CHAPTER 4

SUPPLEMENTARY REGULATIONS

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9-4-1: **EFFECT OF CHAPTER**: The regulations herein set forth in this chapter qualify or supplement, as the case may be, the regulations within zones appearing elsewhere in this title.

9-4-2: **MINIMUM LOT AREA**:

A. LOT AREA: The minimum lot area for any dwelling unit, single or multi-family, within the unincorporated areas of the county shall be one acre.

1. If an existing lot or parcel is reduced to less than one (1) acre as a result of the action of a public agency acquiring road right-of-way, said lot or parcel may be used for siting of a dwelling unit, if approved by the public health authority.

B. LOT SIZE: The minimum lot size shall be measured from the property line and shall include any roads, right-of-ways or easements, (except easements for septic tanks and drain fields).

C. DEDICATED LOT AREA: The lot area for each principal residential dwelling unit for purposes of this title shall have a dedicated lot of not less than one acre. Said lot as is dedicated to a principal dwelling unit shall not be shared with any other principal dwelling unit.

D. Exceptions:

1. In areas of seasonably high subwater, low soil permeability, or shallow soil, as determined by the public health authority, lot sizes shall be increased to the minimum size approved by the local public health authority.

2. If central sewer and/or water is provided, a subdivision is platted, or a conditional use permit is obtained, minimum lot size may be reduced subject to public health authority approval.

9-4-3: **SALE OR LEASE OF REQUIRED SPACE**: No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased apart from such lot or building unless other space so complying is provided.

9-4-4 **LOTS BELOW MINIMUM AREA REQUIREMENTS**: After July 1, 1993, no parcel of land which has less than the minimum area requirements may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development. A "Notice of Non-Compliance" shall be recorded in the recorder's office by the zoning administrator when the zoning administrator has knowledge of the creation of a parcel that does not meet this standard.

9-4-5: **ACCESSORY BUILDINGS**[1]: No accessory building or group of accessory buildings in a residential zone shall cover more than thirty percent (30%) of the rear yard.

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[1] See also subsection 9-9-4A of this title.

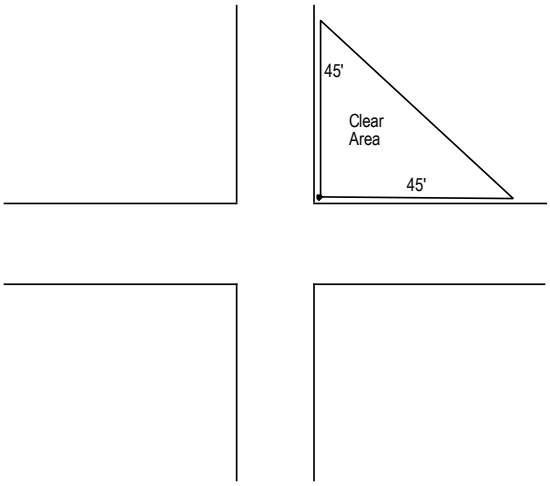
9-4-6: **HEIGHT FOR BUILDINGS:**

A. PUBLIC BUILDINGS: Except within one-half (½) mile of an airport, public buildings, public utility buildings, public and parochial schools and churches may be erected to any height provided the building is set back from required building setback lines at least one foot (1') for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located.

B. OTHER THAN PUBLIC BUILDINGS: The maximum height for other buildings, structures, towers, poles, or any like structure shall not exceed thirty-five feet (35'). Except, in the industrial commercial zone, multiple use zone or prime agricultural zone, structures shall not exceed seventy-five feet (75'), unless a variance is granted by the Planning and Zoning Commission to allow an increased height.

This would also affect the chart in 9-8-2 for Dwelling and Principal Building Setbacks for AP, IC and MU, setting maximum height at 75 feet.

9-4-7: **INTERSECTING STREETS; SIGHT TRIANGLE**: In all zones which require a front yard, no obstruction to view in excess of three feet (3') in height shall be placed on any corner lot within a triangular area formed by the street property lines and the line connecting them at points forty five feet (45') from the intersection of the street lines, except for a reasonable number of trees pruned high enough to permit unobstructed view.



9-4-8: **EFFECT OF OFFICIAL PLAT**: Wherever a front yard is required for a lot facing on a street for which an official plat has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the plat street line as shown on the official plat or from the existing street right of way line, whichever is the greater distance.

9-4-9: **ACCESS TO DWELLING SITES**: Each dwelling site shall be provided with permanent access by either a "street", a "private roadway", or a "private driveway", as defined in this title.

9-4-10: **FLOOD CHANNELS AND WATERCOURSES**: No building or structure shall be constructed in violation of the terms of the Cassia County flood damage prevention ordinance, title 12 of this code.

9-4-11: **LAND PREVIOUSLY SUBDIVIDED**: Notwithstanding any other provision of this title, any lot or parcel of land which was of record as of July 1, 1993, the creation of which was in conformance with prior zoning and subdivision regulations, may be used as a dwelling site provided the front, side, and rear yard requirements are complied with.

9-4-12: **AGRICULTURAL LAND**: The requirements of this title are intended to be compatible with chapter 45 of title 22 of the Idaho Code (right to farm legislation) and it is intended that this title shall not be construed so as to deprive the owner of agricultural land of the full and complete use of said land for the production of any agricultural products if the agricultural operation is not operated in an improper or negligent manner; "agricultural land" being herein defined as a tract of land containing not less than five (5) acres, excluding one acre for a dwelling, if applicable, including canal and railroad rights of way, used for agricultural purposes.

9-4-13: **PROHIBITED USES**: Uses of land which are not expressly permitted within a zone are expressly prohibited therein.

9-4-14: **SEWAGE DISPOSAL AND WATER SYSTEMS**:

A. Approval And Permit: All sewage disposal facilities and water supply systems must be approved and a permit issued by the health authority before a building permit will be issued, and must be installed according to the permit before a building may be occupied.

B. Individual Disposal Systems: A sewage disposal system permit shall be required prior to the construction, reconstruction or replacement of an individual sewage disposal system in Cassia County. Permit fees shall be determined by the health authority.

C. Inspections: Two (2) inspections shall be required on all sewage disposal systems. The first inspection shall be required immediately after site excavation. It shall be the duty of the permittee or property owner to notify the health authority forty eight (48) hours in advance, exclusive of weekends or holidays, that the system will be ready for inspection at a specified time. Special arrangements shall be made for holiday or weekend inspection. The second inspection shall be to inspect the system after it has been installed but prior to backfilling. The second inspection may be waived in writing at the discretion of the health authority and with adequate information being submitted by the installer.

D. Markers: All septic tank installations shall have a marker pipe or an approved method to mark the location of the lid of the septic tank manhole.

E. Domestic Wells: No septic tank shall be located upon a lot or parcel closer than fifty feet (50') to any domestic well. No domestic well shall be located within one hundred feet (100') of any part or portion of a septic tank drain field, whether upon the same lot or parcel or any adjoining lot or parcel.

F. Drain Fields: All septic tank drain field installations shall include plans for a proposed alternate route for a replacement drain field meeting the terms of this title and the health authority regulations as part of the original permitting process.

G. Verification By Health Authority: Proper placement of individual domestic wells, septic tanks and drain fields shall be verified by the health authority. The health authority shall sign off and date the building inspection card if the well, septic tank, or drain field is for new construction.

H. Individual Systems And Wells: The health authority shall approve individual subsurface sewage disposal systems and location of domestic wells before a certificate of occupancy is issued by the Cassia County building inspector.

I. Surface Water: It shall be unlawful to allow septic tank or drain field effluent to be exposed on the ground surface or to enter surface waters. Approved land disposal of sewage, treated waste or treated wastewater shall be an exception.

9-4-15: RIGHTS OF WAY AND SETBACKS:

A. Rights Of Way; Roads And Utilities: Rights of way for power lines, roads and utilities will be confined to present corridors where present roads and utilities are located, and are to be kept open and preserved for the public benefit.

B. Utility Installations: All installation of utilities, including utility upgrades and rerouting of utilities, i.e., power lines, telephone cables, gas lines, water lines, sewer lines, etc., which run along an existing roadway shall be located within the road right of way, or an easement on private ground acquired for the purpose of routing the utility.

C. Minimum Right Of Way: Road rights of way will be a minimum of fifty feet (50').

D. Setback: All buildings constructed after the effective date hereof (except temporary stands) abutting upon all streets or highways within the county shall be set back at least fifty four feet (54') from the centerline of such street or highway.

9-4-16: SCOPE AND APPLICABILITY OF ADMINISTRATIVE LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS:

A. Administrative Land Divisions. No person shall sell or exchange, or offer to sell or exchange any parcel of land which is any part of an "administrative land division", as defined herein, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such administrative land division has been created and approved pursuant to and in accordance with the provisions of this title.

B. The provisions of this Title shall apply to Boundary Line Adjustments. Unless otherwise stated, a permit issued by the Zoning and Building Department in accordance with the provisions of this chapter shall be required for Boundary Line Adjustments.