

## 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 nonconforming use of buildings, structures and land may be continued to the same extent and character as that which existed on the effective date of this title. Lot setbacks contained herein are not applicable to lots in platted subdivisions existing as of the effective date of this title. (Ord. 99-1-1, 1-4-1999)
- B. Change Of Use; Discontinuance Of Use: If a nonconforming use of land or use of a building is changed to a conforming use or is discontinued for a period of one year or more, any further use of said building or land or construction, alteration, or repairs to said building shall be thereafter in conformity with the provisions of this title.
- C. Expansion Or Enlargement: No nonconforming use of buildings, structures or land shall be extended or enlarged, except when required by a county or state health or safety officer, and except, that any dwelling situated on a nonconforming lot may be enlarged.
- D. Replacement Of Destroyed Structures: Buildings and structures which have been destroyed by fire, exposure, or acts of God after the effective date hereof may be replaced within one year but not to exceed the size of the building or structure as it existed when it became nonconforming.

- E. Repairs: Repairs may also be made to a nonconforming building or a building 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 or of increasing the capacity or volume of business.
- F. Application Of Provisions: The provisions pertaining to non- conforming uses of land and buildings shall also apply to buildings, structures, land or uses which shall hereafter become nonconforming due to any change in regulations or reclassification of land. (Ord. 93-6-1, 6-28-1 993)

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. (Ord. 93-6-1, 6-28-1993)

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. (Ord. 93-6-1, 6-28-1993)
- 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 Cassia County Planning and Zoning Commission. (Ord. 93-6-1, 6-28-1993; amd. 2003 Code; amd. Ord. 2011-08-01, 8-25-2011.)
- 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 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. (Ord. 93-6-1, 6-28-1993; amd. Ord. 2011-08-01, 8-25-2011.)

- 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. (Ord. 99-1-1, 1-4-1999)

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. (Ord. 93-6-1, 6-28-1993)