

9-2-2 Definitions:

Digester: A container or system designed and operated to facilitate the biological or chemical digestion or breakdown of organic materials.

Dwelling: Any building, or portion thereof, containing one or more dwelling units, and which complies with the structural requirements of the adopted building code, including permanent provisions for living, sleeping, eating, cooking and sanitation and which is used for residential purposes, including a mobile home or manufactured home., ~~excepting~~ The term "dwelling" does not include any temporary mobile home or trailer, -a hotel, motel, boarding or rooming house, rest home, or childcare home.

Dwelling, Tiny House: A dwelling that is 400 square feet or less in floor area, excluding lofts. This does not include recreational vehicles, park trailers, or tiny houses on wheels.

Dwelling, Tiny House Loft: A floor level located more than 30 inches above the main floor, on one or more sides with a ceiling height of less than six feet eight inches (6' 8") and used as a living or sleeping space.

Kennel: Any establishment, place or entity where four (4) or more dogs are kept for the purpose of breeding, sale, training, boarding, grooming or sporting purposes.

9-5-3 Powers and Duties:

G. Work Proceeding Without Permit or Approval. Where any work for which a permit or approval, to include plan, administrative, Commission or Board approval, is required by County regulations, or by the codes enumerated in Title 39, Chapter 41, Idaho Code, is started or proceeds forward prior to obtaining said approval or permit, and after notice to such person doing or causing such work to be done, and such person continues or causes to continue to work, the fees specified by the County will be doubled. The payment of such double fee will not relieve any persons from fully complying with the requirements of Title 39, Chapter 41, Idaho Code, or the County's regulations, in the execution of the work nor from any other penalties prescribed by law or County ordinance.

9-9-2 C. Temporary Dwellings

C. Temporary Dwellings: A permit shall be obtained from the ~~planning and~~ zoning and building department prior to the use of any building, RV, trailer, modular home, ~~or~~ mobile home, or other type of structure as a residence, for any period of time, in excess of fourteen (14) days. Such permit may be for a period of up to one year, but shall in no event exceed one year in duration. Temporary permits will only be allowed when the temporary structure is located on the same parcel as the principal dwelling, as such principal dwelling is being constructed, modified or repaired. Such permits shall not be renewed. ~~but holders of such permits are not precluded from applying for a new permit based on the then existing circumstances.~~ The fee for such permits shall be determined by resolution of the board.

9-9-4 Unique Land Uses:

A. Accessory Building²:

1. Location: ~~Will not be located in any front yard area.~~ Must meet minimum front yard setbacks under Title 9, Cassia County Code.

U. Wind Farms:

5. That any and all transmission lines interconnecting the towers to each other (collector lines), ~~other than such line(s) as connect(s) the wind turbine/farm to the power grid,~~ shall be buried underground.

AA. Tiny Houses.

1. No tiny house or park model will be placed on any property, except as permitted by Cassia County regulation. In addition to such other applicable terms as set forth in County Code, the following regulations will also apply to tiny houses:

- a. Tiny houses shall be allowed in zoning districts where single family dwellings are permitted.
- b. Each tiny house must be sited on its own individual lot, and is subject to specific development, design, and performance standards set out in County Code.
- c. Each tiny house will require building permits and must meet residential building code standards.
- d. All tiny houses must be installed on a permanent foundation, and will be permanently connected to water system or well, sewer system/septic system and electrical utilities.

- e. Tiny houses must comply with setbacks and other requirements of the zone in which they are sited.
- f. Each tiny house must contain sufficient parking spaces that are off from the public roadway.
- g. Each tiny house must comply with all adopted standards of the International Fire Code, and must provide fire access required to protect each residence.
- h. Each tiny house will comply with all adopted County standards for location and width of utility easements.
- i. Recreational vehicles, park models or tiny houses on wheels, that are used for any residential purpose, must be located in an approved recreational vehicle park.

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

9-8-2

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
Agricultural Activities							
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 ² / C ³				P ² / C ³
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 ²	P	P	P
Other Agricultural Product Processing		C	P			P	P
Farm and Roadside Markets	P	P	P	P ²	P	P	P
Irrigation related structures and activities ¹	P	P	P	P ²	P	P	P
Agriculture							
Farms – animals on pasture	P	P	P	P	P	P	P
Farms – plants and trees	P	P	P	C ²	P	P	P
Farms – poultry, fur		P	P		C	C	P
Communications and Utilities							
<u>Digester</u>			<u>C</u>			<u>C</u>	<u>C</u>
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 ²	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
Communications and Utilities (Cont.)							
Telecommunications facilities	C	C	C	C ²	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 and in excess of 2 miles in length)	C	C	C	C ²	C	C	C
Transmission Towers	C	C	C	C ²	C	C	C
Utility building and structures	C	C	C	C ²	C	C	C
Wind farms, turbines and associated structures		C	P			C	P
Manufacturing							
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
Public Assembly							
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 ⁹	C ⁹				C
Sports arenas	C	C			C	C	C
Theaters	C	C		€	C	C	C
Residential							
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 ⁷	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 ⁵					P ⁵	P ⁵
Temporary dwellings > 14 days < 1 year	TP	TP	TP	TP	TP	TP	TP
Temporary mobile home (less than 1 year)	TP	TP	TP	TP	TP	TP	TP
Transient worker lodging	€	€	€				€
<u>Tiny House</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P⁷</u>	<u>C</u>	<u>P</u>	<u>P</u>
Services							
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
Services (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 ^Z	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 ^Z	C	P	P
Home Occupations ⁸	P	P	P	P ^Z	P	P	P
Hospitals, clinics and related services	C	C				P	P
Insurance related	C	C	C			P	P
Kennel		<u>C</u>	<u>C</u>			<u>C</u>	<u>C</u>

Landfills, recycling operations, incinerators and solid waste facilities and solid waste transfer stations ⁶			C				C
Landscaping		C				P	P
Laundering and dry cleaning	C					P	P
Laundromats	C					P	P
	RA	AR	AP	HP	OR	IC	MU
Services (cont.)							
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
Sports Facilities and Parks							
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
Sports Facilities and Parks (cont.)							
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 ²	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
Trade And Retail							
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
Trade – Wholesale							
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
Transportation							
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 ⁴			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
Notes: <ol style="list-style-type: none"> 1. Must meet applicable performance standards of Cassia County Code 9-9-4 (I). 2. Such use is permitted only after a CAFO permit has been obtained under the provisions of chapter 10 of this title. 3. Conditional Use permit required under provisions of 9-10-2 (B) of this title. 4. Freight transfer points that are permitted in AP zone are for agricultural commodities only. 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. 							

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.
7. Development permit must be obtained before a building permit can be issued.
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.
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.

DWELLING AND PRINCIPAL BUILDING SETBACKS¹

Zone	Maximum Height	Minimum Front Setback^{2,3,4}	Yard Rear Setback	Interior Side Setback	Street Side Setback^{3,4}	Maximum Lot Coverage	Minimum Lot Dwelling^{5,6}	Minimum Lot Width
RA	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
AR	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
AP	75 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
HP	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
OR	35 feet	54 feet	15 feet	15 feet	54 feet	NR	43,560 sq. ft.	NR
IC	75 feet	54 feet	05 feet	05 feet	54 feet	NR	43,560 sq. ft.	NR
MU	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. ~~These setbacks do not apply to subdivision lots.~~ [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.