

CHAPTER 3

GENERAL PROVISIONS

SECTION:

- 9-3-1: Nonconformities
- 9-3-2: Interpretation
- 9-3-3: Amendments
- 9-3-4: Licensing

9-3-1: **NONCONFORMITIES:**

- A. Continuation of Nonconformity: The nonconformity or nonconformance of a building, structure (including portions thereof), land, lot, parcel, or use that was legally established but that is not in compliance with Title 9, Title 10, or Title 11 due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain or similar action, may continue to the same extent and character as that which existed when it became nonconforming. The continuation of the nonconformity shall not permit the expansion or extension of the nonconformance, except as authorized herein. Lot setbacks contained herein are not applicable to lots in platted subdivisions existing as of the effective date of this title. Included within this continuation of nonconformity is the reduction of minimum area of a lot or parcel below one (1) acre that is the result of acquisition of road right-of-way by a public agency, notwithstanding any provision of minimum lot size elsewhere in Title 9, such use being subject to public health authority approval.
- B. Change Or Discontinuance: If a nonconforming building, structure (including portions thereof), land, lot, parcel, or use is either (i) changed to become conforming or (ii) discontinued for a period of one (1) year or more, any further use of such, including future construction, alteration, or repairs to such shall be thereafter in conformity with the provisions of this title.
- C. Expansion Or Extension Of Nonconformance Prohibited: A nonconforming building, structure (including portions thereof), land, lot, parcel, or use shall not be expanded or extended, except when required by a county or state health or safety officer, and except, that any dwelling situated on a nonconforming lot may be expanded.

- D. Replacement Of Destroyed Buildings Or Structures: Buildings and structures (including portions thereof) which have been destroyed by fire, exposure, or acts of God after the effective date hereof may be replaced within one (1) year but not to exceed the floor area the building or structure (including portion thereof) as it existed when it became nonconforming.
- E. Repairs: Repairs may also be made to a nonconforming building or structure (including portions thereof), housing a nonconforming use, but no permit shall be issued which will have the effect of increasing the floor space devoted to the nonconforming use, of increasing the capacity or volume of business, expanding or extending the nonconforming use.

9-3-2: **INTERPRETATION:** In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

9-3-3: **AMENDMENTS:**

- A. Policy: The zoning ordinance, including the map, may be amended, but for the purpose of establishing and maintaining sound, stable and desirable development in the county, it is declared to be public policy that amendments shall not be made to the zoning ordinance and map, except to promote more fully the objectives and purposes of this title.
- B. Petition and Fee: Any person seeking an amendment of the zoning ordinance or map shall submit to the Zoning Administrator a written petition designating the change desired, the reasons therefor, and wherein the proposed amendment would further promote the objectives and purposes of the zoning ordinance, together with a fee as set by the county. The Zoning Administrator shall in turn transmit the petition to the Planning and Zoning Commission.
- C. Public Hearing; Notice: Amendments to this title may be adopted after public hearings in relation thereto have been conducted. Hearings shall be conducted as provided for in Idaho Code Section 67-6509, and the Board of County Commissioners shall conduct a hearing upon receipt of written recommendation from the Planning and Zoning Commission and after appropriate notice has been provided. As such public hearings parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county at least fifteen (15) days before the date of the hearing.

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- D. Vote: A favorable vote of two-thirds ($\frac{2}{3}$) of the members of the Board of County Commissioners and proper publication of an amending ordinance shall be required before an amendment can become effective.

9-3-4: **LICENSING:** All departments, officials, and employees of Cassia County which are vested with the duty and authority to issue permits and licenses shall conform to the provisions of this title and shall issue no permit or license for use, building, or purpose where the same would be in conflict with the provisions of this title. Any such permit, or license, if issued in conflict with the provisions of this title, shall be null and void.