



ORDINANCE NO. 2024-1
BUILDING LOT AND STANDARDS ORDINANCE
BLOOMINGTON, IDAHO

AN ORDINANCE OF THE CITY OF BLOOMINGTON, IDAHO, ESTABLISHING BUILDING AND LOT REGULATIONS AND STANDARDS WITHIN BLOOMINGTON, IDAHO, TO INCLUDE: SETTING FORTH DEFINITIONS AND REGULATIONS; ESTABLISHING THE GENERAL PROVISIONS; SETTING FORTH BUILDING LOT REGULATIONS AND EXEMPTIONS; PROVIDING FOR ADMINISTRATION & ENFORCEMENT; MANDATING PERMITS; PROVIDING FOR VARIANCE PROCEDURES; REQUIRING THAT PERMITS SHALL BE SUBJECT TO A FEE; REVOKING ANY ORDINANCES IN CONFLICT; WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, IDAHO, IMPLEMENTING A NEW CODE SECTION AS FOLLOWS:

Section 1: The following code relating to building regulations within the City of Bloomington, Idaho shall be implemented and adopted as follows:

CHAPTER I
GENERAL PROVISIONS

1.1 Title

This Ordinance shall be known as the *Building Lot and Standards Ordinance of Bloomington, Idaho*.

1.2 Authority

This Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho State Code, as amended or subsequently codified.

1.3 Purpose

This Ordinance is designed and enacted for the purpose of promoting the health, safety, general welfare and maintaining the present character and integrity of Bloomington.

1.4 Interpretation

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

CHAPTER II
DEFINITIONS

2.1 Interpretation of Terms or Words

Words used in the present tense include the future; words in the singular include the plural and the plural, the singular.

2.2 Meanings of Terms or Words

ADDITION: An extension or increase in floor area or height of a building or structure. If the addition is separated from the existing structure by more than one wall, then it is considered a complete and separate building. An addition to a building or structure shall comply with all current requirements

set forth in this ordinance, without requiring the existing building to comply with said ordinance.

BREEZEWAY: A structure with a roof and open sides that connects two separate buildings.

BUILDING: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

BUILDING, ACCESSORY: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building.

BUILDING, HEIGHT OF: The vertical distance measured from a point representing the average finished grade surrounding a structure to a point representing the highest elevation of the roof or top of the structure. Maximum height is 35 feet.

BUILDING LOT, PARCEL, PLOT: A surveyed and bounded tract of land that is set aside for building and is identified by a unique parcel number.

BUILDING, MAIN: The principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon a lot.

CHANGE OF USE: When a building undergoes major remodel for another use or may incur no physical changes but has a change in type of business or residential use.¹

COLORED BUILDING PERMIT: A document issued by the City Clerk and signed by the Mayor or Council member, authorizing the location of structures, fees and other pertinent information relating to building within the City.

COMMERCIAL PROPERTY: Commercial property is real estate that is used for business activities. Commercial property usually refers to buildings that house businesses.

COUNCIL: The City Council of Bloomington, Idaho.

FOOTPRINT: The boundaries of the exterior walls of a building or structure when placed on a piece of property.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

LOT: A parcel of land occupied or to be occupied by a main building or group of buildings (main and accessory), together with such yards, open spaces, lot width and lot area as are required by this Ordinance and having frontage upon a street.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way or any public or private street.

MANUFACTURED HOMES: A manufactured home shall be defined as multi-sectional and enclose a space of not less than one thousand (1,000) square feet. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above finished grade, except when placed on a basement foundation. The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width. Idaho Code 67-6509A

MAXIMUM UNITS PER LOT: Only one (1) Residential Dwelling per lot, parcel or plot. (See "Definitions")

¹ Added per Resolution 01-2024 dated June 18, 2024
Building Lot and Standards Ordinance – Effective 06/18/2024

PARKING SPACE: Space within a building, lot, or parking lot for the parking or storage of automobiles.

PERSON: Any individual, partnership, association of individuals or corporation.

PRIOR CREATED LOTS: Lots, parcels, or plats containing less than one half (1/2) acre and/or 100 feet of frontage which were created prior to January 1, 2024.

PREVIOUSLY CONSTRUCTED BUILDINGS: Any building built or constructed prior January 1, 2024

RESIDENTIAL DWELLING: Any building or portion thereof, which is for use for a residential purpose, including a manufactured home; which includes, permanent water, sewer, power and a permanent heat source. Must be built on permanent foundation.

SET-BACK LINE: A line established by this ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located above ground as may be provided in said Code.

CHAPTER III

ADMINISTRATION AND ENFORCEMENT

3.1 General

For the purpose of carrying out the provisions of this Ordinance, the City Council of Bloomington is designated and authorized to administer this Ordinance; and from time to time such administration may be entrusted in whole or in part to any other officer or representative which has been approved by the Mayor and City Council, without amendment to this ordinance, said officer or representative to be compensated for their services.

3.2 Building Permits Required

No building or other structure, except fences, shall be erected, moved, or added to without a permit issued by the Council. Change of Use from Outbuilding to Residential or Commercial requires a Change in Use Permit.²

3.3 Contents of Application

The application for a building permit shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application.

3.3.1 The application shall include a completed form (provided by the City Clerk or printed from the city website: www.bloomingtonidaho.net). Application must be signed by all parties in title on the property.

3.3.2 A Site Plan including a plan drawn to scale showing the actual dimensions and the shape of the lot to be built upon. The exact size and location of the existing buildings on the lot, if any, and the location and dimensions of the proposed buildings or addition, ditches, driveways, proposed water and sewer laterals, road(s), setback measurements and an arrow to show North (N) shall be shown thereon. Water meters in driveways are not allowed.

3.3.3 Construction plans including footprint and elevations showing dimensions, including overall height. Legible hand-drawn plans can be submitted for accessory buildings.

3.3.4 Copy of recorded Warranty Deed for the subject property.

3.3.5 A survey prepared by a licensed surveyor is required for all Residential Dwelling Units and other structures built or placed on a permanent foundation or hard surface pad.

3.3.6 Letter of approval from the Bloomington Irrigation Company or the owner of a private ditch,

² Added per Resolution 01-2024 dated June 18, 2024

if applicable. (See 4.4 for more detail on set-backs for ditches. "Twenty-five (25) feet soffits, or other overhead features. Owners wishing to build closer to a ditch must obtain a letter of permission from the Bloomington Irrigation Co. or the owner of a private ditch.")

3.3.7 An approved Septic Permit issued by Southeastern Idaho Public Health, if applicable.

See current Resolution for *City of Bloomington Application for Building Permit and Water and Sewer Connections* for complete Application Checklist.

3.3.4 Application for Approval of Building Permit

The Council shall approve a form and contents of the Application for Building Permit by Resolution. See the most recent *City of Bloomington Application for Building Permit and Water and Sewer Connections Resolution*.

Permit approval will be granted once the applicant has shown compliance with the permit requirements. If the application raises questions that require clarification, the applicant will be notified. Funds will not be deposited until final approval of Building Permit. Once colored Building Permit is issued it must be posted at the subject property until Advisement of Completion is issued.

3.5 Failure to Obtain a Building Permit

Failure to obtain a permit shall be a violation of this Ordinance.

Failure to obtain a building permit BEFORE building commences will result in an additional fee.

A "Cease and Desist" notice will be posted on the offending structure, which requires all work to stop immediately. The fees must be paid in full before further work commences, or the structure can be torn down or removed."

3.6 Penalties

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements has a corresponding fee.

The City Attorney shall, in addition to taking whatever criminal action is deemed necessary, take steps to civilly enjoin any violation of this Ordinance. Penalties for failure to comply with or violation of the provisions of this Ordinance shall be as follows: Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute ~~a misdemeanor~~ and⁴ an infraction, punishable by a fine of \$300.00. Each day such violation continues shall be considered a separate offense.

Permit and Connection Fees shall be set forth by the City Council by resolution from time to time. Current connection fees shall be on file in the office of the City Clerk and can be found on the current *City of Bloomington Application for Building Permit and Water and Sewer Connections*. Fees collected will not be deposited until the building permit has been approved.

CHAPTER IV BUILDING LOT REGULATIONS

4.1 Minimum Lot Area

A one-half (1/2) acre lot is required for each single-family dwelling*.

⁴ Deleted by Resolution 01-2024 dated June 18, 2024
Building Lot and Standards Ordinance – Effective 06/18/2024

*Refer to 4.12 for possible exemption.

4.2 Minimum Lot Width

One hundred (100) feet facing public road*.

*Refer to 4.12 for possible exemption.

4.3 Minimum Front and Side Set-Back

Twenty (20) feet from all public rights-of-way. Corner lots require twenty (20) feet set-back on each side that fronts a public right-of-way.

4.4 Minimum Side Yard, Rear Yard, and Ditch Set-Backs

Regular side yard and rear yard set-backs are 10 feet where a ditch is not nearby. Twenty-five (25) feet from ditch edge is required. The line is defined as the absolute edge of the building, including eaves, soffits, or other overhead features. Owners wishing to build closer to a ditch must obtain a letter of permission from the Bloomington Irrigation Co. or the owner of a private ditch.

4.5 Maximum Building Height

Thirty-five (35) feet.

4.6 Maximum Units Per Lot:

Only one (1) Residential Dwelling per lot, parcel, or plot. ("See Definitions")

4.7 Inspections/Reviews

All buildings erected in the City of Bloomington will be subject to review per guidelines found in the *Application for Building Permit and Water and Sewer Connections*.

4.8 Records of Development Permits

The City Clerk will keep a log of all permits issued. Each permit will be assigned a permit number for tracking purposes.

4.9 Setbacks for Additions to, and Repairs of, and Replacement of Previously Constructed Buildings, built prior to January 1, 2024.

A current Building Permit and all current fees are required. City Rules, Regulations and Setbacks will apply to Previously Constructed Buildings, as follows:

- A. Current setbacks are required on any addition to a previously constructed building, even if the original building does not meet the current setback requirements.
- B. Current setbacks are not required on a repair of a previously constructed building, even if the existing building does not meet the current setback requirements.
- C. Current setbacks are not required on a replacement of a previously constructed building that was damaged, torn down, or destroyed, less that one (1) year previous to the construction of the replacement; as long as a non-residential building is not changed into a residential building, and it is built back on the same exact Footprint as the previously constructed building – even if the previous building did not meet current setback requirements. A replacement building shall not be constructed outside of the property boundaries. If the previous building was not fully within the boundary of the property, the Footprint will need to be moved so that the replacement building is fully within the property boundaries.

4.10 Sewer and/or Water Connection

Connecting to and obtaining service from the City of Bloomington municipal water and sewer system is governed by the current *City of Bloomington Municipal Water and Sewer Systems Ordinances*. Fees for connections and monthly charges can be found on the most recent *City of Bloomington Application for Building Permit and Water and Sewer Connections*.

Exception: Some properties in the City of Bloomington may not have availability for sewer connection. Owners that cannot be connected to the sewer system must provide a copy of their approved Septic Permit issued by Southeast Idaho Public Health.

4.11 Fences

All fences shall be erected on or inside property lines.

4.12 Prior Created Lot Exemption

Unless otherwise exempted through this ordinance all residential and agricultural construction must meet current building and lot regulations. Properties with the following Bear Lake County Tax ID numbers are included in the Prior Created Lot exemption and will not need to meet the acreage and frontage requirements.

1933	1938.01	1950.01	1953.02	1959
1962	1966.01	1966.03	1970	1971
1976.02	1986	1986.01	1999	2000.01
2011.01	2013	2016	2016.01	2027.02
2035	2036.02	2040.02	2046	

If a property is not included in the above mentioned Prior Created Lot exemption list, the property owner may petition the city council to add the property to Section 4.12 by notifying the city clerk in writing and the city council shall consider the request and determine if the property should be included in prior created lot exception.

4.13 Subdividing Lots, Parcels or Plats

No person shall subdivide any tract of land which is located within the city limits of Bloomington City, except in conformity with the provisions of this Ordinance and/or the *Subdivision Ordinance*. Lots created after January 1, 2024, which do not meet the current acreage and frontage requirements as set forth in this ordinance and/or in the *Subdivision Ordinance* shall not be eligible for a building permit until the lot becomes compliant with this Ordinance and/or the *Subdivision Ordinance* requirements.

This section of 4.13 shall not apply to:

- A. The subdivision of land for and the sale of cemetery plots.
- B. The sale of land by or to the State of Idaho or any political subdivision thereof.
- C. The sale of land for agricultural purposes.
- D. The sale or vacation of easements or right-of-way.
- E. The sale of parcels for aligning property lines.
- F. The transfer of any parcel of land by testamentary device, foreclosure sale or by order of Court.

CHAPTER V AMENDMENTS

The Council may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by Idaho Code. A proposed amendment, supplement, or repeal may be originated by the Council or by application. All proposals not originating with the Council shall be referred to the Council for report thereon before any action is taken on the proposal.

CHAPTER VI VARIANCES

6.1 Variance

If a building permit is denied, the Council may grant, as a result of unique circumstances, a variance from the provisions of the City of Bloomington *Building Lot and Standards Ordinance* on a finding that undue hardship results from the strict compliance with specific regulations.

6.2 Standards for Variance

No variance shall favorably be acted upon by the Council unless there is a finding, as a result of a public hearing, that all of the following exist:

- 6.2.1 That there are such special circumstances or conditions affecting the property that the strict application of the provisions of said Ordinance would clearly be impracticable or unreasonable. In such cases, the property owner shall first state the reasons in writing as to the specific provision or requirement involved.
- 6.2.2 That strict compliance with the requirements of said Ordinance would result in extraordinary hardship to the property owner because of unusual topography, other physical conditions, or other such conditions which are not self-inflicted, or that these conditions would result in inhibiting the achievement of the objective of said Ordinance.
- 6.2.3 That the granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area where the property is located.
- 6.2.4 That such variance will not violate the Idaho Code.
- 6.2.5 That such variance will not have the effect of nullifying the interest and purpose of said Ordinance.

6.3 Application for Variance

A written *Application for Variance* form shall be submitted to the Council containing:

- 6.3.1 Name, address, and telephone number of the owner;
- 6.3.2 Legal description of the subject property;
- 6.3.3 Description of the nature of variance being requested;
- 6.3.4 A narrative statement demonstrating that the requested variance conforms to the following standards:
- 6.3.5 That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same area.
- 6.3.6 That a literal interpretation of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same area under the terms of said Ordinance.

- 6.3.7 That special conditions and circumstances do not result from the actions of the applicant.
- 6.3.8 That granting the variance requested will not confer on the applicant any special privilege that is denied by said Ordinance to other lands, structures, or buildings in the same area.
- 6.3.9 The reasons why granting the variance will not infringe upon the rights of other property owners within 300 feet of the subject property.

6.4 Public Hearing

Upon receipt of the *Application for Variance* form, a public hearing must be held. The applicant would be responsible to coordinate with the Council and to publish a notice of the hearing in the newspaper; also, to give written notice to all parties, by mail, that reside within 300 feet of the boundaries of the property in question.

6.5 Action by the Council

At the next regularly scheduled meeting of the Council, the Council shall take action on the request for variance. Upon granting or denying a variance, the Council shall specify:

- 6.5.1 The Ordinance standards or Idaho Code used in evaluating the application.
- 6.5.2 The reasons for approval or denial
- 6.5.3 The actions, if any, that the applicant could take to obtain a permit.

6.6 Notification of Applicant

Within fifteen (15) days after the decision has been rendered, the Council shall provide the applicant with written notice of the action on the request.

An affected person, aggrieved by the decision may, within sixty (60) days after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by Section 67-5212 b- g, and 67-5216 of the Idaho code.

6.7 Fees

Upon the filing of any request for a variance, the applicant shall pay to the City Treasurer a fee in the amount shown on the most recent *City of Bloomington Application for Building Permit and Water and Sewer Connections*. Applicant will be responsible for all fees associated with advertising to publish a notice of the hearing in the newspaper; also, to give written notice to all parties, by mail, that reside within 300 feet of the boundaries of the property in question.

Section 2: Severability Clause:

Should any section or provision of the Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

Section 3: Revocation of Conflicting Ordinances:

This Ordinance repeals Ordinances #47, 1982-1, 1982-1-1, 1994-2, 2018-3, and any other Ordinances in conflict with this Ordinance.

Section 4: Three Readings:

The requirement that ordinances be read on three separate occasions is herewith dispensed, and this ordinance shall become effective upon its passage, approval and publication as provided by law.

Section 5: Effective Date

This Ordinance shall be in full force and effect upon passing and signing. Passed and approved by the Mayor and City Council of the City of Bloomington, Idaho, on this the 18th day of June, 2024.

Attested:

Debbie Thomas

Debbie Thomas, City Clerk

Signed:

Roy Bunderson

Roy Bunderson, Mayor