

CHAPTER 2

DEFINITIONS

SECTION:

10-2-1: *Definitions*
10-2-2: *Meaning of Terms*

10-2-1: DEFINITIONS: For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- (A) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual;
- (B) The present tense includes the future tense, the plural number includes the singular and the singular includes the plural unless the nature of the construction of the sentence indicates otherwise; and
- (C) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

10-2-2: MEANING OF TERMS:

Accessory Building: A structure which is subordinate to and incidental to the principal building on the same lot, but does not include any building containing a dwelling unit.

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 Ordinance.

Affected Person: One having an interest in real property which may be adversely affected by the issuance or denial of a permit. "Affected Person" includes the Administrator.

Agriculture: Land primarily used for farming, dairying, pasturage, cultivation, animal or poultry husbandry and the necessary accessory use for

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packing, treating or storing produce; provided:

- a. The operation of any such accessory use shall be secondary and supportive to that of normal agricultural activity; and
- b. The tract of land is used to produce organic goods for sale or animal feeding from which significant economic gain or saving is derived; provided, however, that this does not include family gardens, pets or livestock whose primary use is that of outdoor recreation.

Any agriculture use or uses not herein listed which, in the judgement of the Commission, conform to the intent of this definition are allowed.

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 and marinas.

Animal Clinics: Any building or portion thereof designed or used for the care and treatment of cats, dogs and other animals.

Apartment: A 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.

Automobile Garage: Premises used primarily for the repair, rebuilding or reconditioning of motor vehicles or parts thereof including collision service, painting and steam cleaning of vehicles.

Automobile Sales Yard: 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.

Automobile Service Station:	Premises used primarily for the retail sale and delivery of sale and delivery of motor fuel and/or lubricating oils, tires and incidental vehicular lubrication and related services including motor vehicle repair.
Automobile Wrecking:	Any use of premises, excluding fully enclosed buildings, on which three (3) or more 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. See Salvage Yards.
Awning:	Any stationary structure used in conjunction with a mobile home, 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.
Block:	A piece or parcel 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 motel, hotel or restaurant where meals and/or lodging are provided for compensation to three or more unrelated persons where no cooking or dining facilities are provided in individual rooms.
Building:	Any structure with walls and roof affixed to the land and entirely separated on all sides from any other structure.
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:	See Commerce.
Cabana:	A stationary, light-weight structure, which may be prefabricated, with two or more walls, adjacent to and in conjunction with a mobile home meant to be moved with the mobile home.
Carport:	A stationary structure consisting of a roof with its supports and not more than two 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.

City: Shelley, Idaho, or its governing body.

City Clerk: Clerk of the City of Shelley, Idaho.

Clinic: A building used for the care, diagnosis and treatment of ill, infirm or injured persons, but which building does not provide regular hospital care and services.

Club: A building or portion thereof or premises owned or operated by an organized association of persons for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

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 or use of offices for professions and trades rendering services.

Commission: The Planning and Zoning Commission appointed by the City of Shelley.

Comprehensive Plan: The Comprehensive Plan of the City of Shelley, officially adopted by the City as such, including such elements as the general location and extent of present and proposed physical features including those for natural resources, agricultural, residential, commercial and industrial uses.

Conditional Approval: An affirmative action by the Commission indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Conditional Use: See Special Use.

Convenience Store: A small retail establishment which carries a wide variety of merchandise for the accommodation of those who live in the immediate vicinity and incidental transient traffic.

Council: The elected governing body of the City of Shelley, Idaho.

County: Bingham 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.

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 Council or other governmental unit.

Density: A unit of measurement; the number of dwelling units per a specified area of land.

Developer: The subdivider or authorized agent(s) of a subdivider.

Development Agreement: A contract between a developer and the Council which guarantees all development obligations relating to a subdivision and which is secured by lien against the real property therein.

Development Plan: A plan for the development of a large, unusual or complicated land area, the platting of which is expected in progressive stages as in a Planned Unit Development.

District: An area or 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: A building or portion thereof containing one or more dwelling units:

- a. Dwelling, Single-Unit--a building consisting of a single dwelling unit separated from other dwelling units by open space. Also called a single-family dwelling.
- b. Dwelling, Two-Unit--a building consisting of two (2) dwelling units which may be attached side-by-side or one above the other and separated from other dwelling units by open space. Also called a two-family dwelling.
- c. Dwelling, Multiple-Unit--a building or portion thereof containing three (3) or more dwelling units including condominiums. Also called a multi-family dwelling.

Dwelling Unit: One or more rooms designed for or used as a residence which
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constitutes a separate and independent housekeeping entity with a single kitchen permanently installed. The term does not apply to or include such types of occupancy as a lodging or boarding house, club, hotel or motel.

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 to practice professional engineering.

Engineering Plan: Plans of a proposed subdivision executed by an engineer.

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 one hundred (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 hallways, storage and packaging space, dressing or rest rooms and laboratory or work rooms; 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.

Health Authority: The District Health Department of the State Department of Health and Welfare.

Home Occupation: Any gainful occupation conducted in a dwelling unit or accessory building on the same property.

Hotel: See Motel.

Industry: See Manufacturing.

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 three (3) or more dogs, more than four (4) months of age are maintained, possessed, boarded or bred.

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

Lodging House: See Boarding House.

Lot: A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required.

Lot Coverage: The ratio of enclosed ground floor area of all buildings of a lot to the horizontally-projected area of the lot expressed as a percentage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard require through lots, all sides of a lot adjacent to a street shall be considered frontage and yards shall be as defined herein.

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 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 (135) degrees;
- b. Interior Lot--a lot with only one (1) frontage on a street;
- c. Through Lot--a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots; and
- d. 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.

- Lot Width:
- a. If the side property lines are parallel, the shortest distance between these side lines.
 - b. If the side property lines are not parallel, the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Manufactured Home: "Manufactured home" (formerly mobile home) means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, 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 required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq.

Manufactured Home Subdivision: A tract of land subdivided according to the rules and regulations of this Ordinance to provide for the sale of individual lots for the express purpose of placement of manufactured homes.

Manufacturing: The making of a project, especially by machinery and on a large scale, including assembling, fabricating, processing and refining.

Mobile Home: A manufactured relocatable single-family dwelling unit made prior to June 15, 1976, which does not meet the Federal Manufacture Construction and Safety Standards. See Manufactured Home.

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 Ordinance.

Monument: Any permanent marker either of concrete, galvanized iron pipe or iron
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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.

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.

Non-Conforming Use: A building or use of land existing at the time of enactment of this Ordinance which does not conform to the regulations of the district in which it is situated.

Nursery, Children: An institution providing care for compensation for more than six (6) children of preschool age.

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 Home: A facility for the care and treatment of more than nine (9) people.

Open Space: An area substantially open to the sky which may be in the same lot with a building. The area may include tennis courts, water areas, etc., but streets, parking areas and structures shall not be included.

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 of this Ordinance.

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. Such space shall not be less than one hundred eighty (180)

	square feet (nine (9) feet by twenty (20) feet) exclusive of access drives, aisles or ramps.
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 with 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.
Plan:	The Comprehensive Plan of the City of Shelley, Idaho.
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 which would normally apply under these regulations.
Planning and Zoning Commission:	The Planning and Zoning Commission of the City of Shelley, Idaho.
Plat:	<p>The drawing, map or plan of a cemetery, subdivision or other tract of land or a replatting of such including certifications, covenants, descriptions, dedications and approvals.</p> <ol style="list-style-type: none"> a. Preliminary Plat--The formal presentation, by drawing, as accepted by the Commission and Council. b. Final Plat--The final presentation containing all descriptions, provisions and information concerning a subdivision in accordance with this Ordinance. c. Recorded Plat--A final plat that has been accepted by the City and filed for record by the County.
Public Service Facility:	The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping 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 Uses:** 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.
- Ramada:** A stationary structure having a roof extending over a mobile home which may also extend over a patio or parking space for a motor vehicle and used primarily for protection from the elements.
- Recreation, Outdoor:** 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.
- 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.
- Residential:** An area composed primarily of structures used as dwelling units.
- 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.
- Road:** A roadway surface and its approved rights-of-way. See 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 Boarding House.
- Salvage Yard:** An outdoor space where junk, waste, discarded or salvage materials are stored or handled including automobile wrecking yards and yards used for building materials and places or yards for storage of salvaged buildings and structural steel materials and equipment. Excluded are yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition and those for the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.

See Automobile Wrecking Yard.

- 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 Ordinance or by delineation on a recorded subdivision.
- Setback Line: A line established by this Ordinance, generally parallel with and measured from the lot line, which defines the limits of a yard in which no building may be located above ground except as provided herein.
- Sidewalk: That portion of the road right-of-way outside the roadway which is improved for the use of pedestrian traffic.
- Sign: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.
- Special Use: Use of a structure or use of land permitted within a district other than a principally permitted use which requires a Special Use Permit and approval of the Commission and is subject to the limitations and conditions specified herein and thereon. Also called a Conditional Use.
- Standard Specifications: The specifications as detailed in this Ordinance or as officially adopted by the Council.
- Street: A 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:
- a. Expressway--provides traffic with a means to either bypass a city or be routed expeditiously through or between cities;
 - b. Arterial--provides traffic access from various traffic generators to expressways and freeways;
 - c. Collector--carries traffic from local streets to other collectors and/or arterials;
 - d. Local--provides access to abutting properties;
 - e. Local/Residential--provides access to abutting properties, particularly in subdivisions;

- f. Cul-de-Sac--a street connected to another street at one end only and provided with a turn-around at its terminus;
- g. Alley--provides secondary access at the back or side of property otherwise abutting a street; and
- h. Private--a street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

Subdivider:	Any 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 Ordinance. 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.
Subdivision:	The result of an act of dividing an original lot, tract or parcel 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.
Tavern/Lounge:	A building where alcoholic beverages are sold for consumption on the premises not including restaurants where the principal business is serving food.
Travel Trailer:	A vehicle equipped with wheels capable of unrestricted highway use, intended for temporary human occupancy and for vacation, travel or recreational purposes. The definition includes, but is not limited to, travel trailers, motor homes, mounted camper units and camp tents.
Travel Trailer Park:	A tract of land retained under one ownership for the Park purpose of rental of spaces for temporary placement of travel trailers.
Uniform Building Code:	That 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 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 the Ordinance 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.
Vicinity Map:	A drawing showing the location of a tract of land in relation to a larger area.
Walkway:	A public way, four (4) feet 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.
Yard:	A required open space, other than a court, unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
Zone:	See District.
Zoning Commission:	The Planning and Zoning Commission of the City of Shelley.
Zoning Map:	The map referred to in this Ordinance and adopted by the City designating the Use District zones.
Zoning Permit:	A certification that the proposed construction, development or use complies with applicable zoning established by the City.