

## CHAPTER 8

### REGULATIONS WITHIN ZONES

#### SECTION:

- 9-8-1: Compliance With Regulations
- 9-8-2: Schedules Of Regulations
- 9-8-3: Administrative Land Divisions
- 9-8-4: Boundary Line Adjustments

9-8-1: **COMPLIANCE WITH REGULATIONS:** The regulations of each zone set forth by this title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Except as hereinafter provided:

- A. **Conformity With Regulations Required:** No building, structure or land shall be used or occupied and no building or structure or a 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. **Prohibited Alterations:** 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 those provided for herein or in any other manner be contrary to the provisions of this title.
- C. **Minimum Requirements:** No yard or lot existing at the time of passage of this title shall be reduced in dimension or 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.

9-8-2: **SCHEDULE OF REGULATIONS:** Zoning regulations shall be as set forth in the following schedules of zoning regulations and in the performance standards contained within chapter 9 of this title. The schedules of zoning regulations are divided into seven (7) land use groups consisting of Agricultural Activities, Agriculture, Communications and Utilities, Manufacturing, Public Assembly, Residential, Services, Sports Facilities and Parks, Trade and Retail, Trade-Wholesale, and Transportation. To determine in which zone a specific use is allowed, it

is necessary to find the use in one of the groups and read across the schedule until either the letter "P" or the letter "C" appears in one of the columns. If the letter "P" appears, the use is a permitted use in that zone. If the letter "C" appears, the use is only allowed upon issuance of a conditional use permit for that zone. If the letters "TP" appear, the use, in that zone, will require a temporary permit prior to its establishment. If no letter appears, the use is prohibited in that zone. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity.

## **KEY TO SYMBOLS**

### **Zones**

- RA** Residential agricultural
- AR** Agricultural residential
- AP** Prime agricultural
- HP** Historical preservation
- IC** Industrial commercial
- MU** Multiple use
- B** Impact area or buffer
- OR** Outdoor recreational

### **Zone Regulations**

- P** Permitted use
- C** Conditional use permit required (see chapter 13 of this title)
- TP** Temporary permit required (see subsection 9-9-2C of this title)
- NR** No requirement If there is no letter designation, such use is Prohibited

## ZONING CHARTS

	RA	AR	AP	HP	OR	IC	MU
<b>Agricultural Activities</b>							
Animal product processing and rendering							C
Composting Operations if not part of CAFO			C				C
Confined animal feeding operation "CAFO"		C	C			C	C
Enclosed & Totally Confined Poultry Operations			P <sup>2</sup> / C <sup>3</sup>				P <sup>2</sup> / C <sup>3</sup>
Hatcheries			P		C	C	P
Dairy product processing		C	C			P	P
Grain and seed processing		C	C			P	P
Greenhouses	P	P	P			P	P
Livestock feed processing and manufacturing		C	C		C	C	C
Livestock sales yard		C	C			P	P
Meat product processing		C	C			P	P
Fish and other aquatic species		C	C		C	C	C
Bees, Bee Products	P	P	P	P <sup>7</sup>	P	P	P
Other Agricultural Product Processing		C	P			P	P
Farm and Roadside Markets	P	P	P	P <sup>7</sup>	P	P	P
Irrigation related structures and activities <sup>1</sup>	P	P	P	P <sup>7</sup>	P	P	P
<b>Agriculture</b>							
Farms – animals on pasture	P	P	P	P	P	P	P
Farms – plants and trees	P	P	P	C <sup>7</sup>	P	P	P
Farms – poultry, fur		P	P		C	C	P
<b>Communications and Utilities</b>							
Digester			C			C	C
Gas and fuel transmission lines	C	C	C		C	C	C
Radio and television studios	C	C	C			C	C
Solar Energy System-Accessory							
a. Roof Mounted	P	P	P	P <sup>7</sup>	P	P	P
b. Ground Mounted	P	P	P		P	P	P
Solar Energy System-Commercial			P			P	C
Solar Energy System-Utility Scale							

	RA	AR	AP	HP	OR	IC	MU
<b>Communications and Utilities (Cont.)</b>							
Telecommunications facilities	C	C	C	C <sup>7</sup>	C	C	C
Telephone centers and stations	C	C	C		C	C	C
Telephone exchange stations	C	C	C		C	C	C
Transmission lines (above or below ground)	C	C	C	C <sup>7</sup>	C	C	C
Transmission Towers	C	C	C	C <sup>7</sup>	C	C	C
Utility building and structures	C	C	C	C <sup>7</sup>	C	C	C
Wind farms, turbines and associated structures		C	P			C	P
<b>Manufacturing</b>							
Apparel and related products	C	C				P	P
Asphalt plant (temporary or permanent)		C	C		C	C	C
Beverage bottling plant		C				P	P
Building materials	C	C				C	C
Chemicals and chemical products		C	C			C	C
Concrete products		C	C			P	P
Equipment, Trailer manufacture or repair		P	P			P	P
Food products and food processing		C	C			C	C
Furniture and fixtures	C	C				C	C
Gravel pits, rock quarries, sand and clay pits		C	C		C	C	C
Ice manufacturing	C	C				P	P
Metal products	C	C				P	P
Mineral products		C	C		C	C	C
Paper products	C	C				P	P
Petroleum products		C	C			C	C
Printing and publishing	C	P				P	P
Professional and scientific	C	P				P	P
Rubber products		C				P	P
Textile products		C				P	P

	RA	AR	AP	HP	OR	IC	MU
<b>Public Assembly</b>							
Amusement parks		C				C	C
Auditoriums	C	C			C	C	C
Concessions	C	C			C	C	C
Drive in theaters		C				C	C
Exhibition halls	C	C				C	C
Fairgrounds		C			C	C	C
Rodeo and related events			C				C
Special Events Center or Facility	C	C <sup>9</sup>	C <sup>9</sup>				C
Sports arenas	C	C			C	C	C
Theaters	C	C			C	C	C
<b>Residential</b>							
Condominium	P	C	C				C
Hotel and motel	P					P	C
Mobile home park	C	C					C
Multi-family dwelling (3 or more units)	C	C	C				C
One-family dwelling/duplexes	P	P	P	P <sup>7</sup>	C	P	P
Permanent mobile home	P	P	P		C	P	P
Planned unit development	C	C				C	C
Standard subdivision	C					C	C
Minor subdivision	P <sup>5</sup>					P <sup>5</sup>	P <sup>5</sup>
Temporary dwellings > 14 days < 1 year	TP	TP	TP		TP	TP	TP
Temporary mobile home (less than 1 year)	TP	TP	TP		TP	TP	TP
Tiny House	P	P	P	P <sup>7</sup>	C	P	P
<b>Services</b>							
Academic and vocational schools – public	C	C	C				P
Advertising						P	P
Animal clinic and hospital – veterinary	C	C	C			P	P
Apparel repair and alteration	C	C				P	P

	RA	AR	AP	HP	OR	IC	MU
<b>Services</b> (cont.)							
Automobile rentals		P				P	P
Automobile repairs		P	P			P	P
Beauty and Barber	C	C				P	P
Building care contracting	C	C				P	P
Car wash	C					P	P
Cemetery	C	C	C				C
Civic, social and fraternal organizations	C	C	C			C	C
Clubs and camps		C	C	C <sup>7</sup>	C	C	C
Construction trades		C	C			P	P
Consumer, credit collection						P	P
Dance, music, voice studio	P	C				P	P
Daycare facilities	C	C	C		C	C	C
Duplicating, stenographic						P	P
Employment	C	C				P	P
Equipment rentals		C				P	P
Equipment repairs		P	P			P	P
Finance and investment	C	C				P	P
Frozen food locker		C				P	P
Funeral	C					P	P
Governmental facilities	C	C	C	C <sup>7</sup>	C	P	P
Home Occupations <sup>8</sup>	P	P	P	P <sup>7</sup>	P	P	P
Hospitals, clinics and related services	C	C				P	P
Insurance related	C	C	C			P	P
Kennel		C	C			C	C
Landfills, recycling operations, incinerators and solid waste facilities and solid waste transfer stations <sup>6</sup>			C				C
Landscaping		C				P	P
Laundering and dry cleaning	C					P	P

	RA	AR	AP	HP	OR	IC	MU
<b>Services (cont.)</b>							
Laundromats	C					P	P
Nursing homes and rest homes	C	C				P	P
Photographic	C	C				P	P
Professional	C	C				P	P
Publishing		C				P	P
Real estate and related	C	C				P	P
Reducing salon – health club	C	C				P	P
Religious facilities	C	C	C			C	C
Rendering plant (animal products)						C	C
Salvage yard or junkyard						C	C
Schools - commercial	C	C				P	P
Schools – public	C	C					P
Sewage lagoons	C	C	C		C	C	C
Shelter homes	C	C	C			C	C
Small appliance repair	C	C	C			P	P
Small engine repair	C	C	C			P	P
Storage rentals		C				P	P
Tire shop						P	P
Truck and tractor repair		C	C			P	P
Upholstery and repair	C	C				P	P
<b>Sports Facilities and Parks</b>							
Athletic fields	C	C					P
Bicycle track						C	P
Bicycle way	C	C	C		C	C	P
Car racing track							P
Golf courses and country clubs	C	C				P	P
Golf driving range	C	C				P	P
Ice and roller skating	C	C				P	P
Indoor recreational facility	C	C	C			P	P

	RA	AR	AP	HP	OR	IC	MU
<b>Sports Facilities and Parks (cont.)</b>							
Miniature golf	C	C				P	P
Motorcycle track						C	P
Public parks and playgrounds	P	C	C		C	C	P
Recreational vehicle parks	C	C	C		C	C	C
Riding stables and schools	C	C	C	C <sup>7</sup>	C		P
Rifle and pistol ranges		C	C		C	C	C
Ski and water sports	C	C	C		C	C	C
Swimming Pools (Commercial and Public)	C	C				P	P
Tennis Courts	C	C				P	P
<b>Trade And Retail</b>							
Adult entertainment						C	
Alcoholic beverages	C	C				P	P
Apparel and accessories	C					P	P
Building materials and hardware	C	C				P	P
Drive in establishments/fast food	P	P	P		C	P	P
Farm and garden supplies	C	C				P	P
Food, drugs, liquor, etc.	C	C				P	P
Gasoline service stations	C	C				C	P
General merchandise	C	C				P	P
Home furnishings and equipment	C					P	P
Irrigation sales		C	P			P	P
Large implements and heavy equipment		C	C			P	P
Mobile home sales						P	P
Petroleum						C	P
Recreational vehicles		C				P	P
Restaurant or café	P	C			C	P	P
Sporting goods	C					P	C



	RA	AR	AP	HP	OR	IC	MU
<b>Trade – Wholesale</b>							
Bulk storage – flammable liquids and gases		C	C			C	C
Chemical fertilizers or hazardous materials manufacturing, storage or sales		C	C			C	C
Wholesale distribution and warehousing		C	C			P	P
<b>Transportation</b>							
Airfields (private)		C	C				P
Airfields (public)		C	C				P
Automobile open parking lot or garage		C				P	P
Boathouse or dock	P	P	P		P	P	P
Bus facilities, excluding pick up shelters						P	P
Freight transfer points		C	P <sup>4</sup>			P	P
Packing and crating		C				P	P
Railroad building and equipment						P	P
Tickets and arrangements						P	P
Truck and bus open parking lots		C				P	P
Trucking facilities		C				P	P
<b>Notes:</b> <ol style="list-style-type: none"> <li>1. Must meet applicable performance standards of Cassia County Code 9-9-4 (I).</li> <li>2. Such use is permitted only after a CAFO permit has been obtained under the provisions of chapter 10 of this title.</li> <li>3. Conditional Use permit required under provisions of 9-10-2 (B) of this title.</li> <li>4. Freight transfer points that are permitted in AP zone are for agricultural commodities only.</li> <li>5. Such use is permitted only after a Minor Subdivision Application is filed and found to be in full compliance, by the Zoning Administrator, pursuant to 10-3-7, Cassia County Code.</li> <li>6. Must have consent of Southern Idaho Regional Solid Waste District to construct or operate such facilities before a conditional use permit can be noticed for hearing before Planning and Zoning Commission.</li> <li>7. Development permit must be obtained before a building permit can be issued.</li> <li>8. Must fully comply with requirements of Cassia County Code 9-9-4 (K), without variance. If variance from regulations, then will not be considered to be a home occupation.</li> <li>9. Conditional Use Permit in AR and AP Zones will only be granted for use of an existing structure that is already built and is proposed to be retrofitted as a special event center or facility. No new structures for special event centers or facilities will be allowed to be constructed in these zones.</li> </ol>							

## DWELLING AND PRINCIPAL BUILDING SETBACKS<sup>1</sup>

Zone	Maximum Height	Minimum Front Setback <sup>2,3,4</sup>	Yard Rear Setback	Interior Side Setback	Street Side Setback <sup>3,4</sup>	Maximum Lot Coverage	Minimum Lot Dwelling <sup>5,6</sup>	Minimum Lot Width
<b>RA</b>	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
<b>AR</b>	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
<b>AP</b>	75 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
<b>HP</b>	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
<b>OR</b>	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
<b>IC</b>	75 feet	54 feet	05 feet	05 feet	54 feet	NR	43,560 sq. ft.	NR
<b>MU</b>	75 Feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR

**Notes:**

1. Accessory buildings are covered under section 9-4-5 and subsection 9-9-4A of this title.
2. Repealed.
3. To be measured from the center of the adjoining street.
4. Corner lots – set back 54 feet from center of both roads.
5. Except in areas of seasonal high subwater, low permeability, or shallow soil, in which case minimum lot size shall be determined by the health authority.
6. If central sewer or water is available, minimum lot size may be reduced in an approved subdivision.

9-8-3: **ADMINISTRATIVE LAND DIVISIONS:** Approval is required for any administrative land division. Approval of an administrative land division must be acquired in compliance with the following approval procedures:

- A. APPROVAL PROCEDURES: Any owner or agent of an owner requesting approval of an administrative land division of a parcel of the owner's real property shall submit an application and site plan to the Zoning and Building Department of Cassia County. The application and site plan shall contain all the required information, as listed below:
1. Application – A completed Administrative Land Division application form signed by the owner.
  2. Filing Fees – A non-refundable filing fee shall be paid to Zoning and Building Department, with the filing of an application hereunder. Receipt of payment must be noted on the application by the Zoning and Building Department personnel. Fees shall be established by Resolution of the Board of County Commissioners.
  3. Proof of Ownership – A title report from a duly licensed title insurance company dated no more than fourteen (14) days prior to the submission of the application, or a copy of recorded deed showing current ownership for the subject property.
  4. Roads – Legal description of all new private roads giving access to each parcel. Roads giving access to the divided parcels shall be either existing public roads or (new or existing) private roads. New public roads are not permitted within an Administrative Land Division. All private roads (new or existing) serving the divided parcels shall be constructed or improved to meet the minimum requirements established by Cassia County Code.
  5. Grade – Maximum grade of all private roads shall meet the standards identified in the Cassia County Code.
  6. Legal Descriptions – Legal descriptions for each parcel shall include the following:
    - a. Reference to Record of Survey Job Number.
    - b. Legal description will meet current Idaho Statute, Idaho Code §50-1303, or any successor statute, and shall contain the needed data to be mapped by the Cassia County Assessor's Office.
    - c. Area of parcel shown in acres to the nearest 1/100 of an acre.
    - d. Signature of land surveyor licensed in the State of Idaho.

7. Deed – Proposed Instruments conveying ownership in the form of a deed for each parcel.
8. Road Maintenance Agreements – Shall be required for all divisions that include private roads.
9. Record of Survey – Pursuant to Title 55 Chapter 19 of Idaho Code, and shall specifically include those items required by Idaho Code §55-1906 in addition to the following:
  - a. Deed of Record - Current Instrument Number of Deed of Record.
  - b. Parcel Corners – Shall be set by a licensed land surveyor prior to recording.
  - c. Parcel Area – Area of each parcel shall be shown to the nearest 1/100th of an acre.
  - d. Parcel Numbering – All parcels shall be numbered consecutively.
10. Site Plan Certification – A complete site plan of the proposed site, minimum size 8½" x 11". Minimum site plan drawing scale shall be 1" = 40'. The site plan shall include, but not be limited to, a description of the proposed land use and the location of all existing and proposed structures, wells, septic tanks, drain fields, new traffic access easements, traffic access to public thoroughfares, and public thoroughfares, within 100' of new or proposed property lines. Written certification from Fire Districts, Local Highway Jurisdictions and Irrigation Districts, that all rights of way, setbacks, easements, and other applicable facilities (i.e. emergency access, well & sewage disposal, approaches - both single and shared, flood control, irrigation, etc.) have been approved by the entities having jurisdiction.
11. Certification of Property Taxes Paid - The applicant shall provide confirmation from the Cassia County Tax Collector that any split, combination or subdivided parcels shall have all property taxes paid in full, including prior years and the current year, as billed up to and including the date of the split or combination.
12. Zoning Administrator Certification of Completion and Approval – Upon a finding by the Zoning Administrator that a complete application and site plan have been submitted in compliance with the applicable ordinances and policies of Cassia County, the Zoning Administrator will issue a Certification of Completion and Approval, and the application and Certification of Completion and Approval will be recorded in the Office of the Cassia County Recorder. Deeds affecting the Administrative Land Division, as approved, must be recorded within 90 days of issuance of the Certificate of Completion or the proposed division shall be null and void, unless written extension is granted by the Zoning Administrator for good cause.

13. Compliance Required – Until the approval process is completed, as provided for herein, and a Certificate of Completion is issued and recorded, no officer of the county shall grant or issue a permit for the construction of any building or structure, or for the moving of a building into a lot, or for the change in any use of land, building or structure. Nor shall an officer grant any permit or license for the use of any building or land if such would be in violation of this title.

B. RECORDING PROCESS:

1. All recording fees to be paid by the Applicant.
2. Upon the receipt of Certification of Completion and Approval, the Applicant shall record deed(s) with appropriate legal descriptions for each parcel at the Office of the Cassia County Recorder.
3. The applicant shall provide recorded copies of the deeds back to the Zoning and Building Department.

C. VACATING ADMINISTRATIVE LAND DIVISION PROCESS/COMBINATION OF PARCELS:

1. Applicant seeking to vacate established Administrative Land Divisions so as to recombine into one parcel shall:
  - a. Show that such parcels are not currently being used for building development.
  - b. Make application as is set forth in Section 9-8-3, hereinabove, but showing the combination of parcels, with all appropriate documentation and certification as required.
2. Upon the receipt of Certification of Completion and Approval, the Applicant shall record the recombined deed, with appropriate legal description, with the Cassia County Recorder's Office.
3. All recording fees shall be paid by the Applicant.
4. The Applicant shall provide a recorded copy of the deed for the recombined parcel to the Zoning and Building Department.

9-8-4

**BOUNDARY LINE ADJUSTMENTS:** To obtain a Boundary Line Adjustment Permit, an applicant must complete the respective application form available at the Zoning and Building Department. A request for multiple Boundary Line Adjustments of the same Parcel may be made on a single application.

A. **APPROVAL PROCEDURES:** Approval is required for any boundary line adjustment. Approval of a boundary line adjustment must be acquired in compliance with the following approval procedures:

1. A completed Boundary Line Adjustment application shall be filed with the Zoning and Building Department by the owner(s) and/or agent(s) of the real property.
2. A complete application shall provide the following:
  - a. The name, complete address, and contact number of the applicant(s) and all other landowner(s) of Parcels involved.
  - b. The legal description, address and/or common directions for the real property.
  - c. A full description of the present use of the property.
  - d. A parcel map of the property.
  - e. The present zoning of the property.
  - f. Documents to show Title and Legal Description (i.e., property deed).
  - g. Using a parcel map from the Cassia County Assessor's Office, applicant shall show the approximate location of the proposed new lot lines.
  - h. A complete site plan of the proposed site, minimum drawing scale shall be 1" = 40'. The site plan shall include, but not be limited to, a description of the proposed land use and the location of all existing and proposed structures, wells, septic tanks, drain fields, new traffic access easements, traffic access to public thoroughfares, and public thoroughfares within 100' of new or proposed property lines.
  - i. Documentation from the applicable public agencies indicating their response to the proposed land use. Applicable agencies include, but are not necessarily limited to:
    - i. South Central Public Health District
    - ii. Highway District
    - iii. Irrigation District

3. Criteria for Approval of Boundary Line Adjustment Application.

- a. The Zoning Administrator will tentatively approve the boundary line adjustment, after determining that the application for the proposed Boundary Line Adjustment Application is complete, and complies with the standards of this chapter and ordinance of Cassia County, and the laws of the State of Idaho.
  - b. A permit shall not be granted if the application for the proposed Boundary Line Adjustment fails to comply with Section 9-8-4.
  - c. Upon tentative approval of the application by the Zoning Administrator, and subject to any applicable conditions of approval, the applicant or owner shall have a maximum of One Year from the date tentative approval is given to complete the following tasks:
    - i. Have the necessary deeds prepared to accomplish the property boundary line adjustments as tentatively approved; and,
    - ii. Submit the Record of Survey and executable deeds to the Zoning and Building Department for final approval.
  - d. Upon determination by the Zoning Administrator that the final property boundary adjustment is in compliance with the applicable ordinances and policies of Cassia County, the Zoning Administrator will issue a Certificate of Completion.
  - e. After receiving the Certificate of Completion, the applicant shall then file the record of survey and deeds with the Cassia County Recorder's Office and obtain new parcel numbers from the Cassia County Assessor's Office.
4. Building Permits
    - a. No building permit shall be issued and no structure shall be built upon a resulting parcel that does not meet the requirements of this chapter.
  5. Fees
    - a. A non-refundable fee shall be payable to the Zoning and Building Department before review, verification or recording of a deed based upon a Boundary Line Adjustment. Fees shall be set by Resolution of the Board of County Commissioners.
  6. Development
    - a. Approved Boundary Line Adjustments shall be developed according to the site plans and proposed descriptions submitted to the Zoning and Building Department. Deviation from the proposal shall require re-application.