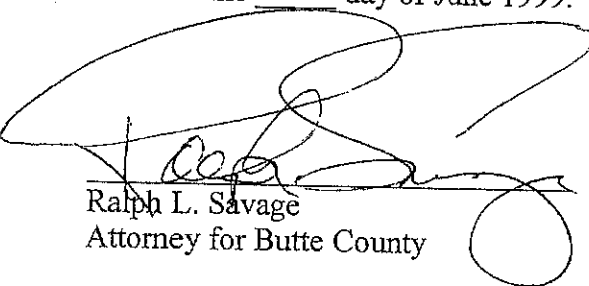
Judith R. Bailey, County Clerk ex-officio of Butte County, states that she has reviewed the above summary of Butte County Ordinance #3-99 and that the summary is a true and complete summary of the ordinance and provides adequate notice to the public of the contents of Ordinance #3-99, otherwise known as the Butte County Zoning Ordinance.

Judith R. Bailey
Butte County Clerk ex-officio

Statement of Legal Advisor

Ralph L. Savage, Butte County Prosecuting Attorney, has reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance #3-99, and provides adequate notice to the public as to the contents of the ordinance.

DATED the _____ day of June 1999.



Ralph L. Savage
Attorney for Butte County

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ZONING ORDINANCE

3-99

Effective Date June 17, 1999

Revised 7/00

Chapter 1

GENERAL PROVISIONS

Sections:

- 1-1 Intent.
- 1-2 Interpretation in case of conflict with other laws.
- 1-3 Interpretation of district boundaries.
- 1-4 Lots of record.
- 1-5 Yard and setback requirement exceptions.
- 1-6 Nonconforming uses.
- 1-7 Conflict of Interest

- 1-1 Intent: The following provisions shall be subject to the general regulations of this title and to the special provisions and exceptions in this and the following sections so as to secure the intent of this title. In all cases of administration and enforcement of this title for which no other provisions herein, the planning commission shall provide for the same by order, resolution or the adoption of a rule, regulation or by-law, which provisions shall be in accord with and consistent with the objectives and standards of this title. Uses not specified within use districts are prohibited unless determined by the planning commission or its authorized representative to be similar in nature to those specified.
- 1-2 Interpretation in case of conflict with other laws: It is not intended by this title to impair or interfere with other regulations of state or local law, or with private restrictions on the use of land, improvements, and structures. Where this title imposes greater restriction than that imposed by other law or private restrictions, this title shall prevail.
- 1-3 Interpretation of district boundaries: Whenever any uncertainty exists as for the boundary of any district shown on any zoning map, the following rules shall apply:
 - A. Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the centerline thereof.
 - B. Where a boundary line is indicated as approximately following a lot line, such lot line shall be constructed to be such boundary line.
 - C. Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be indicated upon the zoning map. The zone in which a majority of the property is located shall be considered the zone for the whole.

time of adoption of the ordinance codified in this title, but does not meet the requirements of the district in which it is located for minimum lot width and area, may be utilized if all other requirements of this title are met.

1-5 Yard and setback requirement exceptions. Certain structures within and projections into required yard areas are permitted, as herein specified, and shall not be considered to be obstructions or included in the calculation of coverage unless otherwise specified:

- A. Cornices, canopies, eaves or other projections which do not increase the column of space enclosed by the building; provided, however, that none of these shall project into any required yard more than two feet;
- B. Exterior stairs of open design; provided, that no such stairs shall project into a required front or side yard more than three feet and into any rear yard more than six feet;

1-6 Nonconforming uses:

- A. Any use lawfully occupying a building or land at the effective date of the ordinance codified in this title, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located shall be deemed to be a nonconforming use and may be continued. Maintenance and minor repairs necessary to keep a nonconforming use in sound condition during such continuance shall be permitted.
- B. A nonconforming use may be enlarged or extended only if thereafter the entire building or use is devoted to a conforming use.
- C. If no structural alternations are made, any non-conforming use of a structure or structure and land may, upon the issuance of a Conditional Use Permit by the Commission, be changed to another non-conforming use provided that the County shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the County may require appropriate conditions and safeguard in accord with other provisions of this Ordinance;
- D. No building or property partially occupied by a nonconforming use shall be altered in such a way to permit the enlargement or expansion of the space occupied by such nonconforming use.
- E. No nonconforming use may be enlarged or extended in such a way as to occupy any required open space, or any land beyond the boundaries of the lot on which it existed at the effective date of the ordinance codified in this title, nor may any such nonconforming use displace any conforming use in the same building or on

the same parcel.

- F. Any nonconforming use destroyed by fire or other calamity to an extent of sixty (60) percent or more of the physical structure may not be restored unless such restoration shall make the use a conforming use and any intended use shall be a conforming use or such restoration falls under H of this section; provided, however, that nothing in this title shall be construed to prevent the restoration and the resumption of former lawful use that is damaged or partially destroyed by fire, or other calamity, to the extent of less than sixty (60) percent; provided, that such restoration is started within one calendar year and diligently prosecuted to completion. Such determination will be made by a county designee, of either the building official or zoning department. That decision may be appealed to the Board of County Commissions pursuant to Chapter 11.
- G. Whenever a nonconforming use of land or building has been discounted for a period of two years for residential, commercial and industrial uses and five years for agricultural uses, or whenever there is evidence of a clear intent to abandon a nonconforming use, such use shall not thereafter be reestablished, and the uses of the premises thereafter shall be in conformity with the regulations of the use district. If the owner can show extenuating circumstances, he/she may request extension of this period through application and upon review and approval of the Planning and Zoning Commission.
- H. Regardless of the provisions of subsections A through E of this section, and those uses allowed under other provisions of the Butte County Code, where there are agricultural grain storage sheds or bins used exclusively for the storage of grain or grass seed located on property within the county for private and noncommercial storage of grain, the owner may construct new sheds or bins for the same purpose within the use district in which said property and prior existing facilities are located so long as the same is located upon the same parcel of property as the prior existing facilities, and subject to owner obtaining and the county approving a conditional use permit for same.
- I. Continuance of Non-Use. If the nonuse continues for a period of two (2) years or longer, the county shall, by written request, require that the owner declare his intention with respect to the continued nonuse of the improvements in writing within twenty-eight (28) days of receipt of the request. If the owner elects to continue the nonuse, he shall notify the county in writing of his intention and shall post the property with notice of his intent to continue the nonuse of the improvements. He shall also publish notice of his intent to continue the nonuse in a newspaper of general circulation in the county where the property is located. If the property owner complies with the requirements of this subsection, his right to use such improvements in the future for their designed purpose shall continue,

notwithstanding any change in the zoning of the property.

The property owner may voluntarily elect to withdraw the use by filing with the clerk of the county an affidavit of withdrawn use. If the property is redesigned for a different use, the property owner shall be deemed to have abandoned any grandfather right to the prior use of the property.

For purposes of this section "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

The provisions of this section shall not be construed to prohibit the county from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

1-7 Conflict of Interest. A member or employees of the Board or Commission shall not participate in any proceeding or action when the member or his employer, business partner, business associate or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered. A knowing violation of this Section shall constitute a misdemeanor. Any member with a conflict of interest will not take part in the proceedings or deliberations. However, a member choosing not to participate does not affect the quorum.

Chapter 2 DEFINITIONS

Sections:

2.1 Generally

2.1 Generally. For the purpose of this title, certain terms are defined as set forth in this chapter. All words in the present tense include the future tense; the plural includes the singular, and all words in the singular include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory.

Accessory building. "Accessory building" means a building which is subordinate to, and incidental to the principal building on the same lot, but does not include any building containing a dwelling unit as hereinafter defined and meets the conditions set forth in Section 19-7.

Accessory use. "Accessory use" means a use related to the principal use and incidental and subordinate to the principal use of the premises and meets the conditions set forth in Section 19-7.

Agriculture. "Agriculture" means tilling of soil, horticulture, raising crops, livestock, dairying, including all uses customarily accessory and incidental thereto; but excluding slaughterhouses, Concentrated animal feeding operations (CAFO's).

Agricultural, Prime. "Prime Agricultural shall mean land meeting standards as set forth by the County to constitute the most valuable land for agricultural purposes. Such land shall be determined based upon soils, irrigation and water availability, crop or grazing productivity, environmental factors, availability of public services and adequate transportation systems.

Agri-related Business. "Agri-related business" shall mean that business that receives the majority of its income from agriculturally related operations.

Airport. "Airport" means any area of land or water which is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.

Animal hospital. "Animal hospital" means any building or portion thereof designed or used for the care or treatment of cats, dogs or other animals.

Area of special flood hazard. "Area of special flood hazard" means premises on which the land in the floodplain within the county subject to a one percent or greater chance of flooding in any given year.

Automobile sales lot. "Automobile sales lot" means premises on which new and used passenger automobiles, trailers, mobile homes, farm implements or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

Automobile service station. "Automobile service station" means premises used primarily for the retail sale and delivery to the vehicle of motor vehicle fuel and of lubricating oils, tires and incidental vehicular accessories, and providing vehicular lubrication and related services, including minor motor vehicle repairs and/or manual or automatic car washes.

Automobile wrecking yard. "Automobile wrecking yard" means any use of premises, excluding fully enclosed buildings, on which two or more motor vehicles not in operating condition are standing more than thirty days, or which used motor vehicles or parts thereof, are dismantled or stored.

Base flood. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

Block. "Block" means the space along one side of a street between the two nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.

Board. "Board" means the County Commission of Butte County.

Boarding house. "Boarding house" means a building other than a hotel or restaurant where meals are provided for compensation to three or more persons, but not more than twelve persons who are not members of the house-holder's family.

Building. "Building" means any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

Building, detached. "Detached building" means any building that does not conform to the requirements of this title.

Business or commerce. "Business" or "commerce" means the purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit of livelihood, or the ownership of management of office buildings, offices, recreation or amusement enterprises or other maintenance and use of offices or professional and trades rendering services.

County "County" means Butte County.

County Clerk "County Clerk" means the County Clerk of the County.

Commission. "Commission" means the planning/zoning commission of the county. The planning commission is declared to also be the zoning commission of the county.

Comprehensive plan. "Comprehensive plan" means the comprehensive plan for the county officially adopted by the County Commission as such.

Concentrated animal feeding operation. "Concentrated animal feeding operation" shall mean all agricultural operations that exceed five (5) units per acre in pasturing density for a period of more than six months out of each year. Such operations shall not be limited to an overall number of animals, provided the acre density is not exceeded for the total site. Animal unit shall be defined as follows:

Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle multiplied by one (1), plus the number of young slaughter or feeder cattle less than twelve (12) months of age multiplied by six-tenths (0.6), plus the number of mature dairy cattle multiplied by one and four-tenths (1.4), plus the number of young dairy cattle multiplied by six-tenths (0.6), plus the number of swine weighing over twenty-five (25) kilograms, approximately fifty-five (55) pounds, multiplied by four-tenths (0.4), plus the number of weaned swine weighing under twenty-five (25) kilograms multiplied by one-tenth (0.1), plus the number of sheep multiplied by one-tenth (0.1), plus the number of horses multiplied by two (2), plus the number of chickens multiplied by one one-hundredth (0.01).

The CAFO must meet the conditions as set forth in Section 19-22 unless it was in existence at the time of the effective date of this ordinance and has not expanded more than twenty-five (25%) since that date. Two (2) or more concentrated animal feeding operations under common ownership are considered, for the purposes of this definition, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.

Conditional use. "Conditional use" means a use or occupancy or a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Contiguous Parcels. "Contiguous parcels" shall mean any unplatted parcels of land under the same ownership that touch each other and are not separated or divided by platted roads or highways.

Day Care. A home or place in which five (5) or more children, not related by blood or marriage to the person or persons operating such center, are regularly received and provided with part-time supplemental parental care during any part of the twenty-four (24) hour day when the parents are not on the premises.

Development. "Development" means 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 area of special flood hazard.

Drive-in establishment. "Drive-in establishment" means an establishment, other than an automobile service station, which is designed to accommodate the motor vehicles of patrons in such manner as to permit the occupants of such vehicles, while remaining therein, to make purchase or receive services.

Dwelling. "Dwelling" means a building, or portion thereof, containing one or more dwelling units. The term dwelling does not include any trailer, recreational vehicle, motel, hotel, guesthouse or boarding house as defined herein.

Dwelling, multiple family. "Multiple-family dwelling" means a multiple-family building, or portion thereof, containing three or four dwelling units.

Dwelling, single-family. "Single-family dwelling" means a building designed for use and occupancy by no more than one family. Single-family dwellings may include manufactured homes, so long as they are constructed according to conditions listed in this section.

Dwelling unit. "Dwelling unit" means one or more rooms designed for, or used as a residence for not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. The term does not imply or include such types of occupancy as a lodging of boarding house, club, sorority, fraternity or hotel.

Floodplain overlay district. "Floodplain overlay district" means an overlay zoning district that regulates building construction and improvements, in addition to the zoning requirements of the underlying zone, in flood-prone areas as set forth by the National Flood Insurance Program.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Habitable floor. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

Height, building. "Building height" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of mansard roof or the average height of the height of the gable of pitch or hip roof.

Home occupation. "Home occupation" means any gainful occupation engaged in by an occupant of a dwelling unit including handicrafts, dressmaking, millinery, laundering, preserving, office of a clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time and other like occupancies which meet all of the conditions listed in Section 19-16.

Junk yard. "Junk yard" means an outdoor space, either private or for commercial purposes, where junk, waste, discarded or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used building materials and places or yards for storage of salvaged building and structural steel materials and equipment; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.

Kennel, Commercial. "Commercial Kennel" means any lot or premises or portion thereof, on which three or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale.

Lot. "Lot" means a unit of land described by metes and bounds or part of a recorded subdivision so recorded for transfer of ownership.

Lot coverage. "Lot coverage" means the area of a lot occupied by the principal building or buildings and accessory buildings.

Lot line. "Lot line" means the boundary property line encompassing a lot. The front lot line is the boundary line that abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a sideline in common with another lot.

Lot width. "Lot width" means the horizontal distance between side lot lines measured at the right angles to the depth at a point midway between the front and rear lot lines.

Manufactured Home. "Manufactured Home" means a structure, constructed according to the HUD/FHA manufactured/mobile home construction and safety standards, built after July 1, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. A manufactured home must meet the siting conditions as specified below as well as the Performance Standards listed in 19-23.

- (A) Shall be at least twenty-four feet (24') wide, with a minimum floor area of nine hundred sixty (960) square feet.

- (B) Shall have a metallic, wood shake or asphalt shingle roof with a minimum slope of 3/12 and a minimum six-inch (6") eave.
- (C) Shall have a horizontal aluminum, simulated wood or wood siding.
- (D) Shall have a foundation fascia that is similar in appearance and durability to the masonry foundation of site-built dwellings and which surrounds the entire perimeter of the structure and completely encloses the space between the siding and the finished grade.
- (E) Shall be permanently affixed and set upon a foundation base having an anchoring system that is totally concealed under the structure. The running gear and towing hitch shall be removed.
- (F) Shall obtain a building permit from the County Building Inspector to insure that the manufactured home is placed on site to H.U.D. Standards set forth in circular Letter No. 2-83, dated April 8, 1983, or as later amended, published by the Boise Service Office of H.U.D. regulating the perimeter foundation, the anchoring of the structure to its foundation and other building requirements.
- (G) Shall meet all other State of Idaho requirements.

Manufactured home park. "Manufactured home park" means any area, tract, plot, or site of land, whereupon two or more manufactured homes are placed, located and maintained for dwelling purposes on a permanent or semi-permanent basis and for which a fee, rental or contract for payment for such use is collected by or collectable to the person holding the land.

Mobile home. "Mobile home" is a detached single-family dwelling, designed to be transported after fabrication on its own wheels, flatbed or detached wheels, arriving at the site where it is to be occupied as a dwelling complete, after location on permanent foundation support on its chassis frame, and hooked to all utilities as any built on-site house would be, as set out in 5.28.070, Section F of the Uniform Building Code. No mobile home may be placed on a single-family lot within the County after the effective date of this ordinance unless it meets the rehabilitation standard as specified in Title 44 of the Idaho Code and also meets the siting standards of a manufactured home as stated above. Mobile homes do not include recreational vehicles.

Motel. "Motel" means a building, or group of buildings on the same premises whether detached or in connected rows, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts or by any other title or sign intended to identify them as providing lodging to motorists.

Nonconforming use. "Nonconforming use" means any use lawfully occupying a building,

structure or land at the effective date of the ordinance codified in this title, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located. See Section 1-6.

Nursery school. "Nursery school" means an institution providing care, with or without instruction, for more than five children of preschool age.

Nursing home, convalescent home. "Nursing home" or "Convalescent home" means a building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.

Rest home, elderly housing, assisted living. "Rest home" or "elderly housing" means where medical care is not administered.

Parking lot. "Parking lot" means an open, graded and/or surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

Parking space. "Parking space" means usable space within a public or private parking area or building, as described in Chapter 4.

Principal Use. "Principal Use" shall mean the primary land use on the property.

Recreation Vehicle (RV): A vehicular type unit designed as a temporary dwelling for recreational, camping or travel use which is either self propelled, self contained or mounted on or drawn by another vehicle, including all recreation vehicles, camping trailers, truck campers and motor homes of eight feet by forty feet (8 ft by 40 ft) or less in size.

Recreation Vehicle park. "Recreational Vehicle park" includes travel trailer park and means any site or tract of land where upon two (2) or more travel trailers, or Recreation Vehicle's are placed, located and maintained for dwelling purposes on a temporary basis.

Recycling collection center. "Recycling collection center" is defined as a facility for the collection of recyclable items to include aluminum, tin, plastic, cellophane, paper, cardboard and glass, to be transported to a recycling plant on a frequent and regular basis. No recycling of any product, other than the collection, compaction, bundling and transportation of said products, shall occur or be permitted at a recycling collection center. No medical or hospital hazardous waste and refuse, or items used in treatment of patients, shall be permitted to be collected or stored at any recycling collection center.

Restaurant. "Restaurant" means any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, tea room and dining room.

Setback area. "Setback area" means the space on a lot required to be left open and unoccupied by ceilings or structures, either by the front, side or rear yard requirements of this ordinance, or be delineation on a recorded subdivision map.

Sign. "Sign" means any structure or natural object, such as tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any abject, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of announcement, direction or advertisement. For the purpose of this definition, the word sign does not include the flag, pennant or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Street. "Street" means a public right-of-way which provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the council. The term street includes also the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place and other such terms.

Structure. "Structure" means anything constructed or erected, except fences, which requires permanent location on the ground or is attached to something having location on the ground.

Tavern or lounge. "Tavern" or "lounge" means a building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

Variance. "Variance" means a modification of the requirements of this title as to lot size, bulk, placement standards, lot coverage, width, depth, front yard, side yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

Yard. "Yard" means an open space on the same lot with a principal building or group or buildings, which is unoccupied and unconstructed from its lowest level upward, except as otherwise permitted in this title and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

Yard, front. "Front yard" means the yard extending across the full width of the lot to the adjacent front street line. If the lot is a corner lot, the front yard shall be considered along the same street

that the front door or main entrance of the structure is facing.

Yard, rear. "Rear yard" means the yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, side. "Side yard" means the yard lying between the nearest wall of the principal building, accessory building and side lot line, and extending from the front yard or the front lot line to the rear yard.

Zoning commission. "Zoning commission" means the planning commission.

Zoning map. "Zoning map" means the map incorporated into this title designating the use district zones.

Chapter 3 USE DISTRICTS

Sections:

- 3-1 Purpose--Districts established.
- 3-2 Boundaries determined by zoning map.
- 3-3 Land or premises--Conformance required.
- 3-4 Building or structure--Conformance required.
- 3-5 Residence or commercial building--Regulations generally.
- 3-1 Purpose--Districts established. For the purpose of promoting pride of ownership, health, safety, morals and general welfare within its area of jurisdiction, Butte County is divided into the following use districts:
- | | | |
|----|-----|----------------------------|
| A. | A | Agricultural |
| B. | AT | Transitional/Agricultural; |
| C. | R-1 | Residential; |
| D. | C | Commercial |
| E. | I | Industrial |
| F. | P | Public |
| G. | AI | Area of Impact |
| H. | FP | Floodplain Overlay |
- 3-2 Boundaries determined by zoning map. The boundaries of the use districts shall be determined and defined by the adoption of a zoning map on which are shown the boundaries of use districts so adopted for each portion of Butte County, on which map is adopted as part of this title.
- 3-3 Land or premises--Conformance required. Land or premises shall be used, unless otherwise adopted in this title, only in conformity with the regulations herein set forth for the use districts in which such land or premises are located.
- 3-4 Building or structure--Conformance required. No building or structure shall be erected or structurally altered or used, unless otherwise provided in this title, except in conformity with regulations herein set forth for the use districts in which such building or structure is located.
- 3-5 Residence or commercial building--Regulations generally. For the purpose of insuring orderly development and to provide adequate access for fire fighting equipment and other services to all buildings, no residence or commercial building shall be erected or moved onto any lot, tract or parcel of land in any use district adopted under the provisions of this title unless said lot, tract or parcel of land has thirty feet of frontage on a public right-of-way and has reasonably efficient access thereto for vehicular traffic and has been legally

subdivided; and provided further, that a building permit may be issued for construction of a residence on a private deeded easement where, in the opinion of the planning commission, the following conditions have been reasonably met:

- A. Minimum easement width of twenty feet;
- B. Maximum easement length of four hundred feet;
- C. Minimum turn-around radius of forty feet;
- D. Maximum grade of ten percent;
- E. The easement must serve land which otherwise would have no access to a public road.

Chapter 4 OFF-STREET PARKING AND LOADING FACILITIES

- 4-1 General Requirements
- 4-2 Standards
- 4-3 Off-Road Parking Design and Dimensional Tables
- 4-4 Parking Space Requirements

4-1 GENERAL REQUIREMENTS

- A. No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-road parking and loading spaces have been provided in accordance with the provisions of this Ordinance.
- B. The provisions of this Chapter except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many such spaces as may be required by this Ordinance.

4-2 STANDARDS

- A. Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:
 - 1. Parking spaces for all detached residential uses shall be located on the same lot as the use that they are intended to serve.
 - 2. Parking spaces for commercial, industrial or institutional use shall be located not more than five hundred (500) feet from the principal use.
 - 3. Parking spaces for apartments, dormitories or similar residential uses shall be located not more than three hundred (300) feet from the principal use.
- B. Loading Space Requirements and Dimensions. Off-street loading spaces for commercial uses may be required by the County.
- C. Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of dust, trash and other debris.
- D. Surface. The required number of parking and loading spaces as set forth in the section below, Parking Space Requirements, together with driveways, aisles and

other circulation areas, it shall be improved to the county standards for gravel road construction. However it is recommended that it be improved to a standard equal or better to the surface of the public road it adjoins.

- E. Drainage. All parking and loading areas shall provide for proper drainage on site of surface water as approved by the County.
- F. Lighting. Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect light away from the adjoining property.
- G. Access. Any commercial or industrial parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private road shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible by a pedestrian or motorist approaching the access or driveway from a public or private road.
- H. Screening and/or Landscaping. Whenever a parking area screened on any sides which adjoin or face other properties the planting screen shall be not less than four (4) feet not more than (6) feet in height and shall be maintained in good condition. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover, and maintained in good condition.
- I. Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.
- J. Minimum Distance Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless, separated by an acceptably designed screen. In no case shall any part of a parking area be closer than four (4) feet to any established road or alley right-of-way.
- K. Disabled Vehicles. The parking of a disabled vehicle within a residential or commercial zone for a period of more than two (2) weeks shall be prohibited, unless, such vehicle is stored in an enclosed garage or other accessory building.
- L. Joint Use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the County shall be filed with the application for a building permit.

4-3 OFF STREET PARKING DESIGN AND DIMENSIONAL TABLES

		45°	60°	90°	Parallel
A	Width of Parking Space	13'	10'	09'	09'
B	Length of Parking Space	15'	18'	19'	23'
C	Width of Driveway Aisle	13'	17'	25'	12'

4-4 PARKING SPACE REQUIREMENTS For the purpose of this Ordinance the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Residential	
1. Single family or two (2) family dwelling	Two (2) for each unit
2. Apartments, or multi-family dwelling	One and one-half (1½) for each unit
3. Boarding houses, rooming houses, dorm	One (1) for each stories and fraternity houses which have sleeping room or one (1) for each sleeping rooms, permanent occupant
4. Manufactured home park	Two (2) for each unit
Commercial	
1. Automobile service garages which also provide repair	One (1) for each two (2) gasoline pumps and two (2) for each service bay
2. Hotels, motels	One (1) per each sleeping room each and (2) employees
3. Funeral parlors, mortuaries and similar	One for each four (4) person capacity in the viewing type uses and Chapel areas.

Recreational or Entertainment	
1. Dining rooms, restaurants, taverns	One (1) for each two hundred square feet area in night clubs, etc., (200 sq ft. of floor area)
2. Bowling Alleys	Four (4) for each alley or for each one hundred (100) sq. ft. of the area used for restaurant, cocktail lounge or similar use
3. Dance floors, skating rinks	One (1) for each one hundred (100) sq. ft. of floor area used for the activity
4. Outdoor swimming pools, public or community or club	One (1) for each five (5) persons capacity plus one (1) for each four (4) seats or one (1) for each thirty (30) sq. ft. floor area used for seating purposes which ever is greater
5. Auditoriums, sports arenas, theaters and similar uses	One (1) for each four (4) seats
6. Retail Stores	One (1) for each two hundred and fifty (250) sq. ft. floor area.
7. Banks, financial institutions	One (1) for each two hundred (200) sq. ft. similar uses of floor area
8. Offices, public or professional administration service building	One (1) for each four hundred (400) sq. ft. of floor area
9. All other types of business or commercial uses permitted in any business district	One (1) for each three hundred (300) sq. ft. of floor area

Institutional	
1. Churches or other places of religious assembly	One (1) for each five (5) seats
2. Hospitals	One (1) for each bed;
3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar	One (1) for each two (2) beds
4. Medical and dental clinics uses room office and waiting rooms	One (1) for every two hundred (200) sq. ft. floor area
5. Libraries, museums and art galleries	One (1) for each four hundred (400) sq. ft. floor area
Schools (Public, Parochial or Private)	
1. Elementary and Junior High schools	Two (2) for each classroom and one (1) for every eight (8) seats in auditorium or assembly halls
2. High Schools	One (1) for every ten (10) students and one (1) for each teacher and employee
3. Business, technical and trade schools	One (1) for each two (2) students
4. College, universities	One for each four (4) students
5. Kindergartens, child care center	Two (2) for each classroom but not less nursery schools and similar use than six (6) for the building
Manufacturing	
1. All types of manufacturing storage	One (1) for every two (2) employees (Except, parcel delivery and freight for which the building is terminal designed) plus one (1) for each motor vehicle used in the business

Chapter 5
ZONING MAP AND COMPREHENSIVE PLAN

Sections:

- 5-1 Zoning map--Use district boundaries
- 5-2 Zoning map--Amendment procedure
- 5-3 Area classification

5-1 Zoning map--Use district boundaries. The boundaries of the use districts shall be established and clearly indicated upon the zoning map adopted as part of this title.

5-2 Zoning map--Amendment procedure. All amendments of the official zoning map shall follow the procedure set forth in Title 67, Chapter 65 of the Idaho Code.

5-3 Area classification. Areas are to be classified according to the established use districts and such zoning shall give due consideration as to conformity with an adopted comprehensive plan and its stated goals and objectives where these exist.

Chapter 6

A - AGRICULTURAL ZONE

Sections:

- 6-1 Purpose.
- 6-2 Permitted uses
- 6-3 Conditional uses.
- 6-4 Height regulations.
- 6-5 Setback requirements.
- 6-6 Area requirements.
- 6-7 Accessory uses.
- 6-8 Off-street parking requirements.
- 6-9 Rezone requirements

6-1 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 uses on 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.

6-2 Permitted uses. The following are allowed in the A zone:

- A. Agriculture including Concentrated animal feeding operations (CAFO's) which were in existence as of the effective date of this ordinance and not being enlarged more than 25 %, poultry;
- B. Single-family dwelling as regulated in the R-1 zone with the exception that the minimum lot size for such use shall be forty (40) acres; with the exception noted in 6-6.
- C. Accessory uses
- D. Public Utility installation;

6-3 Conditional uses. The planning commission may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Airport;
- B. Cemetery;
- C. Commercial kennel, animal hospital;
- D. Broadcasting tower for radio or television;
- E. Mining, dredging, and excavation of sand, dirt, gravel or other aggregate;

- F. Home Occupations;
- G. Public building, school, hospital or church;
- H. Animal Clinic & Hospital-Veterinary
- I. Riding Stables & Schools
- J. Bicycle Way
- K. Day Care Facilities
- L. Religious Facilities
- M. Truck & Tractor Repair
- N. Additional Dwellings on the Property for farm related purposes
- O. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year.
- P. Concentrated animal feeding operations (established after the effective date of this ordinance) or those existing CAFO's as of the date of this ordinance that expand more than 25%.
- Q. Golf Course/Driving Range
- R. Agri-related business

Other uses deemed similar by the County to the uses above may be considered under a Conditional Use application.

6-4 Height regulations. There shall be no height restrictions in the agricultural zone with the exception of those established in the airport clear zones.

6-5 Setback requirements. The following are setback requirements for the A zone:
Minimum lot width - 100' at building line

- A. Front Yard. No building or structure shall be erected nearer than fifty (50) feet from the property line adjacent to the street.
- B. Side Yard. No building shall be erected closer than twenty (20) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.
- C. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five feet.

6-6 Area requirements. The minimum lot area shall be forty (40) acres.

- A. Exceptions – In the A Zone, one acre parcel per forty (40) acres of land may be split off for development purposes, up to 3 splits, each being no less than two (2) acres and no more than seven (7) acres in size, per contiguous piece of land under the same ownership. Once a split has occurred the parcel split from the original parcel shall not be entitled to any further splits. It is recommended where possible that splits be clustered and placed upon land considered marginal for agricultural use.

6-7 Accessory uses. Accessory uses are permitted.

6-8 Off-street parking requirements Off-street parking requirements for the A are found in Section 4.4.

6.9 Rezone requirements: No land zoned A may be rezoned to a different use until it can be shown that the land is not prime agricultural land. The county seeks to protect agricultural land. Prime agricultural land shall be defined by:

- 1) Potential crop productivity
- 2) Availability of irrigation
- 3) Grazing potential
- 4) Environmental factors
- 5) Availability of public services
- 6) Availability of adequate transportation systems

The applicant applying for rezone shall submit a report as designated by the County addressing these conditions for consideration by the county prior to rezoning of the property.

Chapter 7 AT - AGRICULTURAL TRANSITIONAL ZONE

Sections:

- 7-1 Purpose.
- 7-2 Permitted uses
- 7-3 Conditional uses.
- 7-4 Height regulations.
- 7-5 Setback requirements.
- 7-6 Area requirements.
- 7-7 Accessory uses.
- 7-8 Off-street parking requirements.

7-1 Purpose. The purpose of this agricultural transitional zone or district is to provide for and protect residential lands, conveniently located, in relation to urban centers, of substantial size for families who desire a single-family residential environment in an area transitional from agricultural uses and to provide for gardening and family recreation opportunities, the keeping of a limited number of livestock and poultry and similar endeavors. The minimum lot size and building locations in this zone must be such that water and sewer facilities and the place and locations for them can be easily provided on an individual basis on each lot, without affecting surrounding properties adversely.

7-2 Permitted uses. The following are allowed in the AT zone:

- A. Agriculture not including Concentrated animal feeding operations (CAFO's), poultry;
- B. Golf course;
- C. Single-family dwelling as regulated in the R-1 zone with the exception that the minimum lot size for such use shall be five (5) acres;
- D. Accessory uses
- E. Public Utility installation;

7-3 Conditional uses. The planning commission may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

The following conditional uses are permitted in the AT zone:

- A. Airport;
- B. Cemetery;
- C. Commercial kennel, animal hospital;

- D. Broadcasting tower for radio or television;
- E. Mining, dredging, and excavation of sand, dirt, gravel or other aggregate;
- F. Home Occupations;
- G. Private amusement park, ball park, race track, or similar uses;
- H. Public building, school, hospital or church;
- I. Construction Trades
- J. Recreational Vehicle Park
- K. Animal Clinic & Hospital-Veterinary
- L. Riding Stables & Schools
- M. Swimming Pools (Commercial & Public)
- N. Athletic Fields
- O. Indoor Recreational Facility
- P. Bicycle Way
- Q. Day Care Facilities
- R. Truck & Tractor Repair
- S. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year.
- T. Agri-related business

Other uses deemed similar by the County to the uses above may be considered under a Conditional Use application.

- 7-4 Height regulations. Any building or structure or portion thereof hereafter erected which is not of an agricultural nature shall not exceed three and one-half stories, or thirty-five feet in height unless a greater height is approved by conditional use permit.
- 7-5 Setback requirements. The following are setback requirements for the AT zone:
Minimum lot width - 100' at the building line.
 - A. Front Yard. No building or structure shall be erected nearer than fifty (50) feet from the property line adjacent to the street.
 - B. Side Yard. No building shall be erected closer than twenty (20) feet to any side property line, except corner lots shall maintain a thirty (30) foot side yard adjacent to the street which intersects the street upon which the building fronts.
 - C. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five feet.
- 7-6 Area requirements. The minimum lot area shall be five (5) acres.
- 7-7 Accessory uses. Accessory uses are permitted.
- 7-8 Off-street parking requirements. The following are off-street parking requirements for

the AT in Section 4.4.

Chapter 8
R-1 - SINGLE FAMILY RESIDENTIAL ZONE

Sections:

- 8-1 Purpose.
- 8-2 Permitted uses.
- 8-3 Conditional uses.
- 8-4 Height regulations.
- 8-5 Setback requirements.
- 8-6 Area requirements.
- 8-7 Accessory uses.
- 8-8 Off-street parking requirements.

8-1 Purpose. The purpose of the R-1 Single-family residential zone is to preserve residential neighborhoods, to prevent over-crowding of the land and to encourage the development of low density areas that are best suited for residential purposes.

8-2 Permitted uses. The following uses are allowed in the R-1 zone:

- A. Single-family dwellings;
- B. Home gardening and other horticultural uses not operated as a commercial enterprise;
- C. Accessory uses;
- D. Schools;
- E. Churches;
- F. One sign not to exceed four (4) square feet in area pertaining to the lease or sale of buildings or premises where the sign is located. This provision shall also apply to political signs during campaign periods. Signs for home occupations shall be limited to two square feet in area, shall be unlighted and attached flush to the building.
- G. Livestock not to exceed one animal unit per acre. One animal unit shall be defined as:
 - Cows - 2 (includes cow/calf pair) or,
 - Horses - 2 (includes mare/foal pair) or,
 - Goats/Sheep/Swine - 10 or,
 - Chickens/Fowl - 25

Calves or foals shall not be more than six months of age. These numbers may be exceeded for a period limited to thirty (30) days per year.

8-3 Conditional uses. The planning commission may, after notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such

conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Nonprofit community clubhouse;
- B. Rest and convalescent home;
- C. Building for governmental or public utility functions;
- D. Hospitals;
- E. Clinics;
- F. Parks and playgrounds.
- G. Multiple-family dwellings limited to not more than four units;
- H. Boarding and rooming house;
- I. Temporary buildings as uses necessary for construction purposes for a period not to exceed one year;
- J. Manufactured home parks;
- K. Nursery school/Day Care;
- L. Civic, School and fraternal organizations;
- M. Home Occupations;

Other uses deemed similar by the County to the uses above may be considered under a Conditional Use application.

8-4 Height regulations. Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories or twenty-five feet in height.

8-5 Setback requirements. The following are setback requirements in the R-1 zone:

- A. Front Yard. No building or structure shall be erected nearer than twenty-five (25) feet from the property line adjacent to the street; provided, when lots comprising fifty percent or more of the frontage between two intersecting streets are already developed with buildings having front yards with a variation of not more than twenty feet in depth, the average of such front yards shall establish the minimum front yard depth for the entire frontage. In no case shall a front yard of more than thirty-five feet in depth be required.
- B. Side Yard. No building shall be erected closer than five feet to any side property line, except corner lots shall maintain a twenty foot side yard adjacent to the street which intersects the street upon which the building fronts.
- C. Rear Yard. There shall be a rear yard having a depth of not less than twenty feet.

8-6 Area requirements. The following are area requirements in the R-1 zone:

- A. The minimum lot area for each residential structure shall be one (1) and a lot width at the established building line of not less than one hundred (100) feet.

B. Not more than thirty-five percent of the lot area may be covered by buildings or structures.

8-7 Accessory uses. Accessory uses are permitted if construction either at the same time or subsequent to the main building. Such uses shall be limited to one story in height and shall not encroach upon the front or side yards.

8-8 Off-street parking requirements. The following are off-street parking requirements in the R-1 zone:

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

B. Other uses as defined in section 4-4.

Chapter 9 C - COMMERCIAL ZONE

Sections:

- 9-1 Purpose.
 - 9-2 Permitted uses.
 - 9-3 Conditional uses.
 - 9-4 Height regulations.
 - 9-5 Setback requirements.
 - 9-6 Area requirements.
 - 9-7 Accessory uses.
 - 9-8 Off-street parking requirements.
- 9-1 Purpose. The purpose of the commercial zone is to establish distinct zones regulated to fulfill general retail needs and travel or highway related service requirements within the community.
- 9-2 Permitted uses. The following uses are allowed in the C zones:
- A. Those uses allowed in the A, excluding CAFO's, AT and R-1 districts;
 - B. Retail stores and retail or personal service shops;
 - C. Clinics;
 - D. Commercial and private off-street parking lot for passenger automobiles;
 - E. Nursery school, school for students of art, dancing, dramatics, music, business, or secretarial work;
 - F. Government or public utility facilities of a non-industrial character;
 - G. Theater, indoor;
 - H. Mortuaries;
 - I. Boarding and rooming houses;
 - J. Automobile service station;
 - K. Radio, television and FM broadcasting stations including aerials when made an integral part of principal building;
 - L. Accessory uses to the uses allowed;
 - M. Automobile sale and service;
 - N. Trailer sales and rental;
 - O. Club or lodge;
 - P. Recreational vehicle park;
 - Q. Tavern or lounges;
- 9-3 Conditional uses. The planning commission may, after proper notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the

surrounding property or neighborhood from damage, hazard, nuisance or other detriment:

- A. Those other uses requiring conditional use permits as regulated in the A, excluding CAFO's, AT and R-1 districts;
- B. Automobile and truck repair shop;
- C. Recycling collection center;
- D. Commercial storage buildings for individual storage units for storage of personal belongings and effects.
- E. Bowling alley, dance hall or similar commercial establishments for public gatherings or recreational use;
- F. Auction establishment;
- G. Government Protective Facilities
- H. Welfare & Charitable
- I. Church;
- J. Drive-in theater;
- K. Hospital;
- L. Schools;
- M. Gravel pits

Other uses deemed similar by the County to the uses above may be considered under a Conditional Use application.

9-4 Height regulations. Any building or structure or portion thereof hereafter erected shall not exceed four stories, or forty-five feet in height unless approved by conditional use permit.

9-5 Setback requirements.

- A. A ten (10) foot setback for the front or side yards shall be required.
- B. There shall be a rear yard with a depth of not less than fifteen feet when abutting upon a residential zone. The rear yard may be used for off-street parking and loading.
- C. Residential uses within this zone shall have the same setback and side yard requirements as set forth in the R-1 zone.

9-6 Area requirements. There shall be no minimum lot sizes except that residential uses shall have the same area requirements as set forth in the R-1 zone.

9-7 Accessory uses. Accessory uses are permitted if constructed either at the same time or subsequent to the main building. Such uses shall be limited to two stories in height and shall not encroach upon required setback areas.

9-8 Off-street parking requirements. Off-street parking requirements in the C zone are defined in section 4-4.

Chapter 10 INDUSTRIAL ZONE

Sections:

- 10-1 Purpose.
- 10-2 Permitted uses.
- 10-3 Conditional uses.
- 10-4 Height regulations.
- 10-5 Setback requirements.
- 10-6 Area requirements.
- 10-7 Accessory uses.
- 10-8 Off-street parking requirements.

10-1 Purpose. The I - Industrial district is established to provide for and encourage the grouping together of industrial uses capable of being operated under such standards as to location and appearance of buildings and the treatment of the land about them, that they will be unobtrusive and not detrimental to surrounding commercial or residential uses.

10-2 Permitted uses. The following uses are allowed in the I zone:

- A. Those uses allowed and conditional uses permitted in the A, AT, R-1 and C zones, except single-family, two-family and multiple-family dwellings, schools, churches, hospitals.
- B. Manufacturing, assembling, fabricating, processing, packing, repairing, or storage uses which have not been declared a nuisance by statute, resolution, or any court of competent jurisdiction and provided these uses shall not cause:
 - 1. Dust, smoke, gas, fumes, noise, vibration, or odor beyond the boundaries of the site on which such use is conducted that is unduly hazards or injurious to other properties in the vicinity or to the general public as shall be determined by the Commission,
 - 2. Hazards of fire, explosion, or other physical damage to any adjacent building or plant growth;
- C. Contracting equipment, maintenance or operating equipment of public agencies or public utilities or materials and equipment of a similar nature including lumber, coal, sand and gravel yards;
- D. Food processing;
- E. Laundry and dry cleaning of an industrial character.
- F. Research and development facilities, technical centers
- G. Recycling collection center

10-3 Conditional uses. The planning commission may, after proper notice and public hearing, permit the following uses where such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance, or other detriment.

- A. Broadcasting tower for radio or television;
- B. Storage, for wholesale or for distribution in bulk, of any flammable liquid above or below ground;
- C. Grain elevator and bulk storage such as for potatoes, hay and other similar uses;
- D. Sewerage treatment plant and similar facilities;
- E. Railroad box cars, motor vehicle cargo containers or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the city for storage or other purposes. Said containers are specifically prohibited from being located within any other zone within the county.
- F. Gravel pits
- G. Residence used for security or operational purposes.

Other uses deemed similar by the County to the uses above may be considered under a Conditional Use application.

10-4 Height regulations. Any building or structure or portions thereof hereafter erected shall not exceed five stories of forty-five feet, whichever is greater unless permitted to exceed this height by a conditional use permit.

10-5 Setback requirements. The following are setback requirements for the I zone:

- A. Front Yard. The front yard setback shall be a minimum of twenty feet when a lot abuts, touches or adjoins, or is across the street from a residential district, otherwise a ten (10) foot yard setback is required.
- B. Side yard. The side yard shall be minimum of twenty feet when a lot abuts, touches or adjoins a residential district, otherwise no side yard setback is required.
- C. Rear Yard. The rear yard shall be a minimum of twenty feet when a lot abuts, touches, or adjoined a residential district, otherwise no rear setback is required.

10-6 Area requirements. There shall be no minimum lot size.

10-7 Accessory uses. Accessory uses are permitted.

10-8 Off-street parking requirements. Refer to Section 4-4.

Chapter 11

APPEALS

Sections:

11-1 Appeals

11-2 Procedure

11 - 1 Appeals. Any decision of the Planning and Zoning Commission can be appealed by any affected person to the Board of County Commissioners within 10 days upon receipt of notification of such decision. An affected person is any person who can demonstrate they have or will be impacted by the decision.

11-2 Procedure. Upon receiving notification of a Planning and Zoning Commission decision, any affected person may file, in writing, an appeal of such decision to the Board of County Commissioners. Such appeal must be filed with the Planning and Zoning staff. The Board of County Commissioners shall have 45 days to act upon such appeal and may either affirm the Planning and Zoning Commission decision, not affirm such decision, or modify such decision. Such applicant of an appeal shall have the right to appeal the decision of the Board of County Commissioners in accordance with Idaho State Code 67-6521.

CHAPTER 12

AREA OF CITY IMPACT

Sections:

12-1 Purpose

- 12-1 Purpose. The purpose of the Areas of City Impact district or zone is to identify lands within the county where land use decisions are controlled by mutual agreement of an incorporated city and county through an area of city impact agreement. Such agreements shall be in compliance with the Butte County Comprehensive Plan and any city Comprehensive Plan.

Chapter 13 FLOODPLAIN OVERLAY ZONE

Sections:

- 13-1 Purpose.
- 13-2 Applicability.
- 13-3 Flood Insurance Rate Map adopted by reference.
- 13-4 Building permit required
- 13-5 Building permit defined.
- 13-6 Administrator appointed.
- 13-7 County designee--Duties and responsibilities.
- 13-8 General standards.
- 13-9 Specific standards.
- 13-10 Floodplain compliance disclaimer.

13-1 Purpose. It is the purpose of this zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by methods and provisions designed for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- D. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

13-2 Applicability. This zone shall apply to all areas of special flood hazards within the jurisdiction of Butte County, Idaho.

13-3 Flood Insurance Rate Map adopted by reference. The areas of special flood hazard identified by the Federal Insurance Administration on its Flood Insurance Rate Map (FIRM), is adopted by reference and declared to be a part of the ordinance codified in this title.

13-4 Building permit required. A building permit shall be obtained before construction or development begins within any area of special flood hazard. The permit shall be for all

structures including manufactured homes, as set forth in Section 2-1, and for all other development including fill and other activities.

- 13-5 Building permit defined. All references within this chapter to "building permits" shall include permits for development as the term "development" is defined under Section 2-1 of this code.
- 13-6 Administrator appointed. A county designee is appointed to administer and implement this zone by granting or denying permit applications in accordance with its provisions.
- 13-7 County designee--Duties and responsibilities. Duties of the county designee shall include, but not be limited to:
- A. Permit Review.
 - 1. Review all building permits to determine that all permit requirements of this zone have been satisfied;
 - 2. Review all building permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
 - 3. Review all building permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 13-8 and 9 are met.
 - B. Use of Other Base Flood Data. When base flood elevation data has not been provided the County designee shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsections A, B, and C of Section 13-9.
 - C. Information to Be Obtained and Maintained.
 - 1. Where base flood elevation data is provided through the Flood Insurance Study or in Section 13-7 (B) obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
 - 2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level),
 - b. Maintain the floodproofing certifications required in subsection B3 of Section 13-9.
 - D. Alteration of Watercourses.
 - 1. Notify adjacent communities and the Idaho State Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FHBM Boundaries. Make interpretation where needed, as to exact location of the boundaries of the areas of special flood hazards. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the rules and regulations of the National Flood Insurance Program.

13-8 General standards. In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" Guidebook For Additional Techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Subdivision Proposals.

No new subdivisions of land, initiated after the effective date of this ordinance, shall be allowed within a designated floodplain area. Existing lots or parcels will be allowed to develop after meeting all requirements of this section. This may be reconsidered based upon the flooding history of the property and other environmental factors and criteria. It shall be the responsibility of the developer to provide such information to the County. If it is determined that a subdivision may be developed it shall meet the following criteria:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed development which contain at least fifty lots or five acres, whichever is less.

E. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

13-9 Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study For the County of Butte" dated, on file at Butte County Courthouse, Arco, Idaho, and declared to be a part of this chapter, with accompanying flood insurance maps, the following provisions are required:

A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for

meeting this requirement must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - b. The bottom of all openings shall be no higher than one foot above grade;
 - c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit floodwaters.
- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydronamic loads and effects of buoyancy;
 3. Be certified by registering professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in subsection C2 of Section 13-9.
 4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section, 13-9 (2).
 5. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- C. Manufactured or Mobile Homes. All manufactured homes to be placed or substantially improved within zones A, AT & R1, as set forth on the Flood Insurance Rate Map, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 13-8 (A).
- D. Floodways. Located within areas of special flood hazard established in Section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
2. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

13-10 Floodplain compliance disclaimer. The County in issuing a building permit for construction within this zone makes no representation to the applicant of the County's compliance with federal and state laws because a report entitled "The Flood Insurance Study For the County of Butte" with accompanying flood insurance maps, has not been completed and submitted to the county by the Federal Flood Insurance Program; therefore, the county makes no representation pertaining to the issuance of permits within floodplains or the ability of the applicant to obtain federally sponsored financing for construction or sale of a building that the applicant will be able to obtain national flood insurance.

Chapter 14 CONDITIONAL USE PERMITS

Sections:

- 14-1 Application--Filing--Contents.
- 14-2 General standards applicable to conditional uses.
- 14-3 Supplementary conditions and safeguards may be required.
- 14-4 Public hearing required--Notice of time and place.
- 14-5 Commission action.
- 14-6 Applicant notification/appeal.

14-1 Application--Filing--Contents. An application for conditional use permit shall be filed with the clerk by at least one owner of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant;
- B. Legal description of property (with street address, if possible);
- C. Description of existing use;
- D. Zoning district;
- E. Description of proposed conditional use;
- F. A plan of the proposed site for the condition use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title;
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

The County reserves the right to request more information.

14-2 General standards applicable to conditional uses. The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established in this title for the zoning district involved, in that it is not already defined as a permitted use in Chapters;
- B. Will be harmonious with and in accordance with the general objectives or with any

specific objective of the comprehensive plan and/or the zoning ordinance;

- C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- I. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

14-3 Supplementary conditions and safeguards may be required. In granting any conditional use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title.

14-4 Public hearing required--Notice of time and place. Prior to granting a conditional use permit, at least one public hearing in which interested persons shall have an opportunity to be heard shall be held before the commission. At least fifteen days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice may also be made available to other newspapers, radio or television stations serving in the jurisdiction for use as a public service announcement. Notice of the hearing shall also be provided by the applicant by regular mail to property owners and residents within the land being considered, three hundred (300) ft beyond the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed conditional use as determined by the commission. Property owners or residents who reside outside the postal service zip code mailing limits of the city, and whom the commission determines may be impacted by the proposal change, shall be given notice of the public hearing by certified mail. When notice is required to two hundred or more property owners or residents, in lieu of the mailing notification, three notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten days prior the public hearing.

14-5 Commission action.

- A. Within forty-five (45) days after the public hearing, the commission shall give approval, conditional approval, or disapproval of the application for conditional use permit as presented.
- B. Upon granting of a conditional use permit, conditions may be attached to a conditional use permit including, by not limited to, those:
 - 1. Minimizing adverse impact on other developments;
 - 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 provisions for on-site or off-site public facilities or services;
 - 7. Requiring more restrictive standards than those generally required in an ordinance.
- C. Prior to granting a conditional use permit, the commission may request studies from the applicant or public agencies concerning social, economic, fiscal and environmental effects of the proposed conditional use. 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.
- D. The commission shall insure that any favorable recommendations for conditional use permits are in accordance with the comprehensive plan and established goals and objectives.
- E. Upon granting or denying an application the commission shall specify:
 - 1. The ordinance and standards used in evaluating the application;
 - 2. The reasons for approval or denial;
 - 3. The actions, if any, that the applicant could take to obtain a permit.

- 14-6 Applicant notification/appeal. Within ten days after a decision has been rendered, the clerk shall provide the applicant with written notice of the action on the request. Such notice shall include notification of an appeal period pursuant to Chapter 11. The applicant will have ten (10) days to appeal the commission decision to the Board of County Commissions.

Chapter 15 VARIANCES

Sections:

- 15-1 Granted when.
- 15-2 Application--Filing--Requirements.
- 15-3 Filing fee.
- 15-4 Public hearing required--Notification.
- 15-5 Commission action.
- 15-6 Council action--Applicant notification.

15-1 Granted when. The planning commission shall consider variances to the terms of this title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship and under such conditions that the spirit of this title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. In acting upon such variance the planning commission shall make full investigation and shall only recommend granting a variance upon finding that the following are true:

- A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive general plan for the county, and will not effect a change in zoning;
- B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the intended use thereof causing undue hardship, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:
 - 1. Undue loss in value of the property,
 - 2. Inability to preserve the property rights of the owner,
 - 3. The prevention of reasonable enjoyment of any property right of the owner;
 - 4. Such hardship shall be proven by the owner
- C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of such property improvements.
- D. That the reason for a variance was not caused by the owner's, or previous owner's, actions.

15-2 Application--Filing--Requirements. An application for a variance may be initiated by one or more property owners. Such application shall be filed with the planning commission on forms

prescribed by the planning commission accompanied by such data and information necessary to assure the fullest presentation of facts and should include:

- A. Name, address, and phone number of applicant(s);
- B. Legal description of property (and street address, where possible);
- C. Description of nature of variance requested;
- D. A narrative statement demonstrating that the requested variance conforms to the standards set forth in Section 15-1 above;
- E. Name and address of all property owners and residents within three hundred feet of the exterior boundaries of the land being considered.

15-3 Filing fee. A filing fee shall be paid at the time of the filing by the owner or owner's representative.

15-4 Public hearing required--Notification. The planning commission shall hold at least one public hearing on each variance request following the same hearing and notice procedures as set forth in Section 14-4, except notification to property owners shall be by ordinary mail and need not extend beyond adjoining property owners to the external boundaries of the land being considered.

15-5 Commission action. Within thirty days after the public hearing for a variance request, the commission shall transmit its recommendations for approval or disapproval to the board.

15-6 Board action--Applicant notification. Within thirty days after receiving the recommendations of the commission, the board shall approve, disapprove, or approve with conditions, the application for variance and shall give notice to the applicant within ten days after the decision has been rendered.

Chapter 16 FILING FEES

Sections:

16-1 Designated Fee.

- 16-1 Designated Fee. All applications for amendment, reclassification, conditional use, or variances, shall be accompanied by a filing fee set by resolution causing the applicant to reimburse the County for all costs incurred in publication and/or mailing.

Chapter 17 ENFORCEMENT

Sections:

17-1 Enforcement.

17-2 Violation--Penalty.

17 1 Enforcement. The County or its designee shall be responsible for the enforcement of the provisions of this title.

17-2 Violation--Penalty.

A. Any person, firm or corporation violating any of the provisions of this title is guilty of a misdemeanor, and is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted as provided by Idaho Code.

B. Upon conviction of any violation of any of the provisions of this title, such person shall be punished by a fine of up to three hundred dollars, or by imprisonment for not more than six months or both such fine and imprisonment.

CHAPTER 18

SIGNS

Sections:

- 18-1 Definitions
- 18-2 Locations where signs may not be erected
- 18-3 Qualifying Commercial and Industrial Zones
- 18-4 Standards for Maximum Advertising Signs
- 18-5 Standards for use of Lighting on Advertising Signs
- 18-6 Standards for Spacing of Signs
- 18-7 Spacing from Features or Activities
- 18-8 General Prohibitions Relating to Advertising Signs
- 18-9 Scenic Byways
- 18-10 Applying for a Sign Permits
- 18-11 Nuisances

18-1 Definitions

Advertising Structures, signs or displays are defined as any outdoor structure, display, light device, figure, painting, drawing, message, plaque, billboard, or other things which is designed, intended or used to advertise or inform. For simplicity, the term "Advertising Sign" is used in this ordinance. It is not intended to include official notices; notices posted in performing a public duty, directional wording; or informational structures required or authorized by law of regarding utility facilities or services; or official or public structures within its territorial jurisdiction with contain the name of such city or county.

Commercial or industrial activities are those activities generally recognized as commercial or industrial falling within those designated zones, except that none of the following activities shall be considered commercial or industrial:

- ◆ Agricultural, forestry, grazing, farming and related activities including wayside fresh produce stands.
- ◆ Transient or temporary activities
- ◆ Activities not visible from the main traveled way
- ◆ Activities conducted in a building principally used as a residence
- ◆ Railroad tracks and minor sidings.

Erect means to construct, build, raise, assemble, place, affix, create, paint, draw or in any other way bring into being or establish, but does not include any of the foregoing activities when performed incident to the change of an advertising message or customary maintenance of a sign.

Urban Areas means any geographic area with the city limits or any incorporated city.

Visible means capable of being seen without visual aid by a person of normal visual acuity.

18-2 Locations where signs may not be erected

- a. No private signs may be erected within the highway or county road right of way.

- b. Adjacent to the right of way of any controlled highway or county road, no signs except for On Premise, For Sale, Directional and Official signs, may be erected.
- c. Advertising signs may be erected only in qualifying commercial and industrial zones. They must conform to specific size, lighting and spacing standards even in those areas. They must have and display a Butte County permit, which is issued only when the sign meets all requirements.

18-3 Qualifying Commercial and Industrial zones

A zoned commercial or industrial area may be considered for a sign site where there is an actual commercial or industrial use. Zoning for the sole purpose of allowing advertising structures, or in anticipation of commercial or industrial uses at an uncertain future date, is not recognized for the purposes of permitting the erection of advertising signs.

18-4 Standards for Maximum Advertising Signs

The maximum size of advertising displays, including border, trim, cutouts and extensions are:

Maximum area – 1000 square feet

Maximum height – 30 feet

Maximum length – 50 feet

The sign face area is measured by the smallest square, rectangle, triangle, circle or combination of these which includes the entire advertising device including border, trim, cutout and extension, but not supporters and decorative bases.

18-5 Standards for Use of Lighting on Advertising Signs

An advertising sign cannot be illuminated so that it:

- ◆ Interferes with the effectiveness of, or obscures an official traffic sign, device or signal.
- ◆ Is visible from any primary highway or county road and displays red or blinking intermittent light likely to be mistaken for a warning or danger signal.
- ◆ Is of such brilliance and is so positioned as to blind or dazzle the vision of travelers on adjacent highways or county roads.

18-6 Standards for Spacing of Signs

Spacing between signs on highways or county roads is measured independently along each side of the road. Signs erected by public agencies or on-premise signs are not counted in determining compliance with spacing requirement.

The minimum spacing along roads in Butte County is 100 feet. However the number of signs cannot exceed the length of the area measured along the centerline of the road divided by 250 feet; two signs will be permitted at a single location, either double faced, V type, or back to back, but shall be considered one sign for the purpose of spacing requirements. A sign structure may contain one or more advertisements on each face but the maximum area per face cannot exceed 1000 square feet and be considered one sign for the purpose of spacing regulation.

18-7 Spacing from Features or Activities

Advertising signs may not be located within 500 feet of the following activities that are adjacent to the highway:

- ◆ Public parks, public forests, and public playgrounds
- ◆ Scenic areas designated as such by any state agency
- ◆ Within 500 feet of a railroad overpass or highway grade separation structure where the highway passes underneath the railroad or highway and there is no traffic connection between highways.
- ◆ Within 500 feet of the point of pavement widening at the entrance or exit to a rest area, weight checking station, port of entry or any other government operated facility for use by motorists.
- ◆ Where intersections are more than 500 feet apart, advertising signs are not permitted within 100 feet from the right of way line of the intersecting road unless buildings or structures control cross vision. In such cases advertising signs may be permitted up to and on top of the intervening structures.

Where intersections are 500 feet or less apart, advertising signs are permitted a minimum of 50 feet from the right of way line of the intersecting road, provided all signs between 50 and 100 feet from the intersecting road right of way line must have the lower extremities of the display not less than 14 feet above the traveled way of the roads affected by the intersection for visibility under the signs by the road users. Advertising displays are permitted within 100 feet of the intersecting road's right of ways when buildings or structures control cross vision; but such displays must not be located so as to cause greater restriction to vision than the existing buildings or structures.

18-8 General Prohibitions relating to Advertising Signs

Butte County prohibits signs that are placed or maintained in any of the following locations, or any signs of the following nature:

- ◆ Not maintained in a safe condition
- ◆ Not clear or in good condition
- ◆ Purported to direct the movement of traffic
- ◆ Located within the stream or drainage canal or below the flood water level of any stream or drainage canal where the advertising display might be deluged by flood waters and swept under any highway or road structure crossing the stream or drainage canal or against the supports of any road structure.
- ◆ Painted, affixed or attached to any natural feature.
- ◆ Located as to hinder the clear, unobstructed view of approaching or merging traffic, or obscure from view any traffic sign or other official sign.
- ◆ Located as to obscure the view of any connecting road or intersection
- ◆ Visible from any road and simulating or imitating any directional, Warning, danger or information signs; intended or likely to be construed as giving warnings of traffic
- ◆ Visible from the road and displaying any red, blue or blinking intermittent light likely to be mistaken for a warning or danger signal.

18-9 Scenic Byways

Scenic byways are specially-designated roads where the pleasure of the trip is found in the quality of the scenery along the way. In order to retain the special character of these byways, new advertising signs

may not be built along them. Existing signs may be maintained. On-premise and "for sale" signs may also continue to be erected, as can directional and official signs.

18-10 Applying for a Sign Permit

A sign permit application may be obtained at the Butte County Courthouse. The applications shall require:

- ◆ Name of Applicant
- ◆ Location of property sign will be placed upon
- ◆ Permission of property owner
- ◆ Sign message
- ◆ Sign dimensions
- ◆ Site plan
- ◆ Zoning designation
- ◆ Other information as may be required by the county

18-11 Nuisances

All advertising displays which are placed or which exist in violation of the provisions of this chapter are public nuisances and may be removed by the county.

CHAPTER 19 PERFORMANCE STANDARDS

Sections:

- 19-1 General
- 19-2 Supplemental General Provisions
- 19-3 Conversion of Dwellings to More Units
- 19-4 Temporary Buildings
- 19-5 Parking and Storage of Certain Vehicles
- 19-6 Provisions for Commercial and Industrial Use
- 19-7 Fire Hazards

- 19-1 General The purpose of these Performance Standards is to set specific conditions for various uses, and classification of uses in areas where problems are frequently encountered.
- 19-2 Supplemental General Provisions - In addition to all other regulations specified in this Ordinance, the following provisions shall be adhered to:
- 19-3 Temporary Buildings - Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may only be permitted in any zone during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a Conditional Use Permit authorized by the County.
- 19-4 Parking and Storage of Certain Vehicles - Not more than two (2) inoperable and unregistered vehicles of any kind or type, excluding farm implements, shall be parked or stored on any agricultural or residential property other than in a completely enclosed building or carport, behind a sight obscuring enclosure or fence or a legally licensed junk yard.
- 19-5 Provisions for Commercial and Industrial Uses - No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements within this Ordinance.
 - a) Fire Hazards - Any activity involving the use or storage of flammable or explosive materials, including hazardous materials shall be protected by adequate fire fighting and fire protection equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the Uniform Fire Code and the National Safety Foundation publications.
 - b) Radioactivity or Electrical Disturbance - No activity shall emit harmful

radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

- c) Noise - Objectionable noise as determined by the County which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement, as are noises attendant to ordinary agricultural operations.
- d) Vibration - No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
- e) Air Pollution - Air pollution shall be subject to the requirements and regulations established by the Central District Health Authority, or the State of Idaho, District 7 Health.
- f) Glare - No direct or reflected glare shall be permitted which is visible from any property outside an industrial-commercial zone or from any street.
- g) Erosion - No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.
- h) Enforcement Provisions - The County, prior to the issuance of a Building Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- i) Measurements Procedures - Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures by the Health Authority.

19-6 Provisions For Unique Land Uses - Certain unique land uses pose special problems that may have detrimental influences on surrounding land uses. The following performance standards for such unique land use shall be adhered to in addition to all other provisions of this ordinance.

19-7 Accessory Building -

- 1. Will not be located in any required front yard area.
- 2. Will not be located closer than five (5) feet from any side or rear property line.
- 3. A building permit will be required for any accessory building over 120 square feet in size.

19-8 Animal Clinic, Animal Hospital, Veterinary Office and Kennel - Will be located at least three hundred (300) feet from any residence including motels and hotels, except for an owner's residence. The County may modify these requirements if the animals are housed in sound-proof structures that screen them from view of the abutting residential property.

19-9 Meat Packing, Processing Plant and Slaughterhouse Facilities -

- 1. Will be located not less than one thousand (1000) feet from any residence, except for an owner's residence. (the 1,000 foot restriction may be waived if the affected proper owners give written permission to the County)

2. Will be designed and located with full consideration to their proximity to adjacent uses, their effect upon adjacent and surrounding properties, and to the reduction of such nuisance factors as odor and vectors.
3. Will be adequately maintained with housekeeping practices to prevent the creation of a nuisance, and shall also be subject to the Health Authority requirements as to the elimination of waste materials and the maintenance of water quality control.

19-10 Bulk Storage of Flammable Liquids and Gases, Above Ground and For Resale. -

1. Will be located at least three hundred (300) feet from a residence, motel, or hotel, except for an owner's residence.
2. Will be erected with the written approval of the Fire Authority having jurisdiction.
3. Will have suitable loading and unloading spaces and off-street parking facilities meeting the approval of the Fire Authority.

19-11 Chemicals, Pesticide and Fertilizer Storage and Manufacturing - Will have adequate fire protection, storage area, handling and disposal as approved in writing by the Fire Authority having jurisdiction.

19-12 Contractors Yard -

1. Will be located a minimum distance of the three hundred (300) feet from any residence except for an owner's residence.
2. Will have a vision-screening fence around areas utilized for storage equipment and demolition material.

19-13 Drive-In Restaurant-

1. Will be enclosed within the property lines with landscaping and fencing, except for ingress and egress, to prevent trash from moving onto other properties.
2. Will have a six (6) foot high sight-obscuring fence along the property lines that adjoin a residence.
3. Will provide for adequate trash receptacles; and
4. Will avoid the direction of night lighting of the property lines.

19-14 Filling, Grading, Lagooning, Dredging, or Other Earth Moving Activities -

1. Will take place in such a manner as to result in the smallest amount of bare ground exposed for the shortest time feasible.

2. Will provide temporary ground cover, such as mulch.
3. Will use diversions, silting basins, terraces and other methods of trap sediment.
4. Will provide lagooning in such a manner as to avoid creation of fish-trap conditions.
5. Will not result in damage to a floodway, channel or natural drainage way.
6. Will construct and stabilize sides and bottom of cuts, fills, channels and artificial water courses to prevent erosion or soil failure.
7. Will not have below grade excavation except for drainage ways within fifty (50) feet of any lot line or public right-of-way.
8. Will restore topsoil or loam to a depth of not less than four (4) inches.

19-15 Gravel Pits, Rock Quarries, Sand and Clay Pits and Other Natural Resources of Commercial Value -

1. A valid permit and license to develop shall be obtained from the proper state and federal agencies and a copy of an approved Reclamation Plan shall be filed with the County and all other appropriate agencies.
2. The extent and method of rehabilitation shall be determined in advance of issuing a conditional use permit with due consideration given to what is suitable and compatible with the surrounding area.
3. Upon depletion of the area, all temporary buildings and structures except property line fences and structures for the loading, measuring or weighing of saleable material in storage, shall be entirely removed from the property.
4. Safety fencing shall be erected around all pits that create a safety hazard.

19-16 Home Occupations -

1. No more than one (1) person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than fifty percent (50%) of the floor area of the dwelling unit shall be used in the conducting of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding twelve (12) square feet in area, indirectly illuminated and mounted flat against the wall of the principal building.

4. No significant traffic shall be generated by such home occupation and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation which create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

19-17 Outdoor Storage of Commercial and Industrial Materials -

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

19-18 Riding Stables and Schools -

1. Will locate all stables or loafing sheds not nearer than three hundred (300) feet from any residence, except for owner's residence. All facilities shall be set back a distance of thirty (30) feet from any property line.
2. Will be designed and located with full consideration being given to their proximity to adjacent uses and their effect upon adjacent and surrounding properties as to the storage of horse trailers and the factors of noise and odor.
3. Will require that the owner or operator of such use shall have a continuous obligation to maintain adequate housekeeping practices to prevent the creation of a nuisance.
4. Will conform to L.C.O. Animal density restrictions contained herein.

19-19 Rifle and Pistol Range -

1. Will be designed with a backstop.
2. Will be designed to avoid a line of fire that is directed towards any residence or business within one (1) mile.
3. Will incorporate landscaping that is compatible with the surrounding landscaping.
4. Will provide supervision and security measures during all periods of use.

19-20 Wrecking Yard and Junk Yard -

1. A sight obscuring enclosure meeting the terms of this ordinance shall be constructed parallel to and ten (10) feet back of the right-of-way line of any public street or highway for any auto wrecking yard and salvage yard. Said fence shall be constructed along the entire premises devoted to such auto wrecking or salvage yard, and shall be constructed within one (1) year from the effective date of this ordinance.
2. Materials used and details of construction must be approved by the Planning Commission. The decision of the Planning Commission shall be guided by the need to preserve and protect the scenic and aesthetic values of the surrounding area, and to protect property value.
3. Will not store automobile, junk or salvage material that is visible from any other property.
4. Will not store automobiles or junk in a manner that exceeds the height of fence.
5. Will have such landscaping that is appropriate with the surrounding area.
6. Will have a current, valid license from the County to operate a junkyard.

19-21 Landfill, Incinerators, Compost Operators, and other Solid Waste Disposal Facilities - The Planning Commission may grant a special use permit for the construction of a landfill, recycling center, incinerator, commercial composting operation, liquid waste land farm, or any other type of solid waste disposal or recycling operation subject to the following conditions:

1. No such permit shall be granted in the AT & RI zones.
2. Such operations shall obtain a permit from the Board of County Commissioners.
3. Such operations shall be required to establish to the Commission's satisfaction that they intend to and are financially capable of complying with all State, Federal, and local laws, ordinances, and regulations governing the conduct of such operations.
4. Such operations shall be required to plan for, install and maintain such safeguards and measures as the Commission shall require to insure that ground water quality and air quality, are preserved and environmental hazards and nuisance and unsightly areas are not created by the operation.
5. Such operations that involve the landfilling of solid waste shall be required to install a composite liner system and a leachate collection system.

19-22 Concentrated animal feeding operations

1. Existing CAFO's will not be required to obtain an CAFO conditional use permit unless the operation is expanding more than 25%. If a permit is required, the existing CAFO shall

follow all other requirements of this section.

2. Procedure for an CAFO conditional use permit:

a) An application for a permit pursuant to this Chapter shall be filed prior to the beginnings of construction, with the County by the owner of the real property for which the CAFO is proposed.

b) Permit application forms shall be available from the Butte County Courthouse and shall include the following items:

- 1) Name, complete address and telephone number of the applicant.
- 2) The legal description of the real property upon which the CAFO will be constructed and operated.
- 3) A full description of the present use of the property, including the present zoning of the property.
- 4) A full written description of the CAFO.
- 5) A complete site plan of the CAFO site, with a minimum site plan drawing scale of 1"=100'. The site plan shall include the location of all structures, feed storage areas, animal confinement areas, waste storage areas, water wells, canals, ditches, injection wells, rock outcroppings, sink holes, traffic access, area lighting fixtures, adjoining residences, and public thoroughfares and shall also include setback measurements.
- 6) A topographical map and soils map of the real property.
- 7) A waste system design for solid and liquid waste approved by the Idaho Department of Health and Welfare, Division of Environmental Quality.
- 8) Any other requirements as may be set by the county

Such application shall be subject to the same fees and procedures as any conditional use application.

c) Permitted Locations: New CAFO's shall be allowed only in areas designated as Agricultural A zones and only within the provisions of this Chapter.

d) Required Setbacks: CAFO's must meet the following setbacks:

- 1) Forty feet from all public roads and/or highways
- 2) One hundred feet from all potable water wells or as specified by the District Health Department
- 3) One thousand feet from any residence not related to the CAFO, which residence was existing or under construction at the time of application.

19-23 Manufactured/Mobile Home Placement Standards:

- 1) Manufactured homes meeting definition requirements of Section 2-1 of this ordinance may be sited on lots within the County limits. Manufactured home does not include recreational vehicles.
- 2) Mobile Home Placement- No mobile home may be placed on a single-family lot within the limits of the County after the effective date of this ordinance unless it meets the rehabilitation standard as specified in Title 44 of the Idaho Code and also meets the siting standards of a manufactured home as state in Section 2-1. Mobile homes do not include recreational vehicles.

CHAPTER 20 DEVELOPMENT AGREEMENTS

Sections:

20-1 Development Agreements Allowed

20-1. Development Agreements Allowed: The county may grant a change in zoning contingent upon the owner fulfilling specific terms, provisions, reservations and commitments contained in an agreement in order to provide a balance between the owner's desire for certainty in the development process and the County's desire for control of project impacts, to insure harmony with the established surrounding pattern of development; and to insure that the development proceeds in the best interest of health, safety and welfare of the citizens of Butte County. Such agreement must be in compliance with Idaho Code 67-6511.