

ORDINANCE NO. 92-1**SUMMARY FOR PUBLICATION-FREMONT COUNTY DEVELOPMENT CODE**

Having been subject to public hearings before the Fremont County Planning and Zoning Commission and the Fremont County Board of Commissioners, as required by law, the Fremont County Development Code is adopted pursuant to the authority of, and as required by, the Local Planning Act of 1975 (67-6501., et. seq.). The code is summarized for publication as follows. A complete copy may be obtained at the offices of the Fremont County Clerk, at the Fremont County Courthouse in St. Anthony, for a nominal fee.

CHAPTER I - PURPOSE, AUTHORITY, AND GENERAL PROVISIONS. This chapter establishes the purpose of the ordinance, identifies the enabling statute pursuant to which it is adopted, repeals conflicting ordinances, and establishes rules for its interpretation.

CHAPTER II - PLANNING AND ZONING COMMISSION/ZONING ADMINISTRATOR. This chapter establishes a county planning and zoning commission and provides for appointment of a zoning administrator.

CHAPTER III - ADMINISTRATIVE PROCEDURES. This chapter requires a permit for all land development and building activity in the county and establishes procedures for the administration of this ordinance. The enforcement provisions of the ordinance are published in full below, as Division 4 - Enforcement:

Division 4 - Enforcement

T. Failure to Obtain a Permit. Whenever the administrator becomes aware of an activity for which a permit is required by this ordinance, but for which a permit has not been approved, he or she shall notify the occupant (and owner, if they are not the same) to immediately cease all unpermitted activity. Notice shall be given by posting on the site and/or first class mail. If the unpermitted activity does not cease, the administrator shall ask the prosecuting attorney to take immediate action, as authorized by I.C. 67-6527, to end the unpermitted activity and, if a permit is not subsequently issued, to require restoration of the site to its original condition. Required restoration shall include restoration of vegetative cover where sites have been graded in violation of this ordinance.

U. Certificate of Compliance. A certificate of compliance shall be issued before any land division is offered for sale, lease, or occupancy, sold, leased, or occupied OR before any development is occupied. A certificate of compliance indicates that an on-site inspection has shown that the development complies with this ordinance, including any conditions imposed upon its approval. Occupancy of a development without a certificate of compliance shall be a violation of this ordinance. Issuance of a certificate of compliance shall not be construed as approval of any violation of this ordinance that may have been undiscovered during the inspection.

V. Temporary Certificate of Compliance. A temporary certificate of compliance may be issued to permit temporary use of a structure in cases where weather prevents the prompt completion of such required improvements as landscaping. No temporary certificate of compliance shall be issued for more than 180 days.

W. Enforcement Actions. The process for enforcement of these regulations shall be as described here.

1. The administrator shall notify the occupant (and owner, if they are not the same) of the violation by first class mail and/or posting on the site. The notice shall describe the violation, cite the section/s of this ordinance being violated, and order the occupant to attain compliance within 30 days.

2. Any person who receives a notice of violation may request inspection by the administrator to show that compliance has been attained within the 30 days allowed, or:

a. file a written request with the administrator for an extension of time to attain compliance, with such extensions being limited to a maximum of 60 days and culminated by an inspection to show that compliance has been attained; or

b. file an appeal of the administrator's notice, following the appeals procedure of III.M.

3. The administrator shall ask the prosecuting attorney to commence legal action, as authorized by I.C. 67-6527, against any occupant or owner who fails to attain compliance within the specified time, or to show, on appeal, that a violation has not occurred.

X. Public Endangerment. The enforcement procedure provided here may be accelerated where the administrator finds that public health and safety could be endangered by a violation. In such cases, the administrator shall ask the prosecuting attorney to take immediate action to end the danger to public health and safety.

Y. Penalties. Violations of this ordinance shall be a misdemeanor, punishable by a fine in any amount not exceeding \$300.00, or by imprisonment for a period of not longer than 30 days, or by both fine and imprisonment. Each day in which a violation continues shall be considered a separate offense.

CHAPTER IV - ESTABLISHMENT OF ZONING DISTRICTS/NONCONFORMING USES. This chapter creates zoning districts and overlay zoning districts for use in the county, and adopts an official map of those districts. It also provides rules for the interpretation of zoning district boundaries and dealing with nonconforming uses and structures.

CHAPTER V - PERFORMANCE STANDARDS FOR DEVELOPMENT REVIEW. This chapter explains the nature of the performance standards that are used as a basis for the review of subdivisions and special uses in the zoning districts established in Chapter IV. The performance standards appear in Chapters VI. through X.

CHAPTER VI - SOUTH FREMONT ZONING DISTRICT. This chapter establishes the South Fremont Zoning District and performance standards applicable to land development and building activity in that district. The nature of these performance standards was explained in Chapter V.

CHAPTER VII - NORTH FREMONT ZONING DISTRICT. This chapter establishes the North Fremont Zoning District and performance standards applicable to land development and building activity in that district. The nature of these performance standards was explained in Chapter V.

CHAPTER VIII - ISLAND PARK ZONING DISTRICT. This chapter establishes an Island Park Zoning District and the performance standards applicable to land development and building activity in that district. The nature of these performance standards was explained in Chapter V.

CHAPTER IX - AIRPORT OVERLAY ZONING DISTRICT. The purpose of the Airport Overlay Zoning District (AOZD) is to provide for the safety of aircraft pilots and passengers and protect a substantial investment of public funds by assuring that land development and construction activities within the AOZD are compatible with the safe, continued use of the airports serving Fremont County.

CHAPTER X - FLOODPLAIN OVERLAY ZONING DISTRICT. This chapter establishes the Floodplain Overlay Zoning District (FOZD) and detailed performance standards for development in that district.

CHAPTER XI - ADDITIONAL PERFORMANCE STANDARDS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS. This chapter provides additional performance standards for land divisions and the development of manufactured home parks, which are also subdivisions. These performance standards apply in all zoning districts and to all subdivisions.

CHAPTER XII - REQUIRED IMPROVEMENTS: INSTALLATION AND MAINTENANCE. This chapter requires the installation of improvements in subdivisions, manufactured home parks, and other developments at the developer's expense, sets improvement standards, permits the phased installation of improvements pursuant to formal development agreements, and requires the perpetual maintenance of required improvements.

CHAPTER XIII - DEFINITIONS. This chapter provides definitions for terms used in this ordinance. Any dispute about the meaning of a term shall be resolved using the appeals procedure of III.M.

CHAPTER XIV - EFFECTIVE DATE. Provides the effective date hereof.

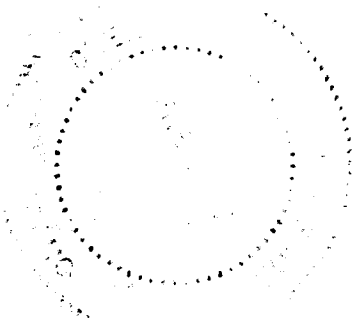
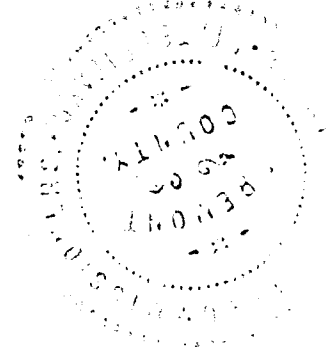
CHAPTER XIV. EFFECTIVE DATE. This ordinance shall be in full force and effect, and subject to enforcement, from and after 30 days following its passage, all as provided by law.

PASSED THIS 10th DAY OF FEBRUARY, 1992, BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO.

Weldon Reynolds
WELDON REYNOLDS
CHAIRMAN

ATTEST:

Mickie Funke
MICKIE FUNKE
CLERK



ORDINANCE NO. 92-1

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AN ORDINANCE BY THE COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, TO BE KNOWN AS THE FREMONT COUNTY DEVELOPMENT CODE, PROVIDING FOR THE PURPOSE, AUTHORITY AND GENERAL PROVISIONS; THE CREATION OF A PLANNING AND ZONING COMMISSION, AND PROVIDING FOR A ZONING ADMINISTRATOR; PROVIDING ADMINISTRATIVE PROCEDURES; PROVIDING FOR THE ESTABLISHMENT OF ZONING DISTRICTS AND ADOPTING A MAP OF THOSE DISTRICTS, AND DEALING WITH NON-CONFORMING USES; PROVIDING PERFORMANCE STANDARDS FOR DEVELOPMENT REVIEW; ESTABLISHING AND PROVIDING FOR A SOUTH FREMONT ZONING DISTRICT; ESTABLISHING AND PROVIDING FOR A NORTH FREMONT ZONING DISTRICT; ESTABLISHING AND PROVIDING FOR AN ISLAND PARK ZONING DISTRICT; ESTABLISHING AND PROVIDING FOR AN AIRPORT OVERLAY ZONING DISTRICT; ESTABLISHING AND PROVIDING FOR A FLOODPLAIN OVERLAY ZONING DISTRICT; PROVIDING ADDITIONAL PERFORMANCE STANDARDS FOR SUBDIVISIONS AND MANUFACTURED HOME PARKS; PROVIDING FOR REQUIRED IMPROVEMENTS IN GIVEN AREAS, REQUIRING THE INSTALLATION AND MAINTENANCE OF SUCH IMPROVEMENTS; PROVIDING FOR DEFINITIONS TO BE USED IN THIS ORDINANCE; AND, PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS: