

TITLE 9

LAND USE CODE

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TITLE 9 LAND USE CODE – CHAPTER 1 TITLE

CHAPTER 1

TITLE

- 9-1-1: TITLE
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9-1-1: TITLE

This Title shall be known and cited as the TETONIA LAND USE CODE. (Ord. 2008-4)

9-1-2: AUTHORITY

This Title is adopted pursuant to authority granted by title 67, chapter 65 and title 50, chapter 13; and title 31, chapter 7, of the Idaho Code, article 12, section 2, Idaho Constitution, as amended or subsequently codified. In the interpretation and application of this Title, the provisions contained herein are declared to be minimum requirements. (Ord. 2008-4)

9-1-3: PURPOSE

The purpose of this Title is to promote the orderly development of the city and the area of impact of the city; to conserve and stabilize the value of property; and otherwise to promote public health, safety, convenience, morals and general welfare of the people of Tetonia; and, to avoid undue concentration of population. It is the intent of this Title to regulate the use of land and guide development in the city in harmony with the policies and guidelines of the officially adopted Tetonia Comprehensive Plan and to achieve the following objectives:

- A. Encourage orderly growth and development of land.
 - 1. Mitigate adverse impacts upon the water supply, sewage disposal, public safety and emergency services, educational facilities; and
 - 2. Mitigate the unnecessary imposition of expenditures of public funds for the delivery of such services as listed in Section 9-1-3(A)(2), above.
- B. Encourage proper distribution and compatible integration of agricultural, residential, commercial and manufacturing uses within designated areas and protect these areas from unreasonable intrusion of incompatible uses.
- C. Provide for appropriately located residential areas with opportunities for a variety of dwelling types and densities.
- D. Provide for adequate parking on and off street.
- E. Encourage variety, excellence and creativity in the design of development, preservation of critical open space areas and preservation of the natural beauty of the area.
- F. Provide the manner and form for preparing and processing applications for modification of and variances from zoning regulations.

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- G. Ensure that additions and alterations to or remodeling of existing buildings or structures is completed in accordance with the restrictions and limitations imposed in this Title. (Ord. 38, 11-5-1984; Ord. 2008-4)

9-1-4: VESTING RULE

The vesting (grandfather) rule will apply to all existing lands or businesses as of the date of publication of this code. Owners can operate their farm or business, including the additions of improvements as they now do or until they elect to change to a different land or business classification. Should the land or business pass to the heirs, the grandfather rule will apply unless said heirs elect to enter a different classification. The grandfather rule will apply to the sale of property if the classification and use remain unchanged. (Ord. 2008-4)

TITLE 9 LAND USE CODE – CHAPTER 2 DEFINITIONS

CHAPTER 2

DEFINITIONS

9-2-1: DEFINITIONS

9-2-1: DEFINITIONS

For the purpose of this Title, certain terms are defined as set forth in this Chapter.

All words in the present tense include the future tense; the plural includes the singular, and all words in the singular include the plural, unless the nature of construction of the sentence indicates otherwise.

ABUT: The joining, reaching, or touching of adjoining land. Abutting pieces of land have a common boundary.

ACREAGE: Any tract or parcel of land that has not been subdivided and platted, in common ownership and having an area of one acre or more.

ACCESSORY BUILDING: A building which is subordinate to and incidental to the principal building on the same lot, but does not include any building containing a "dwelling unit," as defined in this Section.

ACCESSORY USE: A use incidental and subordinate to the principal use of the premises.

ADMINISTRATOR: An official having knowledge of the principles and practices of zoning who administers this Title.

ADULT BUSINESS: Establishments based primarily on materials or performances that depict, describe, or relate to specified sexual activities. Adult businesses must be a minimum distance of one-half (1/2) mile from any church, school, day-care facility, or other organization or use which is primarily intended for individuals under the age of eighteen (18) years old. The distance shall be measured in a direct line from the front door of the adult business to the front door of said organization or use.

AFFECTED PERSON: One having an interest in real property which may be adversely affected by the issuance or denial of a permit.

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- AGENT: A person that legally represents the developer and the owner and such legal authorization shall be on file, in writing, with the administrator.
- AGRICULTURE: A. Land primarily used for farming, dairying, pasturage, cultivation, animal or poultry husbandry and the necessary accessory use for packing, treating or storing produce; provided:
1. The operation of any such accessory use shall be secondary and supportive to that of normal agricultural activity; and
 2. The tract of land is used to produce organic goods for sale or animal feeding from which significant economic gain or saving is derived.
- B. Any agriculture use or uses not herein listed which, in the judgment of the planning and zoning commission, conform to the intent of this definition are allowed.
- AGRICULTURAL BUILDING: A structure designed and constructed to house automobiles, trucks, farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation, nor shall it be a place used by the public.
- APPLICANT: A person or persons who file an application with the city seeking relief or authority under this Title.
- APPLICATION: A document submitted to the city to apply for a permit to fulfill the requirements of the city code with regard to land use.
- AIRPORT: Any area of land or water which is used or intended for use by aircraft and including the necessary accessory structures or facilities located thereon.
- AMUSEMENT FACILITY, INDOOR: An enclosed facility used for public entertainment, including, but not limited to, bowling alleys, dance halls, theaters and skating rinks.
- AMUSEMENT FACILITY, OUTDOOR: A site, which may contain accessory buildings, used for public entertainment, including, but not limited to, golf courses, drive-in theaters, raceways, riding arenas.

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ANNEXATION AGREEMENT:	A contract between the city and property owner(s). The agreement shall outline general and specific conditions of the annexation.
ANIMAL CLINICS:	Any building or portion thereof designed or used for the care and treatment of cats, dogs and other animals.
ANTENNA:	Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and multi-directional antennas, such as whip antennas.
APARTMENT:	A rented or leased room or suite of rooms in a multiple-unit dwelling which is arranged, designed or used as a single housekeeping unit and has complete kitchen and sanitary facilities permanently installed.
AUTOMOTIVE REPAIR:	Premises used primarily for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.
AUTOMOTIVE SALES:	Premises on which new and/or used passenger automobiles, trailers, mobile homes or trucks in operating condition are displayed in the open for sale or trade.
AUTOMOTIVE SERVICE STATION:	Premises used primarily for the retail sale and delivery of motor fuel and/or lubricating oils, tires and incidental vehicular lubrication and related services, including motor vehicle repair.
AUTOMOTIVE WRECKING YARD:	Any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operating condition are standing more than thirty (30) days, or on which used motor vehicles, or parts thereof, are dismantled or stored.
AWNING:	Any stationary structure, other than a window awning, for the purpose of providing shelter from the elements and having a roof with supports and not more than one wall or storage cabinets substituting for a wall.
BED AND BREAKFAST FACILITY:	An owner-occupied facility providing overnight accommodations and breakfast food service to
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no more than twelve (12) guests at any one time. No cooking shall be allowed in guest rooms and only breakfast food shall be provided to guests. Bath facilities shall be shared by no more than two (2) guest rooms, and one off-street parking space for each guest room and employee shall be provided and maintained by the applicant.

BICYCLE PARKING RACK: Secured framing, usually metal, for holding and locking bicycles.

BLOCK: A piece of land or group of lots entirely surrounded by public streets, streams, railroads, parks, canals or natural or artificial boundary, or combination thereof.

BOARDING HOUSE: A building, other than a hotel or restaurant, where meals and rooms are provided for compensation to three (3) or more persons, but not more than twelve (12) persons, who are unrelated and no cooking or dining facilities are provided in individual rooms.

BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

BUILDING, DETACHED: A building surrounded by open space on the same lot as another building.

BUILDING ENVELOPE: The area on a lot or parcel intended for a building footprint. Ownership of the building envelope is separate from the remaining lot or parcel, which may be owned by a homeowner's association, an individual, partnership or organization.

BUILDING FOOTPRINT: The area occupied by a building.

BUILDING, GOVERNMENT: A building owned or used by the Federal, State, County or city government, or any political subdivision, agency or instrumentality thereof.

BUILDING, NONCONFORMING: Any building, which does not conform to the requirements of this Title.

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- BUILDING PERMIT:** A permit to be obtained before any construction begins.
- BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the lot on which said building is situated.
- BUSINESS OR COMMERCE:** The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprises or the maintenance and use of offices or professions and trades rendering service.
- CARPORT:** A stationary structure consisting of a roof with its supports and not more than three (3) walls and used for sheltering a motor vehicle.
- CEMETERY:** Land used or intended to be used for the burial of human dead and dedicated for cemetery purposes, for which perpetual care and maintenance is provided, including mausoleums if operated in connection with and within the boundaries of said cemetery.
- CENTRAL SEWER SYSTEM:** Any system that receives blackwaste or wastewater in volumes exceeding two thousand five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership.
- CHILD-CARE FACILITY:** Any facility where children regularly receive care and supervision, usually unaccompanied by the children's parents, guardians or custodians, and regardless of whether the facility does or does not provide any instruction. This use excludes the case of (a) the operator's children or legal wards or children related by blood or marriage, (b) occasional personal guests, and (c) children aged twelve (12) years and over. Any home, place, or facility providing overnight custodial services for lodging or boarding for the occupants therein shall not be considered a child-care facility.

There are three (3) types of child-care facilities:

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1. Family Day-Care: A child-care facility for six (6) or fewer children as an accessory use to residential uses.

2. Group Day-Care: A child-care facility for seven (7) to twelve (12) children.

3. Day-Care Center: A child-care facility for thirteen (13) or more children.

CITY:	Tetonia, Idaho, or its city council.
CITY CLERK:	Clerk of the City of Tetonia, Idaho.
CITY COUNCIL:	The city council of the City of Tetonia, Idaho.
CLINIC:	A building used for the care, diagnosis and treatment of ill, infirm or injured person, but which building does not provide board and room or regular hospital care and services.
CLUSTER HOUSING:	A development of land consisting of separate residential lots of record where conventional setbacks, lot sizes or density may be varied with adjacent land held in common, usually as open space, and where said common land is maintained by the city, private management or a homeowner's association.
COMMON GREEN:	A common area substantially open to the sky which is owned and maintained by a group or association. Building clusters may abut the area without extensive setback requirements.
COMPREHENSIVE PLAN:	The plan or any portion thereof, adopted by the city, which includes all land within the jurisdiction of the city.
CONDITIONAL APPROVAL:	An affirmative action by the planning and zoning commission indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.
CONDITIONAL USE:	Use of a structure or land in a district even though it is not a principally permitted use in that district. This use requires a "special use permit" from the planning and zoning commission and is subject to the limitations and conditions specified herein and thereon. Also called a conditional use.
CONDOMINIUM:	Dwelling units in a multi-unit dwelling where each unit is individually owned and the common
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areas such as hallways and recreational facilities are jointly owned (usually as "tenants in common") by all the unit owners in the building.

CONVENIENCE STORE:	Retail sales of food, beverages and small convenience items typically found in establishments with long or late hours of operation.
COUNTY:	Teton County, Idaho, or its governing board.
COVENANT:	A written promise running with the ownership of a lot in a recorded plat by virtue of its being included in the written documents recorded with and made a part of the plat.
CULVERT:	A drain that channels water under a bridge, street, road or driveway.
DEDICATION:	The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes or by the recording of a plat showing such dedication. Dedicated land becomes public land upon the acceptance by the city council or other governmental unit.
DENSITY:	A unit of measurement; the number of dwelling units per a specified area of land.
DENSITY GROSS:	The number of dwelling units per acre of the total land to be developed including land dedicated to public use.
DENSITY NET:	The number of dwelling units per acre of land devoted to residential uses only and excluding land dedicated to public use.
DESIGN REVIEW ORDINANCE:	An ordinance to establish basic design standards for new developments and renovations in the city.
DETENTION FACILITIES:	Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.
DEVELOPER:	A person who subdivides land or an authorized agent of a subdivider.

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DEVELOPMENT AGREEMENT:	A contract between a developer and the city secured by lien against the real property of the proposed development.
DEVELOPMENT MASTER PLAN:	A plan for development with platting in progressive stages, as in a subdivision or planned unit development.
DISTRICT:	A category of land use designated on the zoning map.
DRIVE-IN:	An establishment, other than an automobile service station, which is designed to accommodate the motor vehicles of patrons in such a manner as to permit the occupants of such vehicles, while remaining therein, to make purchases or receive services.
DWELLING:	Any building or portion thereof designated or used exclusively for residential purposes. This definition does not include tents, travel trailers, motels, hotels, hospitals, nursing homes, clubs, and lodging/boarding houses.
DWELLING GROUP:	Two or more multifamily dwellings
DWELLING UNIT:	One or more rooms located within a dwelling designed for or occupied by one family for living or sleeping purposes and having at least one, but not more than two, permanently installed kitchens.
EASEMENT:	Authorization by a property owner for the use of any designated part of his property by another for a specified purpose.
EASEMENT ROAD:	An access to or from an approved county road or city street.
EASEMENT, UTILITY:	An access required by a utility or canal company.
ENGINEER:	Any person licensed by the State of Idaho to practice professional engineering.
ENGINEERING PLAN:	Plans of a proposed subdivision executed by an engineer.
ENTERTAINMENT FACILITY:	Any profit-making activity generally related to the entertainment field such as motion picture theaters, performing arts theaters, sports

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stadiums and arenas, amusement parks, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, health/fitness clubs, recreation clubs, arcades, and similar entertainment activities.

FAMILY:

An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than three persons (excluding servants) who are not related, living in a single-family dwelling or in a multifamily dwelling unit as a single housekeeping entity and using common cooking facilities.

FEEDLOT:

An area of land with fenced corrals where fifty (50) or more animals are stored during at least eight (8) months of the year and fed from an outside source.

FLOOD PLAIN:

The relatively flat area or low land adjoining the channel of a river, stream or other body of water which has been or may be covered by water of a flood of 100-year frequency. The flood plain includes the channel, floodway and floodway fringe as established by the Army Corp of Engineers.

FLOOR AREA, GROSS:

The sum of the gross horizontal areas of the several floors, including the exterior walls, of a building.

FLOOR AREA, NET:

That portion of the gross floor area of a building occupied by the listed use or uses and including hallway, storage and packaging space, dressing or restrooms and laboratory or workrooms; provided however, that floor space within a building reserved for parking or loading of vehicles and basement space used only for building maintenance and utilities shall be excluded.

FRONTAGE:

Property width abutting an approved right of way measured at the minimum required setback line.

FRONTAGE ROAD:

A road which has unlimited access to collector and access streets but has limited access to arterial streets. Access onto arterial streets is limited to one thousand five hundred feet (1,500') between access points.

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GOVERNMENT FACILITY:	A Federal, State, County or City agency using a building for such programs as schooling, training, rehabilitating, storage, maintenance, etc.
GREENWAY:	(1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open-space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated area; (4) locally, certain strip or linear parks designated as a parkway or greenbelt.
GRID:	A framework of parallel or crisscrossed streets intersecting at right angles.
HEALTH AUTHORITY:	District Health Department of the State Department of Health and Welfare.
HEIGHT:	The height of personal wireless facilities, spires, poles, antennas, steeples, towers, and similar structures shall be determined by measuring the vertical distance from the point of contact with the ground to the highest point of the structure, including any vertical projection thereof. When mounted upon other structures, the combined height of the personal wireless facility, spire, pole, antenna, steeple, tower, and/or similar structure, including the height of the structure mounted upon, shall be used to determine height.
HEIGHT, BUILDING:	The vertical distance from the grade to the highest point of the coping or a flat roof or to the deck line of a mansard roof or the average height of the height of the highest gable of a pitch or hip roof.
HOME BUSINESS / OCCUPATION:	An occupation engaged in by an occupant of a dwelling unit for gainful employment.
HOUSEHOLD:	All persons living in one house or dwelling unit.
INDUSTRY:	See definition of Manufacturing.

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IRRIGATION FACILITIES: Includes canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery and drainage of irrigation water.

KENNEL: Any lot or premises or portion thereof on which more than two dogs, more than four (4) months of age, are maintained, boarded or bred.

LANDSCAPE: (1) An expanse of natural scenery, (2) lawns, trees, plants, and other natural materials, such as rock and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

LOADING AND UNLOADING SPACE: An open off-street area of land other than a street or public way, the principal use of which is for standing, loading and unloading of motor vehicles and tractors and/or trailers in order to avoid undue interference with public streets and alleys.

LOT: A unit of land, meeting minimum zoning requirements, described by metes and bounds or a part of a recorded subdivision so recorded for transfer of ownership.

LOT COVERAGE: The area of a lot occupied by the principal building(s) and accessory buildings as expressed by a percentage.

LOT FOOTPRINT: In a multiple use district or in a planned unit development, the parcel of land of a single-family home, twin home or townhome, which usually is immediately beneath, in front of and behind the unit.

LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner and through lots, all sides adjacent to a street may be considered for frontage designation; however, when a building is placed on a lot, one side shall be designated as the yard front and lot frontage requirements shall apply to that street.

LOT LINE ADJUSTMENT: A minor movement of a property line(s) between two or more adjacent parcels.

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- LOT LINE:** The boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line most nearly parallel to the most remote from the front property lines. An interior lot line is a side line in common with another lot.
- LOT, MINIMUM AREA:** The area of a lot which is computed exclusive of any portion of the right of way of any public or private street or road.
- LOT OF RECORD:** A lot which is described by metes and bounds and which has been recorded with the County.
- LOT SPLIT:** The division of land, not involving the opening, widening or extension of any street, road or easement of access and does not involve more than four (4) lots, including the remainder of the original tract.
- LOT TYPES:**
- A. Corner Lot: A lot located at the intersection of two (2) or more streets with an external angle of not more than one hundred thirty five degrees (135°).
 - B. Double Frontage Lot: A lot which is not a corner lot and abuts two or more streets, with possible vehicular access to both streets.
 - C. Flag Lot: Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.
 - D. Interior Lot: A lot with only one frontage on a street.
 - E. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
 - F. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

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- MANUFACTURED HOME:** A single-family dwelling fabricated in one or more sections at a location other than the home site. Every section shall bear a label certifying that it is built in compliance with Federal Manufactured Home Construction and Safety Standards, June 15, 1976, and it shall also meet HUD and Uniform Building Code standards. A manufactured home may be designed to be towed on its own chassis or it may be site delivered by alternative means.
- MANUFACTURED HOME PARK:** A parcel of ground retained under one ownership for the purpose of lease or rental of spaces for the placement of manufactured homes.
- MANUFACTURED HOME SUBDIVISION:** A tract of land subdivided to provide for the sale of individual lots for the express purpose of placement of manufactured homes.
- MANUFACTURING:** The making of a product, especially by machinery and on a large scale, including assembling, fabricating, processing and refining.
- MASTER PLAN:** A comprehensive, long-range plan intended to guide the growth and development of a community or region for a set period of time and which typically includes inventory and analytic sections leading to recommendations for the community's land use, future economic development, housing, recreation and open space, transportation, community facilities and community design, all related to the community's goals and objectives for these elements.
- MAY:** A permissive requirement.
- MOBILE HOME:** A manufactured relocatable single-family dwelling made prior to June 15, 1976 which does not meet the Federal Manufactured Home Construction and Safety Standards. A structure transportable in one or more sections which is eight (8) body feet or more in width and is thirty two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the

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required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MOBILE HOME PARK:

A parcel of ground retained under one ownership for the purpose of lease or rental of spaces for the placement of "mobile homes" or "manufactured homes," as defined in this Chapter.

MOBILE OFFICE:

A detached mobile unit not intended for occupancy as a dwelling unit designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detached wheels. Use of a mobile office at other than a construction site requires a special use permit.

MONUMENT:

Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods used to identify any tract, parcel, lot or street lines, as specified in section 50-1303, Idaho Code.

MOTEL:

A building or group of buildings on the same premises, whether detached or connected, containing sleeping or dwelling units independently accessible with garage space or parking space located on the premises and designed for or occupied by the public.

MOTHER-IN-LAW APARTMENT:

An accessory dwelling unit or a secondary suite that is associated with the primary residence. These sorts of dwelling units are primarily constructed with a separate entrance, kitchen, bathroom and a living area. The primary objective of constructing such a dwelling unit is to provide accommodation to an elderly relative who is unable to lead life on their own.

MULTIFAMILY DWELLING:

A detached building arranged or designed to contain two or more dwelling units. Under this definition, twin homes, townhouses, condominiums and apartments are multifamily housing, as are duplexes, three-plexes, six-plexes, etc.

NATURAL RESOURCE:

Land and/or water in a natural, unimproved state, including that which may be growing on it or found in it. Natural resources include, but are not limited to, mineral deposits, timber, rangeland, watersheds, recreation areas and wildlife habitat.

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- NONCONFORMING USE:** A building or use of land existing at the time of enactment of the Ordinance codified herein which does not conform to the regulations of the district in which it is situated. Any use lawfully occupying a building structure or land at the effective date hereof or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located.
- NONPROFIT REHABILITATION CENTER:** Facilities operated by established nonprofit organizations such as goodwill industries, salvation army, etc., which are intended to provide employment and training for handicapped persons. Such facilities may include, but are not limited to, activities such as light assembly of products, training, administrative office, repair and sale of secondhand clothing, furniture and appliances, and may include certain facilities for persons with profound mental retardation. This use does not include homeless shelters or other forms of transient or permanent residential accommodation.
- NURSERY, PLANT:** Land, structure or a combination thereof for the storage, cultivation or transplanting of live trees, shrubs or plants offered for sale on the premises, including products used for gardening and landscaping.
- NURSING/CONVALESCENT HOME:** A building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, deformity or requiring care because of old age.
- NURSING HOME, REST HOME:** The same as a nursing home, except that medical care is not administered therein.
- OPEN SPACE:** A common area platted as a separate lot, provided within a recorded easement, or dedicated to and accepted by the city. The area shall be substantially open to the sky, exclusive of streets, and shall be designated and intended as a usable and convenient amenity to any proposed development. Wetland areas, drainage ditches, irrigation ditches, and similar

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features shall not be considered as a part of the minimum area of open space required.

ORIGINAL PARCEL:

A lot or tract of land as recorded on any plat or recorded in the county recorder's office as of the effective date hereof.

PARKING LOT:

An open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE:

Usable space within a public or private parking area or building for the storage of a single automobile or commercial vehicle.

PARKING SPACE, OFF-STREET:

An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. The space shall be located totally outside of any street or alley right of way.

PAVEMENT WIDTH:

The designated finished horizontal distance measured from one side of the street to the other including back of curb to back of curb.

PEDESTRIAN WAY:

A public walk dedicated to providing access to or through a school, park, recreation area or shopping center.

PERFORMANCE/SURETY BOND:

A financial guarantee by a subdivider or developer to the city, guaranteeing the completion of physical improvements according to plans and specifications, and/or the operation of said development according to the provisions required by the city and/or reclamation of said development site as agreed with the city.

PERSON:

Includes a single individual, firm, association, organization, partnership, trust, company or corporation, as well as an individual.

PERSONAL WIRELESS FACILITIES:

Facilities necessary for the provision of personal wireless services (i.e., towers, support buildings, etc.).

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PERSONAL WIRELESS SERVICES: Commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial, industrial and/or recreational uses developed under single ownership or control are accommodated in a preplanned environment with more flexible standards than those normally applied under these regulations.

PLANNING AND ZONING COMMISSION: The planning and zoning commission of Tetonia.

PLAT: The drawing, map or plan of a cemetery, subdivision or other tract of land or replatting of such, including certification, covenants, descriptions, dedications and approvals.

Final Plat: The final presentation containing all descriptions, provisions and information concerning a subdivision in accordance with this Title.

Preliminary Plat: The formal presentation, by drawing, as accepted by the planning and zoning commission and city council.

Recorded Plat: A final plat that has been accepted by the city and filed for record by the county.

PREEXISTING TOWERS OR ANTENNAS: Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

PRESCHOOL: An institution providing care for compensation, with instruction, for more than five (5) children of preschool age.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping

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stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad or by a municipal or other governmental agency to furnish electrical, gas, rail transport, communication, public water or sewage services.

PUBLIC USE: Public parks, schools, churches, administrative and cultural buildings, not including public land or buildings, devoted solely to the storage and maintenance of equipment and materials.

QUASI-PUBLIC USE: Patronage of churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

RECREATION, OUTDOORS: Activities related to the use of natural resources such as, but not limited to, hiking, fishing, hunting and boating which require no structures and create a minimal disturbance to the land.

RIPARIAN LAND Land that is traversed or bounded by a natural water course or adjoining tidal lands.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

RESIDENCE: A single-family dwelling or multifamily dwelling unit.

RESIDENTIAL: An area composed primarily of residences.

RESTAURANT: Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, but not limited to, a cafe, a cafeteria, coffee shop, lunch room, tea room and dining room.

RIGHT OF WAY: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts and bridges.

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ROAD:	A roadway surface and its approved rights of way. See definition of Street.
ROADSIDE STAND:	A structure or vehicle designed or used for the temporary display and sale of retail items may include outside display in the adjacent area.
ROOMING HOUSE:	See definition of Boarding House.
SALVAGE YARD:	An outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including automobile wrecking yards and yards for used building materials, and places or yards for storage of salvaged building and structural steel materials and equipment. Including yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition and the processing used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.
SCENIC CORRIDOR:	An area visible from a highway, waterway, railway, or major hiking, biking, equestrian trail, or publicly accessible right-of-way that provides vistas over water and across expanses of land, such as farmlands, woodlands, coastal wetlands, or mountaintops or ridges.
SERVICE INDUSTRY:	Financial institutions, professional offices, personal care facilities, and other service oriented businesses.
SERVICE STATION:	A business for fueling and servicing motor vehicles. This business sells fuel, lubricating oil and grease on premises and may sell tires, batteries, and accessories. The business typically provides major and minor motor-vehicle repairs and may also sell convenience items such as snacks and soft drinks.
SETBACK:	The minimum distance allowed between a property line of a lot and the nearest drip line of the eaves of a house, business or other building, including any projection thereof, excluding uncovered steps. Uncovered steps or a deck may not extend into the front setback more that one-third ($\frac{1}{3}$) of the required setback.

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- SETBACK AREA:** The space on a lot required to be left open and unoccupied by buildings or structures by the front, side or rear yard requirements of this Title or by delineation on a recorded subdivision.
- SHALL:** Is mandatory.
- SHOPPING CENTER:** A group of contiguous or adjacent commercial establishments, planned, developed, owned and/or managed as a unit to serve the trade area of the local community. Shopping centers shall provide services for a neighborhood or the community. Neighborhood shopping centers will typically comprise between thirty thousand to one hundred thousand (30,000 - 100,000) square feet of gross leasable floor area and community shopping centers will typically comprise between one hundred thousand to four hundred fifty thousand (100,000 - 450,000) square feet of gross leasable floor area.
- SHOPPING MALL:** An enclosed shopping facility comprising many separate shops typically with two (2) or more major anchors (usually full-line department stores) with shops/major anchors accessed mostly by indoor halls/walking areas. Outdoor access may be provided for open-air shopping malls. A shopping mall shall provide services for a regional area, as well as the local community, and will typically comprise between four hundred fifty thousand to eight hundred fifty thousand (450,000 - 850,000) square feet of gross leasable floor area.
- SHOULD:** A preferred requirement.
- SIDEWALK:** That portion of the road right of way which is improved for use of pedestrians.
- SIGN:** Any structure or natural object, such as a tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is, in the nature of an announcement, direction or advertisement. For the purpose of this definition, the word sign does not include

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the flag, pennant or insignia of any nation, state, city or other political unit, or any political educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

SINGLE-FAMILY DWELLING: A detached building arranged or designed to be occupied by one family.

STANDARD SPECIFICATIONS: The specifications as detailed in this Title or as officially adopted by the city council.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above.

STREET: A public right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term street also includes highway, thoroughfare, parkway, road, avenue, boulevard, land, place and other such terms. Streets are further defined as follows:

Alley: Provides secondary access at the back or side of property otherwise abutting a street.

Arterial: Provides traffic access from various traffic generators to expressways and freeways.

Major Arterial: Expressways and freeways.

Minor Arterial: Move a moderate volume of traffic at moderate speeds with limited access to residential streets.

Boulevard: A street, broad in width, often tree-lined and landscaped. Directional traffic may be physically separated by landscaped medians.

Collector: Carries traffic from local streets to other collectors and/or arterials.

Major Collector: Connect two or more local streets and a minor arterial. Commercial and residential properties do not have direct access onto them.

Minor Collector: Serve business and residential properties and are generally used to preserve a grid system of development throughout the city and into the city's impact area.

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Cross-section: A section formed by a plane cutting through an object, in this case a roadway, usually at right angles to an axis. Cross-sections are often used to illustrate the character, or design of a street and right-of-way, and can show the relationship of street to sidewalk to house.

Cul-De-Sac: A street connected to another street at one end only and provided with a turnaround at its terminus.

Dead-End: A street with only one way in or out.

Expressway: Provides traffic with a means to either bypass a city or be routed expeditiously through or between cities.

Local/Residential: Provides access to abutting properties, particularly in subdivisions.

Village: A street reserved for limited access into residential development.

Loop: A minor street in which both terminal points are on the same street of origin.

Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

STREETSCAPE:

The design and character of a street, often with regard to the aesthetic design of features such as landscaping, lighting, pedestrian facilities, signage and street furniture.

STRUCTURE:

Anything constructed or erected, except fences, which requires permanent location on the ground or is attached to something having location on the ground.

SUBDIVIDER:

An individual, firm corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for a subdivision of land in accordance with the provisions of this Title. The subdivider need not be the owner of the property, however, he shall be an agent of the owner and have sufficient proprietary rights in the property to represent the owner.

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SUBDIVISION: The division of any lot, tract or parcel of land into more than two (2) parts as it existed at the effective date here, for the purpose of transfer of ownership or development.

SURVEYOR: Any person who is licensed by the State of Idaho as a public land surveyor to do professional surveying.

SUSTAINABILITY: A long term approach to environmental protection and process improvements.

TAVERN/LOUNGE: A building where alcoholic beverages are sold for consumption on the premises, not including restaurants, where the principal business is serving alcoholic beverages.

TOWER: Any ground or roof mounted pole, spire, similar structure, or combination thereof, with a "height", as defined in this section, in excess of thirty-five feet (35'), including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Freestanding Tower: A tower not physically attached to a building or structure. The tower is attached to the ground by a foundation.

Lattice Tower: A type of tower that is usually round-mounted and self-supporting with multiple legs and cross bracing of structural steel.

Monopole: The shape of mount that is self-supporting with a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

TOWNHOUSE: A multifamily dwelling unit that shares a common wall with the dwelling unit next door. The walls are usually straight and entry is usually from the ground floor. A townhouse may have two or three stories. The unit consists of both the structure and the land on which it sits.

TRAVEL TRAILER: A vehicle equipped with wheels capable of unrestricted highway use, intended for temporary human occupancy and for vacation travel or recreational purposes. Includes, but

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not limited to, travel trailers, motor homes, camper units and camp tents.

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping or travel use.

Commercial Coach: A factory assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation.

Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

TRAVEL TRAILER PARK:

A tract of land retained under one ownership for the purpose of rental of spaces for temporary placement of travel trailers.

TRUCK STOP:

A business for fueling and servicing motor vehicles, especially long-haul trucks. Adjacent to or near a major highway, this business sells fuel, lubricating oil and grease on premises and often sells tires, batteries, and accessories as well. The business typically provides major and minor motor-vehicle repairs and offers numerous convenience items such as food and toiletries along with other travel-related merchandise and services.

TWIN HOME:

A multifamily dwelling containing two units that share a common wall.

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UNIFORM BUILDING CODE:	The Code published by the International Conference of Building Officials and adopted by the State.
USABLE LOT AREA:	That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, which are excessively steep or which are included in certain types of easements.
USE:	The specific purpose for which land or a building is designated, arranged or intended or for which it is or may be occupied or maintained.
USE DISTRICT:	See definition of District.
UTILITIES:	Installations for conducting water, sewage, gas electricity, television, storm water and similar facilities providing service to and used by the public.
VARIANCE:	A modification of the requirements of this Title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provisions affecting the size of lots.
VERTICAL MIXED USE:	Residential dwelling above the ground floor of an allowed commercial establishment.
VICINITY MAP:	A drawing showing the location of a tract of land in relation to a larger area.
WALKWAY:	A public way, four feet (4') or more in width, limited to pedestrian use, whether or not along the side of a road.
WAREHOUSE:	A building where wares or goods are stored before distribution or are kept in reserve.
WAREHOUSING AND STORAGE:	A. Limited: Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of five thousand (5,000) square feet of gross floor area, but excludes wholesaling, distribution and storage, ministorage and vehicle storage.

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B. Ministorage: Provision of storage space for household or commercial goods within an enclosed building with direct public access to individual storage spaces. May include vehicle storage to a maximum of twenty percent (20%) of the site. Where greater than twenty percent (20%) of the site is allocated to vehicle storage, the vehicle storage must be treated as a separate use.

YARD:

A required open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

YARD, FRONT:

That portion of a yard extending between the side lot lines across the front of a lot and from the front lot line to the front of the principal building.

YARD, INTERIOR SIDE:

That portion of a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

YARD, REAR:

That portion of a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

YARD, STREET SIDE:

That portion of a yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

ZONE:

See DISTRICT.

ZONING MAP:

A map incorporated into this Title designating land use districts or zones.

(Ord. 38, 11-5-1984; Ord. 23, 5-1981; Ord. 22, 5-1981; Ord. 2008-4; Ord. 2010-4)