

TITLE 5 CHAPTER 1

ZONING ORDINANCES

SECTION

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5-1-1-1: 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.

5-1-1-2: 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.

5-1-1-3: 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 property.

5-1-1-4: LOTS OF RECORD: Any single lot or parcel of land, which was of record and a legal lot at the 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.

5-1-1-5: 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;
- (C) On a corner lot in any residential district, nothing, except see-through fences to a maximum height of four feet above the centerline grades of intersecting streets bounded by the property lines of such corner lots on a line joining points along said property lines for fifteen feet, which do not materially impede vision, shall be erected, placed, planted, or allowed to grow. Otherwise, fences, walls, and hedges are permitted in any required yard or along the edge of any yard. All fences, walls, and hedges on a premise shall be safe and structurally sound, and shall be maintained so as not to constitute a blighting influence. Blighting influences include leaning fences, missing slats or blocks, painted graffiti, deterioration and rotting. *[Part (C), Section 5-1-1-5 amended October 14, 1998, Ordinance 98-10-2]*

5-1-1-6: 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 building may be enlarged or extended only if thereafter the entire building is devoted to a conforming use.
- (C) No building 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.
- (D) 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.
- (E) Any nonconforming building destroyed by fire or other calamity to an extent of forty percent or more of the physical structure may not be restored unless such restoration shall

make the building a conforming building and any intended use shall be a conforming use; provided, however, that nothing in this title shall be construed to prevent the restoration and the resumption of former lawful use of any building that is damaged or partially destroyed by fire, or other calamity, to the extent of less than forty (40) percent; provided, that such restoration is started within one calendar year and diligently prosecuted to completion.

- (F) Whenever a nonconforming use of land or building has been discontinued for a period of one year, 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.
- (G) Regardless of the provisions of subsections A through E of this section, and those uses allowed under other provisions of the Albion Municipal 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 city for private and noncommercial storage of grain, or 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 city approving a conditional use permit for same.

5-1-1-7: WELLHEAD PROTECTION: All development will comply with the City Wellhead Protection Ordinance.

5-1-1-8: DEVELOPMENT ON IMPROVED STREETS: No lot will be developed without proper access to a public street. Should such street not be improved, it shall be the responsibility of the property owner whose property is being developed to improve the street to City standards.

SECTION 2: DEFINITIONS

5-1-2-1: DEFINITIONS: Whenever the following words or terms are used in this Code, they shall have such meaning herein ascribed to them, unless the context makes such meaning repugnant thereto:

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.

Terms not defined shall have their ordinary accepted meanings within the context with which they are used. *Webster's "Third New International Dictionary of the English Language, Unabridged"* shall be utilized to provide ordinary accepted meanings for purposes of definitions not set out hereinafter.

ACCESSORY BUILDING:

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.

ACCESSORY DWELLING UNIT:

A habitable living unit added to, created within, or detached from a single- family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

ACCESSORY USE:

A use of land, secondary building or part thereof, or a portion of the main building which is incidental, subordinate, and is accessory to the principal use of the premises wherein accessory uses are authorized uses.

ACCESSORY USE OR STRUCTURE:

A use, building, or structure that is customarily incidental and subordinate to the principal or approved conditional use or building, and is constructed or located upon the same lot.

ADVERTISING:

Any means of communication that calls public attention to a product, service, or need, especially by paid announcements.

AFFECTED PERSON:

Shall mean one having a bona fide interest in real property which may be adversely affected by:

- (i) The approval, denial, or failure to act upon an application for a subdivision, variance, special (or conditional) use permit, and such other similar applications required or authorized under this code; or
- (ii) The approval of an ordinance first establishing a zoning district upon annexation or the approval or denial of an application to change the zoning district applicable to specific parcels or sites pursuant to Albion zoning regulations.

AGRICULTURE:

The use of land for farming, to include, but not necessarily be limited to: tilling of soil, horticulture, raising crops, livestock, dairying, including all uses customarily accessory and incidental thereto; but excluding commercial feedlots, fertilizer works, and slaughterhouses. Incidental retailing of goods and products raised on the premises shall also be considered as being within this definition. Raising of gardens for personal use and consumption shall be excluded here from.

AGRONOMY, CROP CONSULTING SERVICES:

The science or practice of producing crops and livestock, or consulting services with respect to crop production.

AIRFIELDS, AIRPORTS AND HELIPORTS:

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, or other facility designed or used, whether privately or publicly by any person for the landing and taking off of aircraft of any type, to include helicopters.

ALCOHOLIC BEVERAGES:

see code for definition, in line with state law.

ALLEY:

Any public space or thoroughfare, which has been dedicated or deeded to the public use and which provides a secondary public means of access to abutting properties.

AMUSEMENT PARK:

A group of entertainment attractions, rides, and other events in a location for the enjoyment of people, who are not the owners of the park.

ANIMAL:

Any live creature, either domestic or wild, except humans or plants. Animals include fowl and reptiles, but shall exclude fish.

ANIMAL CLINIC, ANIMAL HOSPITAL, OR VETERINARY OFFICE:

Any building or portion thereof designed or used for the care or treatment of cats, dogs, sheep, cattle, and horses, or other animals in which veterinary services are performed. This includes clipping, bathing, boarding, and other services rendered to such animals and pets.

ANIMAL CONTROL OFFICER:

Any employee or agent of the city, designated by the mayor or city administrator to administer and enforce the licensing, inspection and compliance requirements established by this chapter.

ANIMAL UNIT(S): The following standards shall be used and applied to this title to establish an equivalency for various species of livestock. All livestock shall have the following animal unit equivalents for purposes related to this Title:

<u>Animal Types</u>	<u>Animal Equivalency Factor</u>
Dairy Cattle:	
Holsteins (milking and dry cows)	1.4 animal units
Jerseys (milking and dry cows)	1.0 animal units
Heifers:	
Less than 500 pounds	0.4 animal units
500 pounds to 700 pounds	0.6 animal units
700 pounds to 900 pounds	0.8 animal units
Greater than 900 pounds	1.0 animal units
Beef Cattle/Slaughter/feeder:	
Less than 300 pounds	0.2 animal units
300 pounds to 500 pounds	0.4 animal units

500 pounds to 700 pounds	0.6 animal units
700 pounds to 900 pounds	0.8 animal units
Greater than 900 pounds	1.0 animal units
Hogs/swine/pigs	0.5 animal units
Sheep/lambs: (each)	0.1 animal units
Horse: (each)	2.0 animal units
Chickens (each)	0.01 animal units
Turkeys (each)	0.02 animal units
Fur-bearing animal (each)	0.02 animal units
Goats (each)	0.3 animal units
For species not specifically identified: 1,000 pounds of live body weight	1.0 animal units

ANTENNA:

Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

APARTMENT:

A room or a suite of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit and has complete kitchen and sanitary facilities permanently installed.

APPAREL REPAIR AND ALTERATION:

A business, with primary service offered being to alter, hem, mend, patch, repair, re-size, or re-style clothing, garments and wardrobe.

APPLICANT:

A person or legal entity seeking approvals or permits pursuant to this title which person or entity has an ownership or other vested interest in real property of a nature sufficient to control the use for which is proposed the application(s) is sought for the real property.

AREA OF CITY IMPACT:

The unincorporated land surrounding the city limits of the City of Albion as established by ordinance and any amendments thereto, as mutually agreed upon with Cassia County, in conformance with the laws of the state of Idaho.

AREA OF SPECIAL FLOOD HAZARD:

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

ASPHALT PLANT:

A plant used for the manufacture of asphalt, macadam, and other forms of coated road stone, collectively known as blacktop.

ASSEMBLY AND FABRICATION:

Assembly is the fitting together of manufactured parts into a complete machine, unit of a machine or structure. Fabrication is the building of structures by cutting bending and assembling processes.

ASSISTED OR RESIDENTIAL LIVING FACILITY:

A facility, however named, that is operated, whether on for- profit or non-profit basis, for the purpose of providing necessary supervision, personal assistance, meals and lodging to three (3) or more elderly, developmentally disabled, physically disabled and /or mentally ill adults, not related to the owner.

AUDITORIUMS:

A room or building in which an audience is seated to enable the audience to hear and watch performances.

AUTOMOBILE SALES AND RENTAL LOTS:

Any premises on which new and used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale, trade, or rental and where no repair or service work is done and on which all motor vehicles are capable of operation with their own power at all times.

AUTOMOBILE SERVICE REPAIR STATIONS:

Any 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 motor vehicle repairs, rebuilding, reconditioning, including collision, service, painting, steam cleaning, and/or manual or automatic car washes.

AUTOMOBILE SALVAGE/WRECKING YARD:

Any use of premises, unless in all enclosed buildings, where the use is maintained, operated, or used for storing, keeping, buying, or selling inoperable motor vehicles or parts from motor vehicles, or which used motor vehicles or parts thereof are dismantled or stored.

BALL PARK:

A park or stadium, or tract of land, in which, or at which, ball games are played.

BASE FLOOD:

A flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

BEAUTY SHOP, BEAUTY SALON, OR BEAUTY PARLOR:

An establishment providing services such as haircuts, styling, perms, coloring, waxes, manicures, pedicures, or where cosmetic treatments are offered.

BED AND BREAKFAST FACILITY:

See definition of "Boarding House".

BLOCK:

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.

BOARDING HOUSE:

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.

BOTANICAL GARDEN:

A well-tended area displaying a wide variety of plants, or that may feature special plant collections, i.e., cacti or roses, and usually labeling the plants with their names.

BROADCASTING, STATION:

Any premises used for one-way wireless transmission of content intended to reach a wide audience.

BROADCASTING, TOWER:

Tall structures designed to support antennas or aerials for telecommunications and/or for broadcasting.

BUILDING:

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 CARE CONTRACTOR:

A provider of cleaning, janitorial service, and / or maintenance management of facilities, structures, and buildings.

BUILDING, GOVERNMENT:

A building owned or used by the federal, state, county, or city government, or to any political subdivision, agency or instrumentality thereof.

BULK STORAGE:

A facility or structure for storage of a commercial product in a non-packaged form, such as but not limited to: tote bags, tanks, trailers, spreader trucks and rail cars.

BUSINESS ASSOCIATIONS:

Membership organizations engaged in promoting the business interests of their members.

BUSINESS OR COMMERCE:

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

CAFO:

See definition of Confined Animal Feeding Operations.

CEMETERY:

Land used or intended to be used for the burial of humans or dead animals and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CITY:

Means the city of Albion.

CITY CLERK:

Means the city clerk of the city of Albion.

CIVIC, SOCIAL, FRATERNAL ORGANIZATIONS:

Membership organizations engaged in civic, social or fraternal activities, but excludes homeowner groups or associations.

CLINIC:

A building used for the care, diagnosis, and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention; but which building does not provide board, room, or regular hospital care and services.

COMMISSION:

The planning/zoning commission of the city. The planning commission is declared to also be the zoning commission of the city.

COMMUNITY CLUBHOUSE, CLUB, LODGE, ETC.:

The facilities of an association of persons for the promotion of some nonprofit common interest, such as politics, service, literature, science, fellowship, etc., and which holds meetings periodically which are limited to members and guests.

COMPREHENSIVE PLAN:

"The comprehensive plan for the city officially adopted by the City Council as such.

CONDITIONAL USE:

The use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein. Uses requiring a conditional use permit in a zoning district are set forth in the Albion City Zoning Charts.

CONCESSION STANDS: A building, structure, vehicle, or tent, having less than three hundred (300) square feet of area that is used for the sale of food, beverages, and/or souvenirs on a temporary basis. Temporary basis is defined as occupying the same site for not more than fourteen (14) consecutive days.

CONDITIONAL USE (PERMIT): The use permitted only upon issuance of a special use permit, requiring public notice and hearing before the planning and zoning commission, with attendant imposition of conditions to minimize effects on adjoining properties.

CONDOMINIUMS: An estate consisting of: a) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with b) a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

CONFINED ANIMAL FEEDING OPERATION:

Herein sometimes referred to as "CAFO", means a contiguous parcel of land, lot, corral, or facility where ten (10) animal units or more of livestock are confined, or stabled and fed, or maintained for a total of two hundred ten (210) days or more in any twelve (12) month period; and on which crops, vegetation, forage growth or postharvest residues are not sustained in the normal operations after the effective date hereof, and the lot, corral, or facility is designed to confine or actually does confine an equivalent of ten (10) animal units or more.

Confined animal feeding operations shall include barns, sheds, feed storage facilities, as well as corrals, lagoons, other waste treatment facilities, parking, feed, and waste storage areas. Operations not located on properties that are not contiguous shall be treated as separate operations.

CONSTRUCTION:

The erection, fabrication, reconstruction, demolition, alteration, conversion or repair of a building or structure, or the installation of equipment therein normally a part of the structure.

CONSTRUCTION TRADES:

Any building, structure, facility, or parcel of land used for storage, maintenance, or processing incidental to a construction or building business, hauling, excavation, demolition, or similar activity and including any parcel of land used for the incidental repair of machinery used for any of the above listed activities.

CONVENIENCE STORE:

A retail establishment selling or distributing fast moving general merchandise, such as food and dairy products, sundries and petroleum products.

COUNCIL:

The city council of the City of Albion.

COUNTY:

Cassia County, Idaho, and its governing board.

DAIRY PRODUCT PROCESSING:

Producing foodstuffs from the milk of mammals.

DANCE, MUSIC, VOICE STUDIO:

A room, place or building for instruction, experimentation, or training regarding one of the performing arts, e.g., dance, music or voice.

DAY CARE:

A home, place, or establishment in which five (5) or more children, not related by blood or marriage to the person or persons operation such center, are regularly received and provided with

parttime supplemental parental care during any part of the twentyfour (24) hour day when the cared for individual's parents or guardians are not on the premises.

DENSITY:

A unit of measure; the number of units of head of animals, animal unit equivalency, or the number of dwelling units per acre.

DEVELOPER:

Authorized agent of a subdivider or the subdivider himself.

DEVELOPMENT:

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

DISTRICT:

See Zone or Zoning District hereinafter.

DRIVE-IN ESTABLISHMENT:

An establishment, other than an automobile service station or truck stop, 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:

A building, or portion thereof, containing one or more dwelling units, and which complies with the structural requirements of the adopted building code. The term "dwelling" does not include any temporary mobile home, trailer, motel, hotel, guest house or boarding house as defined herein.

DWELLING, MULTIPLE FAMILY:

A building, or portion thereof, containing three or four dwelling units.

DWELLING, SINGLE-FAMILY:

A building consisting of a single dwelling unit 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 section 5-1-16-19. Shall include any group residence in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity. Resident staff, if employed, need not be related to each other or to any of the persons with disabilities or elderly persons residing in the group residence. No more than two (2) of such staff shall reside in the dwelling at any one time.

DWELLING UNIT:

A suite of one or more habitable 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 complete living facilities for one family including permanent provisions for living, sleeping, eating, cooking, and sanitation. The term does not imply or include such types of occupancy as a lodging of boarding house, club, sorority, fraternity or hotel.

EASEMENT:

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of another property owner's property.

ELECTRICAL DISTRIBUTION LINES:

Electrical power lines used by the electrical utility to distribute electrical power from the generation source or substation to the utility's customer or end users.

ELECTRICAL GENERATION:

The process of generating electric power from sources of energy.

ELECTRICAL TRANSMISSION:

Electrical power lines used for transmission of electrical power from the generation source to a substation for further distribution by an electrical utility.

FARM OR RANCH:

Farm is an area of land, or, for aquaculture, lake, river or sea, including various structures, devoted primarily to the practice of producing and managing food (produce, grains, or livestock), or fibers. Ranch refers to an area of landscape, including various structures, given primarily to the practice of **ranching**, the practice of raising grazing livestock such as cattle or sheep for meat or wool.

FARMERS' MARKET:

A retail sales operation primarily featuring the sale of foods that are sold directly by farmers and producers to consumers.

FEEDLOT:

See definition of Confined Animal Feeding Operation.

FOWL:

Chickens, ducks, geese, pheasants, partridge, guinea hens, peacocks, or other similar domesticated birds.

FURBEARERS:

Mink, fox, beaver, otter, or other similar domesticated animals.

FLOODPLAIN OVERLAY DISTRICT:

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:

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.

FLOOR AREA, GROSS:

The sum of the gross horizontal areas of the several floors including the exterior walls of a building or portion thereof.

FLOOR AREA, NET:

That portion of the gross floor area of the building occupied by the listed use or uses and shall include hallways, storage and packaging space, dressing or rest rooms and laboratory or work rooms, provided however, that floor space within the building reserved for parking or loading of vehicles, and basement space used only for building maintenance and utilities shall be excluded.

FREIGHT TRANSFER:

A place or tract of land where commodities, crops, goods, or products are located for any period of time during the transportation process, between point of origin and point of final destination.

FUNERAL HOME/CREMATORIUM:

A business that provides burial, cremation, and funeral services for the deceased persons.

GARAGE, PRIVATE:

A building, or portion thereof, in which motor vehicles, used by the tenants of the main building on the premises, are stored or kept.

GARDEN:

A planned space set aside for display, cultivation, and enjoyment of plants and other forms of nature.

- A. PRIVATE GARDEN (Food): An area of land which is used to grow or produce food primarily for personal use and consumption by the grower thereof.
- B. COMMERCIAL GARDEN (Food): An area of land, including accessory structures, used primarily for the practice of producing and managing food for sale and/or barter to anyone other than the producer/grower.

GASOLINE, SERVICE STATION:

A facility that primarily sells fuels and lubricants for motor vehicles.

GENERAL MERCHANDISE:

A store that carries a general, and usually broad, selection of merchandise.

GOVERNING AUTHORITY:

The City Council of the City of Albion, Idaho.

GOVERNMENTAL FACILITIES:

An installation, contrivance, other structure, or tract of land which facilitates performance of governmental functions.

GRADE, OR OFFICIAL GRADE:

Grade (ground level) is the average of the finished ground level at the center of all walls of a building. If the building is within twenty five feet (25') of a sidewalk or curb, said ground level shall be measured at the sidewalk or curb.

GRAIN AND SEED PROCESSING:

A business that sorts, cleans, grades, processes, handles, stores, washes, dries or packages seeds or grains.

GRAVEL PIT:

A quarry or surface excavation for extracting gravel, stone, slate, rock, etc.

GREENHOUSE:

A building or complex, typically made of glass or plastic walls, and roofs, in which plants are grown. Such buildings or complexes generally absorb sun rays and use them to warm the inside of the structure. A commercial greenhouse is used for food and plant production for purposes of selling or bartering the food and/or plants to anyone other than the producer/grower.

GUEST:

Any person, other than a member of a family, hiring or occupying a room for living and sleeping purposes.

HABITABLE FLOOR:

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.

HEALTH AUTHORITY:

The officer or other designated authority charged with the administration and enforcement of the rules and regulations of the health department or its successor.

HEALTH DEPARTMENT:

The South Central Public Health District, the Idaho Department of Health and Welfare, the United States environmental protection agency and/or any agency as may succeed to any of their powers.

HEALTH FACILITIES OR CLINIC:

Any building, place, or structure that provides health care on an outpatient basis.

HEIGHT, BUILDING:

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:

Any gainful occupation engaged in by an occupant of a dwelling unit including handicrafts, dressmaking, millinery, laundering, preserving, 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 5-1-16-25.

HOSPITALS:

A health care institution providing patient treatment by specialized staff and equipment, including overnight care.

HOTEL:

A building containing four (4) or more guestrooms intended or designed to be used, or that are used, rented, or hired out to be occupied, or that are occupied for sleeping purposes by guests.

JUNK YARD:

An outdoor space 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:

Any lot or premises or portion thereof, on which three or more dogs, or three or more cats, or three or more other household domestic animals are caged, maintained, harbored, possessed, boarded, bred or cared for.

LAGOONS, MUNICIPAL SEWAGE:

Ponds or other similar facilities designed and used for storage, treatment or evaporation of liquid or semiliquid human, commercial, or industrial waste, which is owned and operated by the City. No other sewage or waste lagoons shall be located in the City, except those owned and operated by and for the City.

LIVESTOCK CONFINEMENT OPERATION (LCO):

See Confined Animal Feeding Operation, above.

LIVESTOCK FEED PROCESSING:

Physical or chemical changes in feedstuffs for livestock and livestock operations, which influence the nutritional value of such feedstuffs.

LOT:

A unit of land described by metes and bounds or part of a recorded subdivision so recorded for transfer of ownership. Such parcel of land shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or approved private street or access to said lot will be provided by means of an approved irrevocable easement.

LOT, CONTIGUOUS:

Lots may be considered contiguous if they adjoin each other at a common boundary that permits use of the lots as one unit and if they are not separated by a public right-of-way, a railroad right-of-way, or by property held in fee simple ownership by another.

LOT COVERAGE:

The area of a lot occupied by the principal building or buildings and accessory buildings.

LOT DEPTH:

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

LOT LINE:

The boundary property line encompassing a lot as described in the title to the property. The front lot line is the boundary line which 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 side line in common with another lot.

LOT, NONCONFORMING:

A parcel of land, which was created prior to or in compliance with the provisions of the applicable zoning and subdivision ordinances that were in effect at the time such parcel was created.

LOT WIDTH:

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:

A structure, constructed according to the HUD/FHA mobile home construction and safety standards or certified to be rehabilitated according to such standards and as provided by Idaho statute, transportable in more than one section, 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. and the standards set forth in Idaho Code Section 44-2501 et seq. Furthermore, that such structures must comply with the standards and placement conditions set forth hereafter at Section 5-1-16-19.

MANUFACTURED HOME PARK:

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.

MANUFACTURED HOME SUBDIVISION:

A subdivision of land, as defined by the Albion Municipal Code, for the exclusive placement of manufactured homes for single-family residential dwelling, provided that all manufactured homes placed upon said lots shall be placed upon a masonry foundation and the tongue, undercarriage and wheels shall be removed from said manufactured home upon placement and meets all other placement conditions listed in Section 5-1-16-19.

MANUFACTURING, EXTRACTIVE:

Any mining, quarrying, excavating, processing, storing, separating, cleaning, or marketing of any mineral natural resources.

MANUFACTURING, HEAVY:

Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character requiring larger sites, open storage and service area, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, and air and water pollution beyond district boundary.

MANUFACTURING, LIGHT:

Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free from objectionable or hazardous elements such as smoke, noise, odor, dust or other pollution; operating and storing within enclosed structures and generating little industrial traffic or nuisances.

MEAT PRODUCT PROCESSING:

The processing of meat products to preserve for longer storage life, and/or to change the flavor and texture of the meat product.

MOBILE HOME:

"Mobile home" means a detached single-family dwelling unit with all the following characteristics:

- (A) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections for attachments to outside systems.
- (B) Designed to be transported after fabrication on its own wheels or on flat bed or other trailers or detachable wheels.
- (C) Arriving at the site where it is to be occupied as a dwelling complete including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assemble operations, location of foundation supports, connection to facilities and the like.
- (D) Complies with the definitions and standards for "Manufactured Homes" as above described in these definitions, and placement standards as hereafter set forth at Section 5-1-16-19.

MOTEL:

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:

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.

NURSERY, PLANT AND FLOWER:

Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants for sale on or off premises including products used for gardening and landscaping.

NURSERY SCHOOL:

An institution providing care, with or without instruction, for more than five children of preschool age.

NURSING HOME, CONVALESCENT HOME:

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.

OCCUPANCY, CHANGE OF:

Any change in the character or use of a building or premises, not including change of tenants, proprietors or occupants.

OFF STREET PARKING SPACE:

An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it and shall consist of area adequate for parking an automobile with room for opening doors, together with properly related access to a public street or alley and maneuvering room.

ORIGINAL PARCEL OF LAND:

A lot, tract or individual parcel of land as recorded on any plat or recorded on file in the office of the Cassia County Recorder, any unplatted contiguous parcel of land held in one ownership, or any platted contiguous parcel of land comprised of or including government lots, and being any such parcel of record as of the effective date of the original subdivision ordinance.

OWNER:

Any individual, person, firm, association, syndicate, partnership, corporation, or other entity having proprietary interest in real property subject to this title. A leasehold interest is excluded from such proprietary interest.

PARKING AREA, PRIVATE:

An open area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles, of occupants of building or buildings for which the parking area is developed and is necessary and accessory.

PARKING LOT:

An open, graded and 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:

Any usable space within a public or private parking area or building, not less than one hundred and eighty square feet, (nine feet by twenty feet), exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.

PASTURE:

Any usable space of lot as determined by the total square footage of the lot less the square footage of any structure on the lot that is not used or meant for the use of housing animals on the lot.

PERFORMANCE BOND:

An amount of money or other negotiable security paid by the subdivider or his surety to the city clerk which guarantees that the subdivider will perform all actions required by an approved plat, and provides that if the subdivider defaults and fails to comply with provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety itself will complete the requirements of the approved plat. The City shall set the amount of the bond at its sole discretion with regard to the recommendation of the Commission.

PERSONAL SERVICES:

Any enterprise conducted for gain, which primarily offers services the general public, such as shoe repair, barbershops, beauty parlors, and similar activities.

PLANNED UNIT DEVELOPMENT:

An area of land in which a variety of residential, commercial, and industrial uses developed under single ownership or control are accommodated in a preplanned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PRINCIPAL DESIGNATED USE:

The main use of land or building as distinguished from subordinate, accessory uses, or other uses.

PROFESSIONAL ACTIVITIES:

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, veterinarians, and similar professions.

PROPERTY:

A lot or plot including all buildings and improvements affixed thereon.

PROPERTY LINE:

A recorded boundary of a lot.

PUBLIC USES:

Public parks, schools, administrative and cultural buildings, and structures, not including public land or buildings devoted solely to storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITIES:

Structures or facilities essential to furnishing the public with electricity, power, gas, water supply, water treatment and public services, including power plants and service stations, water treatment plant or public stations, fire stations or police stations.

PUBLIC WAY, PUBLIC RIGHT-OF-WAY:

A public way, right-of-way, easement, or strip of land dedicated, acquired or platted across real property and intended for the special or general use of the public which normally includes streets, sidewalks or other public utilities or service areas.

REAL PROPERTY:

Real estate consisting of: (A). Lands, possessive rights to land, ditch and water rights and mining claims; both lode and placer; (B). That which is affixed to land; or (C). That which is appurtenant to land.

RECREATION VEHICLE PARK:

A tract of land as more fully defined in Section 5-1-16-26

RECYCLING COLLECTION CENTER:

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.

RENDERING PLANT:

A plant or facility that converts packing house waste, kitchen grease, and livestock carcasses into industrial fats and oils (as tallow for soap) and various other products (as fertilizer)

REPAIR:

The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any change in a structure such as would be required by additions to, or remodeling of such structure.

RESIDENTIAL USE:

A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple family dwellings, but not including hotels, motels, boarding and lodging houses, trailers, recreational vehicles, or trailer houses.

RESTAURANT:

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.

REST HOME, ELDERLY HOUSING:

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

RIGHT-OF-WAY:

A strip of land taken or dedicated for use as a public way, in addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalk, lighting and drainage facilities, and may include special features such as grade separation, landscaped area, viaducts, and bridges, if any such features are present.

ROADSIDE STAND:

A temporary structure designed or used for the display or sale of agricultural and related

products, the majority of which have been grown on adjacent land.

ROOMING HOUSE:

A building other than a hotel where lodging is provided for compensation to three (3) or more persons who are not members of the householder's family and wherein no meals are served or provided.

SALVAGE YARD:

A place where scrap, waste, discarded or salvaged materials are brought, sold, exchanged, baled, packed, dismantled, handled or stored, including auto wrecking yards, house wrecking yards, used lumberyards and places or yards for storage of salvaged house wrecking and structural materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawnshops and establishments for the sale, purchase or storage of used furniture and household equipment within a building, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

SCHOOL:

An institution conducting regular academic instruction at elementary, secondary and college levels, having the following characteristics:

1. One or more teachers to give instruction;
2. An assigned administrator;
3. Based in one or more buildings; and
4. Enrolled or prospectively enrolled students.

SCHOOL, TRADE OR INDUSTRIAL:

An institution or facility conducting instruction in the technical, commercial, or trade skills such as business, beauticians, barbers, electricians, automotive, and so forth having the following characteristics:

1. One or more teachers to give instruction;
2. An assigned administrator;
3. Based in one or more buildings; and
4. Enrolled or prospectively enrolled students.

SERVICE STATION:

Buildings or premises where gasoline, oil, grease, batteries, tire and motor vehicle accessories may be supplied and dispensed at retail and wherein in addition, the following services may be rendered and sales made

- (A). Sales and service of spark plugs, batteries and distributor parts;
- (B). Tire servicing and repair, but not recapping or re-grooving;
- (C). Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, wheel bearings, mirrors and the like;
- (D). Radiator cleaning, flushing and repair;
- (E). Washing, polishing, sale of washing and polishing materials;
- (F). Greasing and lubrication;
- (G). Providing and repairing fuel pumps, oil pumps and lines;
- (H). Minor servicing and repair of carburetors;
- (I). Adjusting and repairing brakes;

- (J). Minor motor adjustment not involving removal of the head or crankcase or raising the motor;
- (K). Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- (L). Provisions of road maps and other informational material to customers, provision of restroom facilities; and
- (M). Warranty maintenance and safety inspections.

Permissible uses at service stations do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other characteristics to an extent greater than normally found in service stations. A service station is neither a repair garage nor a body shop.

SETBACK:

The shortest distance between the property or lot line and the structure or portion thereof, excluding street or road right-of-way.

SETBACK AREA:

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 title, or by delineation on a recorded subdivision or planned unit development map.

SETBACK LINE:

A line established by these zoning regulations, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located aboveground except as may be provided in this title.

SEWAGE LAGOONS:

Ponds or other similar facilities designed and used for the storage, treatment, or evaporation of liquid or semiliquid human, commercial, or industrial waste.

SHELTER HOME:

A temporary housing facility for persons in a state of emergency as a result of a crisis situation or extreme difficulty.

SIGN:

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 object, 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. See Section 15 of this Title for specific definitions and requirements for different types of signs.

SPECIAL USE:

(see Conditional Use Permit).

STABLE, PRIVATE:

A detached accessory building or structure for the keeping of one or more horses or cows owned and used by the occupant of the premises and not for remuneration, hire, or sale.

STABLE, RIDING:

A building or structure used or designed for the boarding or care of riding horses for remuneration, hire, or sale.

STORY:

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or 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:

A public right-of-way officially accepted by the City Council, fifty feet (50') or more in width, which provides vehicular and pedestrian access to abutting or adjacent properties.. The term street includes also the terms "highway", "thoroughfare", "parkway", "throughway", "road", "avenue", "boulevard", "land", "place" and other such terms.

STRUCTURAL ALTERATION:

Any change in the supporting members of the building such as the bearing walls, columns, beams, girders, or roof.

STRUCTURE:

Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

SUBDIVIDER:

A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, trust or other legal entity that executes the application and initiates proceedings for the subdivision ordinance of the city of Albion. The subdivider need not be the owner but must have written authorization from the owner to propose the subdivision of owner's lands.

SUBDIVISION:

See Title 5, Chapter 2 of the Albion City Code.

SUBSTANDARD LOT:

Any residential lot within the R-1 zone that is less than fifty foot (50') wide or less than Seven Thousand (7,000 sq. ft.) square feet total lot size.

SUBSTANTIAL IMPROVEMENT:

Any repair, reconstruction, or improvement or a structure, the cost of which equals or exceeds

Thirty (30) percent of the market value of the structure either:

- (A) Before the improvement or repair is started; or
- (B) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

TAVERN OR LOUNGE:

A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

TELECOMMUNICATON FACILITY:

A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, or other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals.

TELECOMMUNICATION SUPPORT FACILITY:

The telecommunication equipment buildings and equipment cabinets.

TELECOMMUNICATION TOWER:

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guyed towers, or monopole towers. This includes radio and television and other transmission towers, microwave towers and common-carrier towers.

TEMPORARY DWELLING:

Any building, trailer, recreational vehicle, mobile home or manufactured home, located in the City and used for residential purposes on a temporary basis not to exceed one (1) year in duration, during the period of construction, repair, or remodel to another structure on the premises, or for other temporary purposes or uses.

TRACT:

A lot or tract as recorded on any plat or record on file in the office of the county recorder, or any unplatted contiguous parcel of land held in one ownership of record.

TRANSMISSION LINES, UNDERGROUND:

A set of conductors, insulators, support structures, and associated equipment, or pipelines and associated equipment used to move large quantities of electricity, fuel, gas, etc., usually over long distances between substations, pump stations or lift stations. All such lines within the City shall be buried underground.

TRANSMISSION TOWERS:

Tall structures designed to support transmission lines for carrying electricity, usually over long distances, between substations.

TRUCKING FACILITY:

A facility to accommodate maintenance, repair and freight loading/unloading from commercial, over-the-road trucks.

TRUCK PARKING FACILITIES:

A facility for overnight parking of commercial vehicles, especially over-the-road trucks.

UNDUE HARDSHIP:

Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this title, but not merely a matter of convenience and profit. A hardship caused by the applicant for the purpose of evading the restrictions of this title shall not be considered an undue hardship. Any hardship caused by the applicant shall be deemed to be for purposes of evading this title's restrictions unless applicant can prove otherwise.

USE:

The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

UTILITIES:

Installation for conducting water, sewage, gas, electricity, television, communications, storm water, ancillary facilities providing service to and used by the public.

VARIANCE:

A modification of the requirements of this title as to lot size, 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. A variance shall not be considered to be 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.

WAREHOUSE:

A facility of structure for storage of any packaged product.

WASTE/WASTE PRODUCTS:

Organic waste matter such as urine and/or feces, which may include waste products, wastewater, and waste residues.

WASTE TREATMENT SYSTEM:

The process, area, or mechanism employed for the retention, storage, and treatment of liquid or solid wastes.

WASTEWATER:

Water that has been used for washing, flushing, or in the manufacturing process, which also contains waste products.

WHOLESALE DISTRIBUTION & WAREHOUSING:

A facility or structure for holding goods or merchandise for sale and distribution to retailers, or to commercial, industrial, institutional, or professional business users; or to other wholesalers. Essentially, the warehousing, sales and distribution is to anyone other than a standard consumer.

WIND TURBINE:

Any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures, or other related improvements necessary for the generation of electric power.

YARD:

An open space on the same lot with a principal building or group of 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:

The yard extending across the full width of the lot or plot facing the street and extending from the front building line of the building to to the adjacent front property or street line.

YARD, REAR:

The yard extending across the full width of the lot or plot opposite the front yard, extending from the rear building line of the building to the rear property line.

YARD, SIDE:

The yard lying between the side building line of the building and the adjacent side property line, and extending from the front yard or the front lot line to the rear yard.

ZONE OR ZONING DISTRICT:

The incorporated territory of the city of Albion as defined by this title and designated on the zoning map, to which the provisions of this zoning ordinance apply.

ZONING COMMISSION:

The Albion City Planning and Zoning Commission.

ZONING MAP: The zoning map of the city of Albion, incorporated into this title designating the use district zones.

ZONING CERTIFICATE OF OCCUPANCY:

Documents issued by the building official authorizing the occupancy and use of completed buildings, structures or premises and the proposed use thereof for the purpose of ensuring compliance with the provisions of this title and other adopted codes and regulations.

SECTION 3: USE DISTRICTS

5-1-3-1: **PURPOSE--DISTRICTS ESTABLISHED:** For the purpose of promoting pride of ownership, health, safety, morals and general welfare within its area of jurisdiction, the City of Albion and city impact area is divided into the following use districts:

A. R-1. single family residential;

- B. R-A. residential-agricultural;
- C. C-1. commercial;
- D. I-L. light industrial;
- E. PL public;
- F. FP. floodplain overlay.

5-1-3-2: 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 Albion, on which map is adopted as part of this title.

5-1-3-3: 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.

5-1-3-4: 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.

5-1-3-5: 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.

5-1-3-6: ON STREET PARKING:

- A. Leaving Vehicles on the Streets: No vehicle, trailer, boat, tractor, motorcycle, mobile home, camper, motor home, bus or similar type vehicle shall remain continuously parked or left on any street of the City for more than twenty-four (24) hours at any time and in the event of such parking for more than forty-eight (48) hours, the City shall have the authority to impound said vehicle, trailer, boat, tractor, motorcycle, mobile home, camper, motor home, bus or similar type vehicle and remove the same; provided, however, that the City gives written notice of its intention to do so to the purported owner at least twenty-four (24) hours prior to the time the vehicle, trailer, boat, tractor, motorcycle, mobile home, camper, motor home, bus or similar type vehicle is so removed.

- B. Truck, Truck-Tractor and Semi-Trailer Parking Restrictions: It shall be unlawful to park any of the following trucks, truck-tractor, or semi-trailers or combination thereof on any street or alley in any R-1 residential zone of the City.
1. Two (2) axle single unit trucks.
 2. Three (3) axle single unit trucks.
 3. Two (2) axle truck-tractor with one or two (2) axle semi-trailer.
 4. Three (3) axle truck-tractor with two (2) axle semi-trailer.
- C. The registered owner of the truck, truck-tractor, or semi-trailer shall be presumed to be the owner at the time of the offense is committed and subject to the penalty thereof, except where the use thereof was secured without the consent of the owner. The meaning of the words Atruck@, Atruck-tractor@, and Asemi-trailer@ are defined in the Idaho Code 49-575(4) and 49-577(1) and (4).

SECTION: 4 OFF-STREET PARKING AND LOADING FACILITIES

5-1-4-1: GENERAL REQUIREMENTS:

- (A) No building or structure shall be erected, substantially altered or its use changed unless permanently maintained off-street 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.
- (C) Whenever a building or structure constructed after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this Ordinance is enlarged to the extent of fifty per cent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

5-1-4-2: 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 which 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 City.

- (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, shall be improved to a standard equal or better to the surface of the public street it adjoins, except as provided for in 4-2 (H).
- (E) **Drainage.** All parking and loading areas shall provide for proper on-site drainage of surface water as approved by the City.
- (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 street 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 street.
- (H) **Striping and Paving.** All parking areas with a capacity over twenty (20) vehicles shall be paved and striped with double lines, six (6) inches both side of center, between stalls to facilitate the movement into and out of the parking stalls.
- (I) **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.
- (J) **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.
- (K) **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 street or alley right-of-way.
- (L) **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.
- (M) **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 City shall be filled with the application for a building permit.

5-1-4-3: OFF-STREET PARKING DESIGN AND DIMENSIONAL TABLES

		45E	60E	90E	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'

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

TYPE OF USE	PARKING SPACES REQUIRED
<p>Residential</p> <ol style="list-style-type: none"> 1. Single family or two (2) family dwelling 2. Apartments, or multi-family dwelling 3. Boarding houses, rooming houses, dorm 4. Manufactured home park 	<p>Two (2) for each unit</p> <p>One and one-half (1 ½) for each unit</p> <p>One (1) for each stories and fraternity houses which have sleeping room or one (1) for each sleeping rooms, permanent occupant</p> <p>Two (2) for each unit</p>
<p>Commercial</p> <ol style="list-style-type: none"> 1. Automobile service garages which also provide repair 2. Hotels, motels 3. Funeral parlors, mortuaries and similar 	<p>One (1) for each two (2) gasoline pumps and two (2) for each service bay</p> <p>One (1) per each sleeping room each and (2) employees</p> <p>Four (4) person capacity in the viewing type uses and Chapel areas.</p>

<p>Recreational or Entertainment</p> <ol style="list-style-type: none"> 1. Dining rooms, restaurants, taverns night clubs, etc., 2. Bowling Alleys 3. Dance floors, skating rinks 	<p>One (1) for each two hundred square feet(200 sq ft.) of floor area</p> <p>Four (4) for each alley or for each one hundred square feet (100 sq. ft.) of the area used for restaurant, cocktail lounge or similar use</p> <p>One (1) for each one hundred square feet (100 sq. ft.) of floor area used for the activity</p>
<ol style="list-style-type: none"> 4. Outdoor swimming pools, public or community or club 5. Auditoriums, sports arenas, theaters and similar uses 6. Retail Stores 7. Banks, financial institutions 8. Offices, public or professional administration service building 9. All other types of business or commercial uses permitted in any business district 	<p>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</p> <p>One (1) for each four (4) seats</p> <p>One (1) for each two hundred and fifty (250) sq. ft. floor area.</p> <p>One (1) for each two hundred (200) sq. ft. similar uses of floor area</p> <p>One (1) for each four hundred (400) sq. ft. of floor area</p> <p>One (1) for each three hundred (300) sq. ft. of floor area</p>

<p>Institutional</p> <ol style="list-style-type: none"> 1. Churches or other places of religious assembly 2. Hospitals 3. Sanitariums, homes for the aged, nursing homes, children homes, asylums and similar 4. Medical and dental clinics uses room office and waiting rooms 5. Libraries, museums and art galleries 	<p>One (1) for each five (5) seats</p> <p>One (1) for each bed;</p> <p>One (1) for each two (2) beds</p> <p>One (1) for every two hundred (200) sq. ft. floor area</p> <p>One (1) for each four hundred (400) sq. ft. floor area</p>
<p>Schools (Public, Parochial or Private)</p> <ol style="list-style-type: none"> 1. Elementary and Junior High schools 2. High Schools 3. Business, technical and trade schools 4. College, universities 5. Kindergartens, child care center 	<p>Two (2) for each classroom and one (1) for every eight (8) seats in auditorium or assembly halls</p> <p>One (1) for every ten (10) students and one (1) for each teacher and employee</p> <p>One (1) for each two (2) students</p> <p>One for each four (4) students</p> <p>Two (2) for each classroom but not less nursery schools and similar use than six (6) for the building</p>
<p>Manufacturing</p> <ol style="list-style-type: none"> 1. All types of manufacturing storage 	<p>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</p>

SECTION: 5 ZONING MAP AND COMPREHENSIVE PLAN

5-1-5-1: 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.

5-1-5-2: 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 and Chapter 17 of this ordinance.

5-1-5-3: 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.

SECTION: 6 RESIDENTIAL AGRICULTURAL ZONE

5-1-6-1: PURPOSE: The purpose of this residential agricultural 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.

SECTION: 7 R-1 SINGLE FAMILY RESIDENTIAL ZONE

5-1-7-1: PURPOSE: The purpose of the R-1 single-family residential zone is to reserve residential neighborhoods, to prevent over-crowding of the land, to encourage some development of increased density residential development on substandard lots, and to ensure new development which is best suited for residential purposes.

5-1-7-2: AREA REQUIREMENTS: The following are area requirements in the R-1 zone, for all uses except substandard residential lot development:

- (A) The minimum lot area for each residential structure shall be seven thousand square feet and a lot width at the established building line of not less than fifty feet.
- (B) Not more than thirty-five percent of the lot area may be covered by buildings or structures.

5-1-7-3: 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.

5-1-7-4: 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 Albion City Code, Title 5, Chapter 1, Section 4-3.

5-1-7-5: SUBSTANDARD LOT RESIDENTIAL DEVELOPMENT: The following standards apply only to substandard lots in the R-1 Single Family Residential Zone.

- (A) Substandard lots are defined, for purposes of this Section, as any residential lot within the R-1 zone that is less than fifty foot (50') wide or less than Seven Thousand (7,000 sq. ft.) square feet total lot size.
- (B) These standards do not apply to lots that are part of a planned development and do not take precedence over any note recorded on a subdivision plat.
- (C) Standard residential building lots may only be divided to create substandard building lots for residential purposes only. Creation of substandard lots from standard building lots shall only be allowed if the lot owner is granted a conditional use permit, as provided for hereunder, by the City of Albion.
- (D) Setbacks: As scheduled in the Building Setback Chart, Albion City Code Section 5-1-9A-2, as set out hereafter.
- (F) Building Size: Residential floor area shall not exceed fifty percent (50%) of the effective lot area on lots with less than five thousand (5,000 sq. ft.) square feet. "Effective Lot Area" is the gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or road easement.
- (G) Private Open Space: All lots must provide a minimum of two hundred twenty-five (225 sq. ft.) square feet of private open space, inside the required setbacks, with a minimum dimension of fifteen feet (15') by ten feet (10'), open to the sky. Covered porches may be allowed within the private open space area.
- (H) Front Door Location: Homes should have a front door that faces the street. When a unit is built on a corner lot, the main entrance shall have the door facing the dominant street.
- (I) Plat and Design: Along with the conditional use application, an applicant shall provide a plat of the proposed development and proposed design for the structure or structures to be placed on the substandard Lot. This plat and design will be used to assist the Planning and Zoning Commission in review of, and decision regarding, the application.

SECTION: 8 COMMERCIAL ZONE

5-1-8-1: **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.

5-1-8-2: **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.

5-1-8-3: **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.

5-1-8-4: **OFF-STREET PARKING REQUIREMENTS:** Off-street parking requirements in the C-1 zone are referred to in Section 4.

SECTION: 8A. PUBLIC ZONE

5-1-8A-1: **PURPOSE:** The purpose of the public zone is to provide areas for the location of buildings and structures for governmental use, institutional use, public education, public recreation, and other public and quasi-public uses. It is also intended for the retention of areas necessary for open spaces, parks, playgrounds, and structures designed for public uses and public recreation.

5-1-8A-2: **AREA REQUIREMENTS:** There shall be no minimum lot sizes.

5-1-8A-3: **ACCESSORY USES:** Accessory uses are not permitted.

5-1-8A-4: **OFF-STREET PARKING REQUIREMENTS:** Off-street parking requirements in the PL zone are referred to in Section 5-1-4-3, under “Institutional” and “Schools (Public, Parochial or Private)” categories.

SECTION: 9 I-L LIGHT INDUSTRIAL ZONE

5-1-9-1: **PURPOSE:** The I-L light industrial district is established to provide for and encourage the grouping together of light 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.

5-1-9-2: **AREA REQUIREMENTS:** There shall be no minimum lot size.

5-1-9-3: **ACCESSORY USES:** Accessory uses are permitted.

5-1-9-4: **OFF-STREET PARKING REQUIREMENTS:** Refer to Section 4-4.

SECTION 9A: REGULATIONS WITHIN ZONES

5-1-9A-1: COMPLIANCE WITH REGULATIONS.

The regulations of each zone set forth by this Section shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the zone in which it is located;
- B. No building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area; or
 - 4. To have narrower or smaller rear yards, front yards, or other open spaces than are herein allowed or required, as the case may be, or any other manner contrary to the provisions of this title; and
- C. No yard or lot existing at the time of passage of this Section shall be reduced in dimension of area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall be at least the minimum requirements set forth herein.

5-1-9A-2: SCHEDULE OF ZONING REGULATIONS ADOPTED.

- A. Zoning regulations shall be as set forth in the official schedule of zoning regulations and in the performance standards as set forth in Section 16, hereinafter, of this Title. To determine in which zone a specific use is allowed, it is necessary to find the use, as listed on the left side of the chart, and read across the schedule for the next five columns. The first column is for “residential agricultural” (RA) zones; the second for “residential” (R-1) zones; the third for “commercial” (C) zones; the fourth is for “Light Industrial” (I-L) zones; and the fifth is for “public” (PL) zones. In each column, following the listed use, the spot may be blank, or may contain the letter “C” or the letter “P”. If the letter “P” appears, the use is a permitted or allowed use in that zone. If the letter “C” appears, the use is only allowed upon the issuance of a conditional use permit. If the letters “TP” appear, the use, in that zone, will require a temporary permit prior to establishment of the use. If no letter appears, the use is prohibited in that zone.
- B. The zoning administrator shall interpret the zoning chart for groups and uses not specifically mentioned in the chart by determining a similar group and/or use listed in the charts. The zoning administrator shall then review the charts for the similar use and appropriate zone for the proposed use to determine if the matter is permitted, conditionally permitted, temporarily permitted or not permitted.
- C. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity.

Key to Symbols:

RA – Residential Agriculture
 R-1 – R-1 Single Family Residential
 C – Commercial
 I-L – Light Industrial
 PL - Public

AGRICULTURE:	RA	R-1	C	I-L	PL
Agronomy and Crop Consulting Services	C		P	P	
Animal Hospital/Veterinarian	C		C	C	
Confined Animal Feeding Operations					
Dairy Product Processing	C		C	C	
Farm – Animals on Pasture	P	P	P	P	P
Farm –Trees	P	C	P	P	P
Farm – Poultry and Fur	P	P	P	P	P
Farmer’s Market	C		P	C	
Garden, Commercial (food)	C	C	P	P	
Garden, Private (food)	P	P	P	P	P
Grain and Seed Processing	P		C	C	
Greenhouse, Commercial	C		P	P	
Greenhouse, Private	P	P	P	P	
Kennels	C	C	C	C	
Livestock Feed Processing	P		C	C	
Meat Product Processing					
Plant and Flower Nurseries	P		P	P	
COMMUNICATIONS AND UTILITIES:	RA	R-1	C	I-L	PL
Broadcasting Station			C		
Broadcasting Tower	C		C	C	
Electrical Distribution Lines	P	P	P	P	P
Electrical Generation					C
Electrical Transmission	C	C	C	C	C
Gas, Fuel & Electric Transmission Lines	C	C	C	C	C

Media Transfer/ Booster Stations			C	C	C
Public Utility Installations	C	C	C	P	P
Sewer Treatment & Similar				C	P
Telecommunications Facilities	C	C	C	C	C
Transmission Lines, Overhead			C	C	C
Transmission Lines, Underground	P	P	P	P	P
Transmission Towers			C	C	C
Utility Buildings and Structures			C	P	C
Wind Turbines & Associated Structures	C	C	C	C	C
CULTURAL FACILITIES:	RA	R-1	C	I-L	PL
Botanical Gardens	P	C	P	C	
Historical Sites	P	P	P	P	P
Libraries and Museums		C	P	P	P
MANUFACTURING:	RA	R-1	C	I-L	P
Asphalt Plant, Permanent					
Asphalt Plant, Temporary				C	
Assembly & Fabrication			C	P	
Building Materials			P	P	
Chemicals, Chemical Products				C	
Computer Products			P	P	
Farm and Agriculture Equipment	C		C	P	
Food Products	C		P	P	
Furniture and Fixtures			P	P	
Gravel Pits					
Metal Products			C	P	
Mineral Products			C	P	
Miscellaneous Products			C	P	
Packaging			C	P	

Paper Products			C	P	
Petroleum Products					
Printing and Publishing			P	P	
Professional/Scientific Products			P	P	
Repair			C	P	
Trailers and Truck Beds			C	P	
PUBLIC ASSEMBLY:	RA	R-1	C	I-L	PL
Amusement Park, Ball Park, etc.	C		P	C	C
Auditoriums			P	P	
Bowling Alley			C		
Church	C	P	P		
Community Clubhouse, Club, Lodge, etc.		C	P		
Concessions			C	P	
Dance Hall			C	C	
Parks & Playgrounds	C	C	P		P
Public Building	C	C	P	P	P
Race Track	C				
Riding Arenas	P		C	C	
Schools	C	P	P		P
Sports Facilities	C		P	C	
Swimming Pools (public)	C		P		C
Tavern or Lounge			P	C	
Theater (inside)			P		P
Theater (outside)			P	P	P
RESIDENTIAL:	RA	R-1	C	I-L	PL
Assisted Living Facility	C	C	P	P	
Bed and Breakfast Facility	C	C	P	P	
Condominiums		P	P	P	
Hotel/Motel/Boarding House		C	P		

Manufactured Home Park	C	C	C		
Multi-Family(>3 units)		C	C	C	
Recreational Vehicle Park		C	C	C	
Retirement Housing		P	P	C	
Shelter Homes		C	C	C	
Single Family Dwelling/Duplex	P	P	P	P	
Subdivision		C	C	C	
Substandard Lot		C			
Temporary Dwelling	TP	TP	TP	TP	
SERVICES	RA	R-1	C	I-L	PL
Advertising			P	P	
Apparel Repair and Alteration		C	P	P	
Automobile Rental	C	C	P	P	
Automobile Repair	C		P	P	
Automobile Salvage/Junk /Wrecking Yard					
Beauty/Barber Shop	C	C	P	P	
Building Care Contractor	C	C	P	P	
Business Associations			P	P	
Car Wash			C		
Cemetery					
Civic, Social, Fraternal Organizations			P	P	
Construction Trades			P	P	
Copy Center			P	P	
Dance, Music, Voice Studio	C	C	P	P	
Daycare Facilities	C	C	P	P	
Equipment Rental	C	C	P	P	
Finance and Investment Activities	C	C	P	P	
Funeral Parlor/Crematorium			P	P	
Governmental Facilities	P	C	P	P	P
Health Facilities, non-medical			P	P	

Hospitals and Clinics	C	C	P	P	
Municipal Sewage Lagoons	P	P	P	P	P
Professional Offices	C	C	P	P	
Rendering Plant					
Schools	C	C	P	P	P
Sewage Lagoons, Other					
Storage Units			C	P	
TRADE – RETAIL	RA	R-1	C	I-L	PL
Alcoholic Beverages, served			P		
Alcoholic Beverages, sold			P		
Building Materials and Hardware			P	P	
Convenience Store	C	C	P	P	
Drive-In Establishments			P	P	
General Merchandise	C		P	P	
Gasoline, Service Station	C		P	P	
Tire Retail Sales and Repair	C		P	P	
TRADE – WHOLESALE	RA	R-1	C	I-L	PL
Bulk Farm Chemicals and Fertilizers	C		C	C	
Bulk Storage – flammable or hazardous				C	
Bulk Storage – other	C		C	C	
Wholesale Distribution and Warehousing	C		C	C	
TRANSPORTATION	RA	R-1	C	I-L	PL
Airfields and Heliports					P
Parking lot			C	C	P

Freight Transfer			C	P	
Trucking Facilities			C	P	

Building Setback Chart for City of Albion, Idaho

Residential Agricultural Zone:

Maximum Height:	20 feet, unless greater height approved by conditional use permit.
Front Setback:	30 feet, from right-of-way line of the street.
Side Setback:	15 feet, from the side property line, except corner lots shall maintain a 30 foot side yard adjacent to street which intersects the street upon which the building fronts.
Rear Setback:	25 feet.
Minimum Lot area:	43,560 square feet.
Minimum Lot width:	50 feet.

R-1 Single Family Zone:

Maximum Height:	25 feet.
Front Setback	25 feet is standard from right-of-way line of the street.
Side Setback:	5 feet, from the side property line, except corner lots must have 20 foot side yard if adjacent to street which intersects the street upon which the building fronts.
Rear Setback:	15 feet.
Minimum Lot width:	50 feet.
Minimum Lot area:	7,000 square feet.
Maximum Area Coverage:	35%.

R-1 Accessory Use:

Maximum Height:	One Story.
Setbacks:	Shall not encroach upon front or side yard setbacks.
Rear Setback:	15 feet.
Minimum Lot width:	50 feet.

R-1 Substandard:

(Substandard provisions do not apply to lots that are part of a planned development and do not take precedence over any not recorded on a subdivision plat.)

Maximum Height:	Not to exceed width of lot or 25 feet, whichever is more restrictive. If lot width is less than 25 feet, then actual width of lot is maximum height setback.
Front Setback:	Must be within five (5) feet of setback average of adjoining

properties, but setback will not be less than ten (10) feet in any instance.

Side Setback: 5 feet, from the side property line, except on Corner lot setback is 15 feet if livable space; 20 feet if parking space.

Rear Setback: 15 feet.

Maximum Lot Width: less than 7,000 square feet.

Minimum Lot width: Less than 50 feet.

Effective Lot area: Residential floor area is not to exceed 50% of effective lot area on lots smaller than 5000 square feet. Must provide a private open space of minimum 225 square feet and at least 10 ft. by 15 ft. open to sky.

Commercial Use: (Residential use in Commercial zone must meet R-1 Single Family Setbacks). Otherwise, applicable setbacks are:

Maximum Height: 30 feet, greater height can be allowed through conditional use permit.

Front Setback: 10 feet, from the front property line when abut residential district, otherwise not required.

Side Setback: 10 feet, from the side property line when abut residential district, otherwise not required.

Rear Setback: 15 feet when abutting upon a residential zone.

Minimum Lot Width: 50 feet.

Minimum Lot Size: No minimum lot size, except Residential uses have same area requirements as in R-1 zone.

I-L Light Industrial Use:

Maximum Height: Greater of 45 feet or five stories, greater height can be allowed through conditional use permit.

Front Setback: 20 feet when abut residential district, otherwise no front setback is required.

Side Setback: 20 feet, from the side property line when abut residential district, otherwise no side setback is required.

Rear Setback: 20 feet when abut a residential district, otherwise no rear setback is required.

Minimum Lot Width: 50 feet.

Minimum Lot Size: None.

ZONE	MAXIMUM HEIGHT	FRONT SETBACK ²	SIDE SETBACK ³	REAR SETBACK ¹⁰	MAXIMUM LOT AREA	MINIMUM LOT WIDTH	MAXIMUM AREA COVERAGE
Residential Agricultural	20 feet ¹	30 feet	15 feet	25 feet	43,560 square feet	50 feet	
R-1 Single Family	25 feet	25 feet ⁴	5 feet ⁵	15 feet		50 feet	35 %
R-1 Accessory Use	One Story	25 feet	5 feet	5 feet		50 feet	
R-1 Substandard	25 feet ⁶	10 feet ⁷	5 feet ⁸	15 feet	7,000 square feet	Less than 50 feet	
Commercial ⁹	30 feet ¹	30 feet	10 feet	15 feet		50 feet	
1-L Light Industrial	Greater of 45 feet or five Stories ¹	20 feet	20 feet	20 feet		50 feet	

1. Greater height may be allowed through conditional use permit.
2. Setback is from right-of-way line of the street.
3. Setback is from side property line.
4. 25 feet is standard, but may be adjusted by averaging method set out in ACC 5-1-7-5(A).
5. Corner lots must have 20 foot side yard if adjacent to street.
6. If lot width is less than 25 feet, then actual width of lot is maximum height setback.
7. Must be within five (5) feet of setback average of adjoining properties.
8. On Corner lot, setback is 15 feet if livable space; 20 feet if parking space.
9. Residential use in this zone must meet R-1 Single Family setback.

Repealed - Replaced with Updated Setback Document Approved on 2/6/2024

SECTION: 10 FLOODPLAIN OVERLAY ZONE

5-1-10-1: **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,
- (E) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

5-1-10-2: **APPLICABILITY:** This zone shall apply to all areas of special flood hazards within the jurisdiction of City of Albion, Cassia County, Idaho.

5-1-10-3: **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.

5-1-10-4: **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 16-21, and for all other development including fill and other activities.

5-1-10-5: **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.

5-1-10-6: **ADMINISTRATOR APPOINTED:** A city designee is appointed to administer and implement this zone by granting or denying permit applications in accordance with its provisions.

5-1-10-7: **CITY DESIGNEE--DUTIES AND RESPONSIBILITIES:** Duties of the city 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 are met.
- (B) Use of Other Base Flood Data. When base flood elevation data has not been provided the

city 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 10-9.

(C) Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or as in Section 10-7 (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 flood proofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level),
 - b. Maintain the flood proofing certifications required in Subsection B3 of Section 10-9.

(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.

5-1-10-8: 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 flood waters 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.

(D) Subdivision Proposals.

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 or past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

5-1-10-9: 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 City of _____," dated _____, on file at the City Hall, Albion, 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 10-9.
 4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 10-9 (2).
 5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed 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 to be placed or substantially improved within zones RA and 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 10-8(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 which 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

5-1-10-10: FLOODPLAIN COMPLIANCE DISCLAIMER: The city in issuing a building permit for construction within this zone makes no representation to the applicant of the city's compliance with federal and state laws because a report entitled "The Flood Insurance Study. .," with accompanying flood insurance maps, has not been completed and submitted to the city by the Federal Flood Insurance Program; therefore, the city 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.

SECTION: 11 CONDITIONAL USE PERMITS

5-1-11-1: APPLICATION--FILING--CONTENTS: An application for conditional use permit shall be filed with the clerk by at least one owner or lessee 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.
- H. Any other information required by the Commission.

5-1-11-2: 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.

5-1-11-3: 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.

5-1-11-4: **PROCEDURE FOR HEARING:** Prior to granting a Conditional Use Permit, at least one (1) public hearing, at which interested persons whose substantial rights will be affected by the approval or denial of the permit shall have an opportunity to be heard, shall be held. Mandatory notice and hearing provisions are as follows:

A. Notice and Hearing Procedures:

(1.) Written Notice Prior to the hearing of a new conditional use permit:

- i. A written notice shall be published giving notice of the time, place, a summary of the proposal, and notice that instructions of hearing procedures can be obtained from the Albion City Office. Said notice shall be published by the applicant in the official newspaper of the City or a paper of general circulation within the County, at least 30 days prior to the date of hearing; and
- ii. Notice shall be posted on the premises by the applicant not less than one (1) week prior to hearing. Notice may also be made available by the City to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement; and
- iii. Written notice shall also be sent at least 30 days prior to the date of hearing by the applicant by U.S. Mail, First Class Postage Prepaid, to every person listed by the applicable county tax assessor as owning real property located within three hundred (300) feet of any external boundary of the subject property for which a conditional use permit is sought and as is described in the application, and any additional area that in the determination of the Planning and Zoning Commission may be substantially impacted by the proposed special use. The City has determined that adequate notice cannot be effectively provided only through newspaper publication. Therefore, notice in all hearings on applications for conditional use permits shall publish, mail and post as set forth hereinbefore. Whether by mail or publication, the written notice shall notify such persons and the public that:

- a. Submittal: A new application for conditional use permit has been received;
- b. Date: The date upon which the application was received by the City;
- c. Name And Address: The names and addresses of all of the applicants;
- d. Legal Description: The legal description of the real property comprising the proposed conditional use; and
- e. Nature of Operation: The nature of the proposed conditional use.

(2.) The notice shall further state that a public hearing will be held prior to the issuance of the permit and give the date, time and place of such hearing. The applicant shall prepare and file, with the Planning and Zoning secretary, at least two (2) days prior to the hearing, an affidavit of publication, posting and mailing indicating that the notice given is in compliance with section A(1)(i), (ii) and (iii) of this section.

B. Support Or Objection: All persons to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the planning and zoning commission secretary no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the new conditional use permit.

- (1) Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the conditional use permit would violate.
- (2) Written statements shall also set forth either that the party making the statement owns property within three hundred (300') feet of the external boundaries of the conditional use permit site described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.
- (3) Additionally, any party desiring to file any document(s) exceeding one (1) one-sided, 8 ½ x 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary. The planning and zoning commission reserves the right to reject any proffered documentation that violates the intent of this regulation.

C. Testimony At Hearing: Any person who files a statement in support or objection to the issuance of a new conditional use permit shall indicate in such statement whether or not such person desires to testify at the hearing.

- (1) Prior to the hearing the planning and zoning commission shall determine which of those persons who desire to testify will be permitted to testify at the hearing.
- (2) All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.
- (3) A transcribable record of the hearing and the deliberation of the Commission toward a decision shall be kept for a period of time not less than six (6) months, nor shall they be required to be kept for a period of time not to exceed twelve (12) months, after the Planning and Zoning Commission's final decision on the matter.
- (4) Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense.

D. Rules of Procedure: The Planning and Zoning Commission may adopt rules of procedure not inconsistent with the provisions of this title or state law for the conduct of its business and procedures for hearings.

5-1-11-5: **ACTION BY COMMISSION:** Within forty-five (45) days after the public hearing, the commission shall by resolution approve, conditionally approve or disapprove the application as presented. If the application is approved or approved with conditions the commission shall direct the administrator to issue a conditional use permit listing the specific conditions specified by the commission for approval.

A. Granting Of Conditional Use Permit: Upon the granting of a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:

- (1) Adverse Impact: Minimizing adverse impact on other developments, or the health and safety of persons or the community in general.
- (2) Timing: Controlling the sequence and timing of development.
- (3) Duration Of Development: Controlling the duration of development.
- (4) Maintenance: Assuring that development is maintained properly.
- (5) Location And Nature: Designating the exact location and nature of development.
- (6) Public Facilities: Requiring the provision for on-site or off site public facilities or services.
- (7) Restrictive Standards: Requiring more restrictive standards than those generally required in this title.

- (8) Duration Of Permit: Limiting the duration of the permit.
 - (9) Determine Permit Attachment: Attaching the permit to the land or making it personal to the applicant.
 - (10) Inspections; Bonds: Requiring the applicant to submit to appropriate inspections or reviews at applicant's expense, or to post bonds to assure compliance with the conditions.
 - (11) Compliance Reports: Requiring periodic reports of compliance or other methods of establishing ongoing compliance with established conditions on the permit.
 - (12) Effects On Political Subdivisions: Requiring mitigation of effects of the proposed use upon service delivery by any political subdivision, including school districts, providing services within the county.
- B. Studies Of Experts Prior To Granting Permit: Prior to granting a conditional use permit, the commission may request studies from public agencies or other experts concerning social, economic, fiscal or environmental effects of the proposed conditional use at either county or applicant's expense, as determined by the commission.
- C. Transferability: A conditional use permit is not transferable from one parcel of land to another.
- D. Granting Or Denying Permit: Upon granting or denying an application the commission shall specify:
- (1) Standards: The ordinance and standards used in evaluating the application.
 - (2) Reasons: The reasons for approval or denial.
 - (3) Possible Actions: The actions, if any, that the applicant could take to obtain a permit.
- E. Permit Development: Any permit obtained under this chapter, but not acted upon, shall be valid for a period of three (3) years from final written decision of the board. Any permit that was presented as being phased over a longer period of time shall be considered commenced when construction has started for the first phase of the project.

5-1-11-6: NOTIFICATION TO APPLICANT: Within ten (10) days after the decision has been rendered and signed by the Commission, the planning and zoning secretary shall provide the applicant with written notice of the action on the request.

5-1-11-7: VIOLATION OF CONDITIONS: If conditions are not met as approved, the City has the right to rescind approval of the conditional use and cause such use to cease.

SECTION 12: VARIANCES

5-1-12-1: **PROCEDURE GENERALLY:** The provisions of this section shall apply in considering variances.

5-1-12-2: **STANDARDS FOR GRANTING A VARIANCE:** 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 city, 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, 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;
- (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.

5-1-12-3: **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 12-1 above;
- E. Name and address of all property owners and residents within three hundred feet of the exterior boundaries of the land being considered.
- F. Any other information required by the Commission.

5-1-12-4: **FILING FEE:** A filing fee shall be paid at the time of the filing by the owner or owner=s representative.

5-1-12-5: 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 11-4 except notification to property owners shall be by ordinary mail and need not extend beyond three hundred feet of the external boundaries of the land being considered.

5-1-12-6: COMMISSION ACTION: Within thirty days after the public hearing for a variance request, the commission shall approve or disapprove the application.

5-1-12-7: APPLICANT NOTIFICATION: Within ten days after a decision has been rendered, the clerk shall provide the applicant with written notice of the action on the request. The applicant may appeal such decision to the City Council within 10 days of receiving notice of the decision. The decision of the City Council shall be final.

SECTION: 13 FILING FEES

5-1-13-1: DESIGNATED FEE: All applications for amendment, reclassification, conditional use, or variances, shall be accompanied by a filing fee set by resolution of the City Council causing the applicant to reimburse the city for all costs incurred in publication and/or mailing.

SECTION: 14 POSSESSION, DENSITY AND QUARTERING OF ANIMALS

5-1-14-1: PURPOSE, INTENT AND APPLICATION

5-1-14-2: ANIMALS PERMITTED

5-1-14-1: PURPOSE, INTENT AND APPLICATION: The purpose of this section is to promote the public health, safety and general welfare of the residents of the City of Albion and to foster the humane treatment of animals by regulating the density and percentage of lot occupancy of animals within the city. This animal ordinance is applicable to all city zones, including Residential Agriculture (RA), Single Family Residential (R-1), Commercial (C), Light Industrial (LI), and Public (PL).

5-1-14-2: ANIMALS PERMITTED:

- A. Animals Allowed: Persons may keep and harbor any animal that may be allowed by federal and the state law of Idaho insofar as the animal unit density does not exceed two

(2) animal units per one-half (1/2) acre, as such animal equivalency factors are defined in Section 2, Title 5, Albion City Code.

B. Number Of Animals Allowed (exceptions to Section 2, Title animal equivalency factors): Where animals are allowed to be kept, under the provisions of this section, they shall be limited in number as follows (animal unit density shall still apply as defined in Section 2 with respect to determining allowing other types of animals to be housed on the lot):

1. Hogs, pigs and swine are only permitted to property owners as follows: a property owner or lawful possessor of property shall have a minimum of one acre as one (1) parcel or lot of ground to house any hogs, pigs or swine. For those properties that qualify, two (2) hogs, pigs, or swine may be kept on the first acre, and thereafter one (1) additional hog, pig or swine may be kept for each additional full, contiguous acre owned or possessed by the property holder. The maximum number of hogs, pigs or swine that may be kept on any contiguous parcel of property in the City is a total of five (5) hogs, pigs or swine.

2. Bees are allowed for the purpose of beekeeping and pollinating crops. No more than two (2) hives per half (1/2) acre are permitted.

3. Chickens or turkeys are permitted as follows: A property owner or lawful possessor of property shall have a minimum of one-half acre to keep chickens or turkeys. The maximum number of chickens that may be kept is fifty (50) birds, or the maximum number of turkeys that may be kept is twenty-five (25) birds.

C. Enclosures And Housing: The following requirements for housing animals and poultry are as follows:

1. Barns and shelters will follow building setbacks, as set forth in Albion City Code, Title 5.

2. Nothing contained herein prevents any property owner or possessor from temporarily housing goats on their property for weed control purposes provided that the goats are kept in a secure enclosure such as a temporary electric fence. Temporary housing for purposes of this subsection shall be for not longer than fourteen (14) continuous days, and are not subject to building setbacks in Albion City Code.

SECTION 15 SIGN REGULATIONS

- 5-1-15-1: APPLICABILITY:**
- 5-1-15-2 GENERAL SIGN PROVISIONS:**
- 5-1-15-3: OFF PREMISES SIGNS:**
- 5-1-15-4: NONCONFORMING SIGNS:**
- 5-1-15-5: VIOLATION; PENALTY:**

5-1-15-1: APPLICABILITY: This chapter shall regulate any and all signs constructed within the city’s jurisdiction.

A. Any person or entity constructing, building, changing, or altering a sign shall submit an application to the city, which shall be reviewed by the city or planning and zoning commission, where appropriate, prior to receiving a permit for the same.

B. City owned signs are exempt from the provisions hereafter set forth, but use of City owned signs should strive for general compliance with the provisions of this section.

5-1-15-2: GENERAL SIGN PROVISIONS: The following provisions shall apply to all signs within the city’s jurisdiction:

- A. All signs shall be required to conform to the structural requirements of the currently adopted international building code and provisions contained herein.
- B. Traffic control signs conforming to the "Manual On Uniform Traffic Control Devices", which are installed or approved by the city, shall be exempted from these regulations. All City traffic control signs or City informational signs shall be approved and erected by, or under supervision of, the City.
- C. All signs, except permitted off premises signs, shall pertain only to the use or products located on the same property as the sign.
- D. The light from an allowed illuminated sign shall be arranged, directed and of such intensity that it does not create a hazard, nuisance or other adverse effect on adjacent property, motor vehicles or approved traffic control devices.
- E. All lighting elements of exterior signs shall be a minimum of nine feet (9') above the ground unless adequately protected to prevent injury if broken.
- F. Animated, flashing or rotating signs shall not be allowed. Message centers and signs depicting time and/or temperature shall not be considered as flashing or animated.
- G. Signs inside buildings, which are not visible from outside the building, shall not be limited by this code.
- H. Signs shall not project beyond the property line into public ways. Signs shall not project closer than three feet (3) to a vertical line projected from the property line as determined by the city based on the best information concerning property line as is available. Under no circumstance shall a sign be permitted to project into a public right-of-way which would interfere with vehicular traffic movement thereon.
- I. Signs shall not be higher than the standard height of eight feet (8').
- J. No sign foundations shall encroach into public right-of-way.
- K. The dimensions of a sign that uses a wall as part of the background for individual letters or words shall be established by using the interconnected series of perpendicular and parallel lines which most nearly conform to the intent of this chapter by forming an essentially rectangular shape.
- L. Two (2) temporary special event signs per premises may be allowed by the City for special events and grand openings. Such signs may be erected two (2) weeks prior to a special event and shall be removed two (2) days following the event. For grand openings, such signs may be used for no more than seven (7) days. No placement shall be allowed within the public right-of-way.
- M. Drawings of all signs shall be submitted to the City prior to receiving a permit for installation of the sign. The drawing shall show size, location, nearest public rights of way,

materials of construction and support, method of lighting or illumination, and content, and any other matters as deemed necessary by the City.

N. All plans for roof mounted signs shall be submitted with the signature and stamp of a professional engineer, licensed in Idaho.

O. Unless otherwise determined by the City, all plans shall provide information to the City including, but not necessarily limited to: wind resistance factors, seismic factors, allowable stresses, combined load information, information concerning overturning movement from lateral sources, and the stresses of wire, rope and their fastenings.

P. Only one (1) sign shall be allowed per premises; maximum size of any sign shall not exceed thirty-two (32) square feet; and overall height, except lighting or illumination elements, shall not exceed eight feet (8').

Q. Political Signs. Political signs are those signs that promote an individual or a cause. All signs of a political nature within the City shall be no larger than is allowed under subsection "P" immediately hereinabove. All political signs within the City shall not be posted for more than sixty (60) days; and shall be removed within five (5) days after the date of the election to which the signs pertain. Any political sign posted hereunder must be posted, placed or installed so as to not create a safety or traffic hazard. Determination of any such hazard shall be made by the City Maintenance lead person or the Albion City Marshall. Once such determination is made, the City may remove the sign to provide for public safety. No political sign shall be placed so that any part thereof is within a public right-of-way.

5-1-15-3: OFF PREMISES SIGNS:

A. Definition: A flush wall mounted, roof mounted or freestanding sign which may be illuminated and advertise a product, a service, or other use which is not located on the same property as the sign. Off premises signs may be allowed only by special use permit and may be allowed in addition to other flush wall mounted, roof mounted or freestanding signs on a property.

B. The maximum size of off premises signs shall not exceed eight feet (8') in height, nor shall it exceed thirty-two (32) square feet in area.

C. Distance and Spacing Requirements:

(1). No off premises sign may be erected or moved to within fifty feet (50') in any direction of any other private sign.

(2). At any street intersection, there shall be no signs within the visibility triangle. The visibility triangle is defined as a certain area of private property and the abutting City right-of-way that is to be maintained clear of visibility obstructions at street intersections. The Visibility Triangle is measured by locating a "point" of intersection formed by extending the property line toward the intersection until they meet. From that "point" the length of fifteen feet (15') is measured away from the intersection along each edge (or leg) of the triangle to create two more "end points". The triangle is closed by connecting the last two end points to each other.

D. In addition to finding that a proposed off premises sign complies with all general

requirements and spacing regulations as described in subsections C(1) and C(2) of this section, the City must make all of the following findings in permitting such a sign:

- (1). That the location and placement of the sign will not endanger motorists or pedestrians and does not cause undue distraction to traffic on the adjacent street or impede views at street intersections.
- (2). That the sign will not cover or blanket any prominent view of a structure or facade of historical or architectural significance.
- (3). That the sign will not obstruct views of users of adjacent buildings to side yards, front yards or to open space.
- (4). That the sign will not distract, intrude upon or negatively impact the visual quality of a public open space such as a public recreation facility, square, plaza, courtyard and the like.
- (5). That the sign is compatible with building heights of the existing neighborhood and does not impose a foreign or inharmonious element to an existing skyline.
- (6). That the sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare or reflect onto adjacent business or residential areas.

5-1-15-4: NONCONFORMING SIGNS:

A. A sign that does not conform to the general provisions of this title shall be termed a nonconforming sign. A nonconforming sign which was lawfully existing or under construction at the effective date hereof may continue to be used subject to the provisions of this section providing the following conditions are met:

- (1). All signs declared to be dangerous by a proper authority shall be strengthened or otherwise altered to make them safe.
- (2). No placements, alterations or changes shall be made to a nonconforming sign except to bring it into compliance with any section of this title; nor shall any nonconforming sign be replaced with another nonconforming sign except as provided by subsection B of this section.

B. A nonconforming sign may be placed, altered or replaced by another nonconforming sign only upon prior approval of the City Planning and Zoning Commission. Application for such approval shall be on forms provided by the City. The Commission shall make the following findings of fact as a prerequisite to approval:

- (1). That the proposed placement, alteration or replacement is for a freestanding sign which is nonconforming due to there being more than one freestanding sign per building or premises or to zoning district prohibition.
- (2). That the proposed placement, alteration or replacement conforms to all other existing requirements of this code.

- (3). That the proposed placement, alteration or replacement is not unreasonably harmful to the best interest of the surrounding neighborhood.
- (4). That the proposed placement, alteration or replacement is for the purpose of removing ornamental projections and consolidating sign faces.

C. The Commission must review and make a determination of approval or denial within thirty five (35) days of hearing the application and will submit written findings to the applicant. In the event the Commission determines to approve said application, a radius notice must be sent, by first class mail, by the sign proponent and at such proponent's cost, to all property owners within three hundred feet (300') of the property which is the subject of the application. Such notice must provide that any interested person may appeal the decision of the Commission to the city council by filing a notice of appeal within fifteen (15) days of the date of the radius notice. Said notice shall specify the reasons and basis for the appeal, and the section or sections of code, regulation or statute that is violated in granting the permit. The decision of the Commission will not take effect until said appellate time has expired. In the event the Commission denies such application, the applicant may appeal such decision to the city council within fifteen (15) days of the Commission's decision, by filing a notice of appeal as hereinbefore set forth.

D. Nonconforming signs shall be discontinued for any of the following reasons:

- (1). If use of the sign or property on which the sign is located is discontinued for a period of six (6) months.
- (2). If use of the sign or property on which the sign is located is changed.
- (3). If a nonconforming sign is destroyed by any means, and to the extent of 50% of the sign is damaged.

5-1-15-5: VIOLATION; PENALTY:

- A. Any person found to have violated any of the provisions or having failed to comply with any of the mandatory requirements of this Chapter 5, Title 1, Section 15 of the Albion City Code is guilty of an infraction. Any person found to be in violation of the provisions of this Chapter 5, Title 1, Section 15 of the City of Albion shall be penalized by a fine of Ninety-Eight Dollars and Fifty Cents (\$98.50), unless the infraction is pursuant to state law, in which instance the person convicted of such infraction shall be penalized pursuant to the provisions of Idaho infraction rule 9.
- B. Each such person is guilty of a separate offense for each and every day during any portion of which and violation of any provision of Chapter 5, Title 1, Section 15 of the Albion City Code is committed, continued or permitted by any such person, and he is punishable and penalized accordingly. [Replace all of 5-1-15 by Ordinance No. 2011-05-03.]

SECTION: 16

PERFORMANCE STANDARDS

5-1-16-1: **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.

In addition to all other regulations specified in this Ordinance, the following provisions shall be adhered to.

5-1-16-2: **CONVERSION OF DWELLINGS TO MORE UNITS:** A residence may not be converted to accommodate an increased number of dwelling units unless:

- (A) The yard dimensions will meet the yard dimensions required by the zoning regulations for new structures in that district;
- (B) The lot area per family equals the lot area requirements for new structures in that district;
- (C) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (D) The conversion is in compliance with all other relevant codes and ordinances.

5-1-16-3: **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 city.

5-1-16-4: **PARKING AND STORAGE OF CERTAIN VEHICLES:** Not more than two (2)

inoperable and unregistered vehicles of any kind or type shall be parked or stored on any residential property other than in a completely enclosed building or carport or a licensed junk yard.

5-1-16-5: 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.

5-1-16-6: 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.

5-1-16-7: 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.

5-1-16-8: NOISE: Objectionable noise 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.

5-1-16-9: VIBRATION: No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.

5-1-16-10: AIR POLLUTION: Air pollution shall be subject to the requirements and regulations established by the Central District Health, or the State of Idaho.

5-1-16-11: GLARE: No direct or reflected glare shall be permitted which is visible from any property outside an industrial-commercial zone or from any street.

5-1-16-12: EROSION: No erosion, caused by human instrumentalities, shall be permitted which will carry objectionable substances onto neighboring properties.

5-1-16-13: ENFORCEMENT PROVISIONS: The City, 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.

5-1-16-14: 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 South Central Public Health District.

5-1-16-16: 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.

5-1-16-17: 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 City may modify these requirements if the animals are housed in sound-proof structures that screen them from view of the abutting residential property.

5-1-16-18: MOBILE HOME PROHIBITION: *[This provision repealed in its entirety October 14, 1998, Ordinance 98-10-4]*

5-1-16-19: MANUFACTURED HOME PLACEMENT: Manufactured or mobile homes meeting the following standards may be sited on single family lots within the City limits:

- a. The manufactured or mobile home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet;
- b. The manufactured or mobile home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade;
- c. The manufactured or mobile home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;
- d. The manufactured or mobile home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;
- e. Additions to a manufactured or mobile home shall be of compatible construction using like materials.
- f. Only one occupied manufactured or mobile home may be placed on any single lot.
- g. The manufactured or mobile home must be constructed, or rehabilitated, to comply with the standards of the United States Department of Housing and Urban Development; and, shall comply with the standards set forth in United States Code, Section 5401, et. Seq. and the standards set forth in Idaho Code Section 44-2501 et seq.

5-1-16-20: 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 only 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.

5-1-16-21: 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.

5-1-16-22: 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.

5-1-16-23: 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.

5-1-16-24: 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.

5-1-16-25: 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 two (2) 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.

5-1-16-26: MANUFACTURED HOME/RECREATIONAL VEHICLES & PARKS: Parks shall be allowed in Zones R-1, RA and C by special use permit, but only when such parks are constructed and maintained in accordance with the following standards and conditions.

Manufactured Home Park:

- (A) The park has been approved by the Planning Commission prior to the issuance of a permit therefor.
- (B) The park shall contain at least two (2) acres, and at least one side of the park shall abut upon a public street.
- (C) A centralized culinary water system and sewage disposal system approved by the South Central Health District and the City provided for all spaces in the park.
- (D) At least eighty percent (80%) of the spaces in a park shall be not less than five thousand (5000) square feet in area. The remainder of the spaces in the park shall be not less than three thousand (3000) square feet in area. Said minimum area shall include off-street parking areas for the spaces as required by this ordinance.
- (E) Each space shall have a minimum frontage width of forty (40) feet facing on a roadway.
- (F) Yard areas shall be required in accordance with the following:
 1. A side yard of ten (10) feet shall be required on each space adjacent to any roadway or

off-street parking area.

2. A side yard of ten (10) feet shall be required on each space adjacent to any exterior boundary of the trailer park.
 3. A side yard of five (5) feet shall be required adjacent to any other boundary of a space.
- (G) The boundaries of each trailer space shall be clearly, distinctly and permanently outlined.
- (H) In no event shall the occupied area of a trailer space exceed fifty percent (50%) of the total space. The area shall be deemed to be occupied when covered, or occupied by a manufactured home or any other stored vehicle or structure, or combination thereof.
- (I) The park shall be completely surrounded by a fence, not less than six (6) feet in height, or else a twenty (20) foot landscaped strip of lawn and shrubs shall be installed with the following exceptions:
1. Points of ingress and egress from dedicated public streets.
 2. A fifty (50) foot yard shall be provided, landscaped and maintained between the public street and the park.
- (J) Trees, shrubs, grass, or other forms of landscaping shall be provided in sufficient quantities to insure a residential like appearance.
- (K) Off-street parking shall be provided in accordance with the terms of this ordinance.
- (L) There shall be at least one central area within each park set aside for recreational use which shall contain not less than five (5) percent of the total area of the park. The recreational area shall be landscaped and maintained for common use of the park occupants, and the minor axis of the recreational area shall not be less than one-third (1/3) of the length of the major axis.
- (M) There shall be a vehicle storage area provided in the amount of not less than five percent (5%) nor more than ten percent (10%) of the total park area, which is to be fenced or walled in a manner that will prevent small children from entering the storage area unless accompanied by adults.
- (N) The layout of the park shall be so designed that it can be coordinated with a residential neighborhood street system in the event such park is discontinued.
- (O) Roads that are three hundred (300) feet or longer are to be stubbed to the perimeter of all sides of the park. The maximum distance between streets to the perimeter are not to exceed one thousand (1000) feet. There must be two (2) roads of entrance or exit from each trailer park.
- (P) Road right-of-ways shall be a minimum of fifty (50) feet wide, to allow forty (40) feet to be street and five (5) feet on each side to be a walkway. All driveways and walkways shall be hard-surfaced and driveways shall be lighted at night with electric lamps of not

less than twenty-five (25) lumen, or some equal light, spaced at intervals of not more than one hundred (100) feet on the roadway.

- (Q) An electrical outlet supply of at least one hundred-ten (110) volts shall be provided for each trailer space.
 - (R) The owner or operator of a park shall maintain the entire park in a neat and orderly manner. All installations and common areas required by this ordinance shall be maintained in a good state of repair.
 - (S) Points of ingress and egress shall be located and designed so as to provide safe and convenient access to and from the park and to eliminate congestion in the streets.
 - (T) A swimming pool is optional, but when constructed, such pools must comply with the requirements of the Health District and shall be surrounded by a fence or wall six (6) feet high with self-latching gates that will prevent small children from entering the pool area when unattended by adults.
 - (U) The construction, layout, and operation of the park must be such that in the opinion of the Planning Commission, property values in the surrounding area and the objectives and characteristics of the zone in which the trailer park is located will be fully maintained.
2. Review of Manufactured Home Parks.
- a. The Planning Commission shall have the authority to require the attachment of conditions and covenants to the grant of a permit for a park, or and may require changes to be made in the plans. All such conditions and covenants shall be binding upon the applicants, their successors and assigns, shall run with the land, shall limit and control the issuance and validity of Certificates of Occupancy and said conditions and covenants shall be recorded with the County Recorder of Cassia County. Said conditions and covenants shall also limit and control the maintenance of all land and structure within the development. Approval of the permit and the conditions and covenants imposed in the granting of said permit are declared to be inseparable, and the failure or neglect to do or carry out the conditions and covenants shall constitute a violation of this zoning ordinance.
 - b. Failure to comply with conditions - A violation for failure to comply with the conditions under which approval was given shall be cause for termination of the approval thereof, and shall be deemed to be a violation of this ordinance.
 - c. Failure to Maintain Landscaping - Continuing Obligation - Maintenance of required landscaping is a continuing obligation. In case of failure to maintain landscaping as required by the provisions of this ordinance or as specifically made applicable thereto by action of the Planning Commission, such failure or neglect shall be deemed to be a violation of this ordinance and shall be subject to the penalties prescribed for violations.
 - d. Application - Application for a conditional use permit for a park, shall be made to the City Clerk. The application shall be accompanied by maps, plans and explanatory material as may be required by the City to adequately present the matter to the Planning Commission.

5-1-16-27: 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.

5-1-16-28: 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.

5-1-16-29: 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.

5-1-16-30: WRECKING YARD AND JUNK YARD:

1. Wrecking yards, salvage yards and junk yards are not allowed within City limits.

5-1-16-31: LANDFILLS, RECYCLING CENTERS, 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 R-A, R-1 Zones.
2. Such operation shall obtain a permit from the Board of County Commissioners pursuant to the terms of the Cassia County Solid Waste Regulations.

3. Such operation 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 operation 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 lechate collection system.

SECTION 17 ACCESSORY DWELLING UNITS (ADU):

- 5-1-17-1: PURPOSE AND INTENT**
- 5-1-17-2: APPLICATION**
- 5-1-17-3: SIZE AND DESIGN REGULATIONS**
- 5-1-17-4: MAXIMUM NUMBER OF ADUS PER LOT**
- 5-1-17-5: UTILITY SERVICE REQUIREMENTS**
- 5-1-17-6: HOME OCCUPATIONS**
- 5-1-17-7: RECORDING REQUIREMENTS**

5-1-17-1: PURPOSE AND INTENT: It is the policy of the City of Albion to promote and encourage the creation and use of legal ADUs in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs.

5-1-17-2: APPLICATION:

- A. The installation of an ADU in new and existing PDUs shall be allowed in zoning districts where single-family dwelling units are permitted on individual lots, subject to specific development, design, and performance standards set out elsewhere in city code.
- B. Before any construction occurs to create an ADU, the property owner shall obtain a building permit from the Cassia County Building Department.
- C. Any accessory unit existing before June 1, 2011, which lacks specific zoning authorization hereunder shall not be considered a lawful non-conforming use, unless the property owner applies for a building permit for the ADU and brings the unit up to the health and safety provisions of the minimum housing code standards. On January 1, 2012, all owners of unlawful non-conforming units who have not brought them up to the health and safety standards of minimum housing code standards will be in violation of this section and subject to fines as regulated under applicable Cassia County Code related to building permit violations.
- D. An occupancy permit must be issued by the Cassia County Building Department prior to occupancy of an accessory dwelling unit created or modified pursuant to this Section.

5-1-17-3: SIZE AND DESIGN REGULATIONS: The following size and design criteria shall be the prevailing regulations for developing and creating ADUs, when in conflict with existing City Code:

- A. The ADU shall contain not less than 300 square feet and not more than 800 square feet, excluding any related garage area and other non-living areas such as workshops or greenhouses.
- B. No detached accessory dwelling unit shall be erected more than one (1) story, or fifteen feet (15'), in height.
- C. The ADU shall comply with all applicable height (except detached ADUs shall be governed by ACC 5-1-16-33(C)(2) hereinabove), setback, building code and health code requirements for the zoning district in which it is located.

- D. ADUs shall be developed only on lots meeting the minimum lot size for the respective zoning district.
- E. The ADU may be attached to, or detached from, the PDU.
- F. Developers are encouraged to design the ADU to comply with the standards of the “Cassia County Design Guidelines for the City of Rocks and related areas” in alteration of an existing building or construction of a new building.

5-1-17-4: MAXIMUM NUMBER OF ADUS PER LOT:

Only one (1) ADU is permitted per residentially zoned lot.

5-1-17-5: UTILITY SERVICE REQUIREMENTS:

Each ADU must be connected to the city utilities of the PDU for that lot and may not have separate utility services. City utility services include electricity, water and sewer, and except, for this section, telephone and television services.

5-1-17-6: HOME OCCUPATIONS:

Home occupations may be allowed, subject to existing regulations, in either the ADU or the PDU, but not both.

5-1-17-7: RECORDING REQUIREMENTS: Before obtaining a building permit for an ADU, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:

- A. The accessory dwelling unit will not be sold separately from the principal dwelling unit and shall thus remain under common ownership.
- B. The ADU is restricted to the approved size.
- C. The owner of the property shall notify a prospective buyer of the limitations of this Subsection and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval or siting is violated. [Subsection 33 adopted, Ordinance No. 2011-11-01.]

Section 18 ENFORCEMENT

5-1-18-1: ENFORCEMENT: The City or its designee shall be responsible for the

enforcement of the provisions of this title.

5-1-18-2: VIOLATION--PENALTY:

- (A) Any person, firm or corporation violating any of the provisions of this title, unless otherwise indicate to be an infraction, 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 one thousand dollars (\$1000.00), or by imprisonment for not more than six (6) months or both such fine and imprisonment.

SECTION 19 AMENDMENTS

5-1-19-1: AMENDMENTS:

The Planning and Zoning Commission, prior to amendment of the Zoning Ordinance, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the amendments to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The notice shall also be made available to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to amend the plan shall be sent to all political subdivisions providing services within the jurisdiction at least fifteen (15) days prior to the public hearing. Following the hearing, if the commission makes material changes in the amendment further notice and hearing shall be provided before the commission forwards a recommendation to the City Council. The City Council, upon receipt of the recommendation of the commission shall follow the same procedure prior to approval, by ordinance, of the amendment. The City may charge a fee, as set by resolution, for an application to amend.