

## CHAPTER 2

### DEFINITION OF TERMS

2-1. GENERAL TERMS. For the purpose of this Ordinance, certain terms, phrases, or words used herein shall be defined and interpreted as set out in this chapter. Where terms, phrases, or words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language shall be considered as providing ordinary accepted meanings.

For the purpose of this Ordinance, certain terms, phrases, or words used herein shall be defined and 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 singular numbers include the plural and the plural numbers include the singular;
- C. The words "shall" and "must" are always mandatory requirements, the word "may" is a permissive requirement and the word "should" is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied";
- E. The word "lot" includes the words "plot", "parcel" and "tract";
- F. The term "erected" means "constructed", "altered", "moved", or "repaired";
- G. The terms "administrator" or "administration" is synonymous with the term "planning and zoning administrator";
- H. The term "planning and zoning commission" is synonymous with the term "zoning commission".
- I. The masculine shall include the feminine:

2-2. DEFINITIONS. The following definitions shall apply to words and terms used in this ordinance:

ACCESSORY USE OR STRUCTURE: A use, building or structure that is customarily incidental and subordinate to the principal or approved conditional use or building, and is conducted or located upon the same lot.

ACCESS EASEMENT: A limited use easement across one or more adjacent properties to allow occasional vehicular access to otherwise inaccessible areas by either property owner at any time.

ACCESSORY USE: The use of land, secondary building or part thereof, on a portion of the main building such as being accessory to or incidental to the principal use

of the premises wherein accessory uses are authorized uses, which do not require a permit.

ADMINISTRATOR: An official having knowledge in the principles and practices of zoning who is appointed by the Board or Council to administer this Ordinance. The Building Official may be the Administrator if duly appointed.

AFFECTED PERSON: As used herein, an affected person shall mean one having an interest in real property, which may be adversely affected by the issuance or denial of a permit. (I.C. § 67-6521)

AGRICULTURE: The use of land for farming, horticulture, floriculture, forestry, fisheries, viticulture, raising crops, livestock, dairying and animal and poultry husbandry including all uses customarily accessory and incidental thereto; but excluding slaughterhouses, fertilizer works, bone yards and commercial feed lots. Incidental retailing of goods and products raised on the premises shall also be considered as being with the definition of agriculture.

AGRICULTURAL LAND, PRIME: Land which is particularly well suited to agricultural purposes due to characteristics which shall include soil type and depth, the absence of surface ground water or marshy areas, access to an existing irrigation system and with slope less than five percent (5%).

AGRICULTURAL SERVICE ESTABLISHMENT: An Establishment primarily engaged in performing animal husbandry or horticultural services, including agricultural milling and processing, harvesting, agricultural land preparation, irrigation and farm equipment sales and service, veterinary services boarding and training of horses, and agricultural produce stands.

AIRPORT: Any runway, land area or other facility designed or used whether publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings.

ALLEY: Any public space or thoroughfare, which has been dedicated or deeded to the public use and which, provides a secondary public means of access to abutting properties.

ALTERNATIVE SUPPORT STRUCTURE: Clock towers, steeples, silos, light poles, water towers, buildings or similar structures that may support telecommunication facilities.

ANIMAL CLINIC, ANIMAL HOSPITAL OR VETERINARY OFFICE: Any building or portion thereof designed or used for the care or treatment of cats, dogs, sheep,

cattle, and horses or other animals in which veterinary services are performed including clipping, bathing, boarding, and other services rendered to such animals and pets.

ANIMAL UNIT EQUIVALENTS: All livestock shall have the following animal unit equivalents:

Dairy Cattle

Holsteins:	Milking and dry cows	1.4 A.U.
Jerseys:	Milking and dry cows	1.0 A.U.
Others:	1,000 lb. Of live body weight	1.0 A.U.
Heifers:	100 lb. To 300 lb.	0.2 A.U.
	300 lb. To 500 lb.	0.4 A.U.
	500 lb. To 700 lb.	0.6 A.U.
	700 lb. To 900 lb.	0.8 A.U.
	900 lb. To 1,000 lb.	1.0 A.U.

Beef Cattle - Slaughter/Feeder:

	100 lb. To 300 lb.	0.2 A.U.
	300 lb. To 500 lb.	0.4 A.U.
	500 lb. To 700 lb.	0.6 A.U.
	700 lb. To 900 lb.	0.8 A.U.
	900 lb. To 1,000 lb.	1.0 A.U.

Swine

Boars:	1,000 lb. Of live body weight	1.0 A.U.
Sows:	1,000 lb. Of live body weight	1.0 A.U.
Pigs:	55 lb. To market	0.5 A.U.
Pigs:	Up to 55 lb.	0.25 A.U.

Sheep/Lambs Each 0.1 A.U.

Horse 1.25 A.U.

Fur bearing animals

	Less than 10 lbs. in body weight	0.01 A.U.
	Other – based on body weight as herein specified	

Chickens

Layers	Each	0.033 A.U.
Broilers	Each	0.033 A.U.
Turkeys	Each	0.18 A.U.
Ducks	Each	0.02 A.U.

For species not specifically identified: 1,000 lb. Of live body weight =1.0 A.U.

APARTMENT: A room or suite of rooms in a multiple family structure or multiple purpose structure which is arranged, designed or used as a single housekeeping unit and has complete kitchen facilities permanently installed.

APARTMENT HOUSE OR MULTI-FAMILY USE: Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied, as a home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

APPLICANT: A person or legal entity seeking approvals or permits pursuant to this ordinance which has an ownership or other vested interest in real property of a nature sufficient to control the use to which is proposed in the applications for said real property.

AREA OF CITY IMPACT: The unincorporated land surrounding the city limits of each city as established by Ordinance and any amendments thereto, as mutually agreed upon with Minidoka County in conformance with the laws of the State of Idaho.

AREA, PRIVATE PARKING: An open, graded or paved area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles or motor vehicles of occupants of the buildings for which the parking area is developed.

AREA, PUBLIC PARKING: An open area, other than a street or alley, used for the temporary parking of automobiles or other transportation and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

ANTENNA, BUILDING MOUNTED: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

ANTENNA, GROUND MOUNTED: Any antenna with its base placed directly on the ground.

ANTENNA, UTILITY POLE MOUNTED: An antenna attached, without regard to mounting, to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other similar structure approved by the Minidoka County Planning and Zoning Department.

ASSISTED OR RESIDENTIAL LIVING FACILITY: A facility however named, operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals and lodging to three (3) or more elderly, developmentally disabled, physically disabled and/or mentally ill adults not related to the owner.

AUTOMOBILE, MOTOR VEHICLE OR EQUIPMENT REPAIR: The repair, rebuilding or reconditioning of motor vehicles or equipment or parts thereof, including collision, service, painting and steam cleaning of vehicles.

AUTOMOBILE AND TRAILER SALES AREA: An open area used for the display, sale or rental of new or used motor vehicles or new or used trailers and where no repair work is done and on which all motor vehicles are capable of operation with their own power at all times.

AUTOMOBILE SALVAGE YARD: Any area, lot, land, or parcel, excluding farm equipment in agricultural zones or when located within a completely enclosed building, whereon more than two (2) motor vehicles without current registration, or where more than two (2) motor vehicles inoperable or dismantled motor vehicles, or any combination of more than two (2) unregistered, inoperable or dismantled motor vehicles, not in operating condition are standing more than thirty (30) days, or on which such used motor vehicles or parts thereof, are dismantled or stored. For purposes of this definition, the term "inoperable" means the motor vehicle cannot move under its own power or does not meet minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho.

BASEMENT: The portion of a structure all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BED AND BREAKFAST: See BOARDING HOUSE.

BICYCLE PATH: A public way or land designed for use of non-motorized vehicles or pedestrians and so designated.

BILLBOARD: Any sign exceeding thirty-two (32) square feet in size upon which advertising matter is posted and/or pasted thereon.

BLOCK: A group of lots, tracts, or parcels within well defined boundaries, usually streets.

BOARD: The Board of County Commissioners of Minidoka County, Idaho.

**BOARDING HOUSE (INCLUDING BED AND BREAKFAST AND LODGING OR ROOMING HOUSES):** Any building or portion thereof, other than a hotel or motel, where lodging and meals are provided for compensation for two (2) or more persons, but not more than twelve (12) persons, who are not members of the householder's family and do not require care or supervision. Congregate residences and assisted or residential living facilities are not included in this definition.

**BUILDABLE AREA:** The space remaining on a zoning plat after the minimum open space and set back requirements of this Ordinance have been complied with.

**BUILDING:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, but not including fences or advertising signs.

**BUILDING, AGRICULTURAL:** A structure located on agricultural zoned property and designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products and includes sheds, barns, corrals or fences. This definition does not include a place for human habitation or a place of regular employment, where agricultural products are extracted, processed, treated or packaged, or a place used by the public.

**BUILDING, ASSEMBLY:** A building or portion thereof used for the gathering together of fifty (50) or more persons for such purposes as deliberation, worship, entertainment, amusement, or for awaiting transportation.

**BUILDING, EXISTING:** A building erected prior to the effective date of this Ordinance or one for which a legal building permit has been issued prior to the effective date.

**BUILDING HEIGHT:** The vertical distance from grade to the highest point of the coping of a flat roof, or to the deck of a mansard roof or to the average height of the highest gable of a pitched or hip roof.

**BUILDING LINE.** A line established by law or agreement and usually parallel to property line beyond which a building or structure may not extend.

**BUILDING, MAIN OR PRINCIPAL:** A building other than an accessory building, in which is conducted the main or principal use of the lot on which said building is situated.

**BUILDING OFFICIAL:** The officer or other designated authority charged with the administration and enforcement of the Building Code as adopted by the respective jurisdiction.

BUILDING PERMIT: An official document or certificate issued by the Building Official authorizing performance of a specified activity. The issuance of a Building Permit shall not be construed as granting permission or approval to any activity that would violate the requirements of this ordinance or other laws adopted by the jurisdiction or the State of Idaho.

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

BUSINESS: The purchase, sale, exchange or other transaction involving the handling or disposition of any article, service, 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 services.

CAFO: See Confined Animal Feeding Operation.

CANNERY: A place where the business of preserving food such as meat, fruit and vegetables in sealed containers is carried on for profit or as a community cooperative service.

CARPORT: A roofed structure surrounded by open space on two or more sides.

CEMETERY: Land used or intended to be used for the burial of humans or dead animals and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CENTER, DAY CARE: See Day Care Center.

CENTER, MEDICAL HEALTH: See Clinic.

CLINIC: A building used for the care, diagnosis, and treatment of sick, ailing, infirm or injured persons and those who are in need of medical and surgical attention; but which buildings does not provide board, room or regular hospital care and services.

CLUB OR LODGE: The facilities of an association of persons for the promotion of some non-profit common interest, such as politics, service, literature, science, fellowship, etc., and which holds meetings periodically which are limited to members and guests.

COMMERCIAL ENTERTAINMENT FACILITIES: Facilities for any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

COMMERCIAL FEEDLOT-STOCK YARD: See Commercial or Industrial Confined Animal Feeding Operation.

COMMERCIAL CONFINED ANIMAL FEEDING OPERATION: A contiguous parcel of land upon which there is one or more livestock confinement areas, and upon which there are confined more than two hundred (200) but less than one thousand (1000) livestock animal equivalent units of large livestock or more than fifteen hundred (1500) but less than fifteen thousand (15,000) head of fowl and furbearers.

COMMERCIAL MEAT PACKING FACILITIES: Facilities for meat cutting, canning, curing, smoking, salting, packing, freezing, inspecting, or other similar establishments in which meat products are processed for sale of distribution.

COMMERCIAL SLAUGHTERHOUSE AND MEAT PACKING FACILITIES: Includes the slaughtering, meat canning, curing, smoking, salting, packing, rendering, freezing or other similar establishments in which meat products are so processed commercially for sale to the public or as a service for hire.

COMMISSION: The Planning and Zoning Commission of Minidoka County or the specific city as appointed by the Board of County Commissioners or the respective City Council.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the Board or Council including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools, and other community facilities.

CONCESSION STANDS: A building, structure, vehicle or tent, having less than 300 square feet of area that is used for the sale of food, beverages, and/or souvenirs on a temporary basis. A permanent concession stand which will occupy the same site for more than fourteen (14) consecutive days shall require a zoning permit.

CONDITIONAL USE: The use permitted only upon issuance of a special use permit.

CONDOMINIUM: A condominium is an estate consisting of (1) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with (2) a separate interest in real property, in an interest or interests in real property, or in any combination thereof.

CONDOMINIUM PLAT: The drawing of a division of real property into individual interests in common together with a separate interest in the real property for the purpose of establishing condominium ownership together with the declaration that is filed according to law with the County Recorder.

CONFINED ANIMAL FEEDING OPERATIONS: The use of real property for the keeping, stabling, feeding, confinement and maintenance of livestock, except where such livestock are fed exclusively on growing range or pasturage when one or more of the following conditions will exist:

- A. Livestock operations or facilities that confine, stable, feed or maintain one hundred (100) or more total animal units or operations located on twenty (20) acres or less with more than five (5) animal units per acre.
- B. Livestock operations that consists of one hundred (100) to one thousand (1000) animal units that stable or confine and feed or maintain for a total of one hundred twenty (120) days or more in any twelve (12) month period and crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- C. Livestock operations that consists of one thousand (1000) animal units or more that stable or confine and feed or maintain for a total of forty five (45) days or more in any twelve (12) month period and crops, vegetation forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

Confined animal feeding operation shall include barns, sheds, feed storage facilities as well as corrals, lagoons, and parking, feed and waste storage areas. Operations located on properties that are not contiguous shall be treated as separate operations. Also known as Livestock Confinement Operation or LCO, but for the purpose of this Ordinance shall be referred to as Confined Animal Feeding Operation or CAFO. The three classifications of Confined Animal Feeding Operations are Domestic, Commercial and Industrial and are separately defined in this chapter.

CONFINED ANIMAL FEEDING OPERATION, EXISTING: The use of any premises as a Confined Animal Feeding Operation which does not conform to the regulations of this Ordinance, but which was in existence at the effective date of this Ordinance.

CONFINED ANIMAL FEEDING OPERATION, LARGE: For the purpose of this ordinance all Commercial and Industrial CAFO's shall be deemed as Large Confined Animal Feeding Operations.

CONGREGATE RESIDENCE: A building or portion thereof that contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, assisted living facilities, hotels, boarding, or lodging houses.

CONTRACTORS YARD: Any parcel of land used for storage, maintenance or processing incidental to a construction or building business, hauling, excavation, demolition or similar activity and including any parcel of land used for the incidental repair of machinery used for any of the above listed activities.

CONVENIENCE STORE: A retail establishment selling or distributing fast moving items such as food and dairy products, sundries and petroleum products.

COUNCIL: The City Council of the respective city.

COUNTY: Minidoka County, Idaho and its governing board.

COVENANT: A written promise or pledge.

DAIRY: See Industrial, Commercial or Domestic Confined Animal Feeding Operation.

DANCE HALL: A facility or place of assembly or portion thereof, wherein is provided an area that may be used for dancing with occupant load of more than fifty (50) as established by the current Building Code. This definition does not apply to facilities or areas within schools or churches that are accessory to the primary uses.

DAY CARE CENTER: An establishment where (5) or more individuals, children or adults, regularly receive care and supervision for periods of time less than fifteen (15) hours unaccompanied by the individual's guardian.

DENSITY: A unit of measure; the number of dwelling units per acre of land.

- A. Gross Density. The number of dwelling units per acre of total land to be developed, including public right-of-way.
- B. Net Density. The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DEDICATION: The setting apart of land or interests in land for use by the public. Land becomes dedicated when accepted by the County as a public dedication, either by ordinance, resolution, or entry in the official minutes, or by the recording of a plat showing such dedication.

DEVELOPER: Authorized agent(s) of a subdivider or the subdivider himself.

DOMESTIC CONFINED ANIMAL FEEDING OPERATION: A Contiguous parcel of land which there is one or more livestock confinement areas, and upon which there are confined at least twenty-five (25) but no more than two hundred (200) livestock animal equivalent units head of large livestock and/or at least five hundred (500) but no more than fifteen hundred (1500) head of fowl and/or furbearers.

DRIVE-IN ESTABLISHMENT: An establishment, other than a service station or truck stop, which is designed to accommodate the motor vehicles or patrons in such

manner as to permit the occupants of such vehicles, while remaining therein, to make a purchase or receive services.

DUPLEX: See Dwelling, Two Family.

DWELLING: A building or portion thereof, containing one or more dwelling units, and which complies with the structural requirements of the adopted Building Code. The term "dwelling" does not include any temporary mobile home, motel, hotel, guesthouse or boarding house as defined herein.

DWELLING UNIT: A suite of two or more habitable rooms providing complete living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING UNIT (PRE-FAB): A building or other structure proposed or built for occupancy by people that is designed for initial transportation on streets and highways which arrives at a site where it is installed on a permanent foundation.

DWELLING, HIGHRISE MULTIPLE – FAMILY: A multiple family building or portion thereof, containing five (5) or more stories.

DWELLING, MULTIPLE FAMILY: A building, or portion thereof, containing three (3) or more dwelling units.

DWELLING, TWO FAMILY: A building designated for use and occupied exclusively by two (2) families living independently of each other, known also as a duplex.

DWELLING, SINGLE FAMILY: A building consisting of a single dwelling unit designed for use and occupancy by no more than one family, and separated from other units by open spaces.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of another person's property.

ELECTRICAL DISTRIBUTION LINES: Electrical power lines used by the electrical utility to distribute electrical power from the generation source or substation to the utility's customers or end users.

ELECTRICAL TRANSMISSION LINES: Electrical power lines used for transmission of electrical power from the generation source to a substation for further distribution by an electrical utility.

EQUESTRIAN WAY: A public way designed to be used for horseback riding and so designated.

FAMILY: An individual, or two or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FAMILY FOOD PRODUCTION: The keeping of domestic animals and fowl for the production of food for the use of the family occupying the premises.

FARM, RANCH AND GARDEN BUILDING: See Building, Agricultural.

FEED LOT: See Industrial, Commercial or Domestic Confined Animal Feeding Operation.

FOWL: Chickens, ducks, geese, pheasants, partridge, guinea hens, peacocks, or other similar domesticated birds excluding ostriches and emus.

FURBEARERS: Mink, fox, beaver, otter, or other similar domesticated animals.

GARAGE, PRIVATE: A building or a portion thereof in which motor vehicles used by the tenants of the main building on the premises are stored or kept.

GOVERNING AUTHORITY: The Board of County Commissioners of Minidoka County or the respective City Council of Rupert, Heyburn, Paul, Acequia, or Minidoka, Idaho.

GRADE, OR OFFICIAL GRADE: Grade (ground level) is the average of the finished ground level at the centers of all walls of a building. If the building is within twenty-five (25) feet of a sidewalk or curb, said ground level shall be measured at the sidewalk or curb.

GUEST: Any person, other than a member of a family hiring or occupying a room for living or sleeping purposes.

GUESTHOUSE: A detached or attached structure, being an accessory to a one-family dwelling with not more than two (2) bedrooms used or designed for use primarily by guests or servants for sleeping quarters.

HEALTH AUTHORITY: The officer or other designated authority charged with the administration and enforcement of the rules and regulations of the Health Department or its successor.

HEALTH DEPARTMENT: The South Central Health District, the Idaho Department of Health and Welfare, the United States Environmental Protection Agency and/or any agency as may succeed to any of their powers.

HEIGHT, TELECOMMUNICATIONS TOWER: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, protection devices (e.g. lightning rods) and lighting.

HIGH WATER MARK: Is the water level corresponding to the “natural or ordinary high water mark” or the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of terrestrial vegetation and destroy its value for commonly accepted agricultural purposes.

HOME, MOBILE: See Manufactured Home.

HOME, MOBILE - TEMPORARY: A trailer, tent trailer, camper or mobile home which is eight (8) feet or less in width and thirty-two (32) feet or less in length and may or may not contain cooking or bathroom facilities, but is not designed or used for long term occupancy. An unoccupied temporary mobile home is one, which is being stored or is to be occupied for fewer than thirty (30) days in a calendar year.

HOME OCCUPATION: Any gainful operation, profession or craft, which is customarily incidental to or carried on in a dwelling or accessory buildings, and wherein the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. (See the required performance standards).

HORSES FOR PRIVATE USE: Horses kept and maintained as an accessory use to a dwelling for the pleasure and use of the occupants thereof, and not used for commercial purposes.

HORTICULTURAL SERVICES: Commercial greenhouses, landscaping services and agricultural consulting services which grow plants on the premises in conjunction with the consulting services they render.

HOSPITAL: Any building used for the accommodation and medical care of sick, injured, or infirmed persons and including sanitariums, but does not include nursing homes.

HOTEL: A building containing six (6) or more guest rooms intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests.

HOUSEHOLD PET: Animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.

HOUSE, BOARDING: See Boarding House.

HOUSE, ROOMING: See Rooming House.

IMPROVEMENT: Any alteration to the land or other physical constructions associated with subdivision and building site developments.

INDUSTRIAL: Refers to the manufacture, processing and testing of goods and materials, including the production of power. It does not refer to the growing of agricultural crops, or the raising of livestock, or the extraction of severance of raw materials from the land being classified.

INDUSTRIAL CONFINED ANIMAL FEEDING OPERATION: A contiguous parcel of land upon which there is one or more confinement areas, and upon which there are confined one thousand (1000) or more livestock animal equivalent units of large livestock or fifteen thousand (15,000) or more head of fowl and furbearers.

JUNKYARD: See Salvage Yard and Automobile Salvage Yard.

KENNEL, NONCOMMERCIAL: Any lot or premises of one household, on which more than two (2) dogs, but less than five (5) are kept, housed, or maintained, which are owned by individuals of the household.

KENNEL, COMMERCIAL: Any lot or premises or portion thereof on which five (5) or more dogs are maintained, harbored, possessed, trained, bred, boarded, or caged for in return for compensation, but not including an animal clinic, animal hospital, or veterinary office where boarding is limited to short-term care incidental to treatment.

KINDERGARTEN: A place, home, building or location providing care, with organized play and instruction, for more than five (5) children of pre-school age not residing on the same premises.

LCO: See Livestock Confinement Operation.

LAGOONS, SEWAGE: Ponds or other similar facilities designed and used for the storage, treatment or evaporation of liquid or semi-liquid human, commercial or industrial waste.

LAGOON, SETTLING: Pond or other similar facilities designed and used for industrial or commercial processes for separating solid waste or materials from liquid waste or materials.

LAGOON, STORAGE: Pond or other similar facilities designed and used for the storage of water or treated process water, whether for irrigation or fire fighting purposes.

LAGOONS, WASTE: Ponds or other facilities designed and used for the storage of, or as a waste treatment system for liquid or semi-liquid waste, waste products or wastewater for Confined Animal Feeding Operations. For the purpose of this ordinance

waste lagoons do not include facilities such as berms, banks, trenches, ponds or other storm run-off containment systems designed strictly for the occasional or seasonal rain or snow melt runoff of livestock confinement areas.

LIQUID WASTE: A liquid substance containing any wastewater, waste or waste products, separately or in combination.

LIVESTOCK: Fowl, furbearers, cattle, dairy animals, swine, sheep, goats, horses, mules, llamas, ostriches, emus, and other similar domesticated animals including their offspring.

LIVESTOCK, LARGE: Cattle, dairy animals, swine, sheep, goats, horses, llamas, mules, donkeys, ostriches, emus and other similar domesticated animals, including their offspring.

LIVESTOCK CONFINEMENT AREA: A structure or area of land within which livestock are confined for a period of more than forty eight (48) hours during any seven (7) consecutive days.

LIVESTOCK CONFINEMENT OPERATION: See definition of Confined Animal Feeding Operation. Also known as LCO, but for the purpose of this ordinance shall be referred to as Confined Animal Feeding Operations or CAFO.

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 herein required. Such lot shall have frontage on an improved public street or approved private street or access to said lot will be provided by means of an approved irrevocable dedicated easement.

LOT AREA: The computed horizontal area contained within the lot lines.

LOT, CONTIGUOUS: Lots may be considered contiguous if they adjoin each other at a common boundary that permits use of the lots as one unit and if they are not separated by a public right of way, a railroad right of way, or by property held in fee simple ownership by another.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°). The point of intersection of the street lines is the "corner".

LOT, COVERAGE: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

LOT, DEPTH: The mean horizontal distance between the front and the rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point the side lot lines are not less than ten (10) feet apart.

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

LOT, NONCONFORMING: A parcel of land, which was created prior to or in compliance with the provisions of the applicable Zoning and Subdivision Ordinances that were in effect at the time, such parcel was created.

LOT, INTERIOR: A lot bounded by a street on one side only.

LOT, THROUGH: A lot having frontage on two streets, which are parallel or nearly so.

LOT, WIDTH: The mean width of the lot measured at right angles to its depth, provided however, that the minimum lot width required in each district shall be measure at a distance from the front line equal to the required least depth of the front yard.

LOT LINE: A line bounding the lot described in the title to the property.

LOT LINE, FRONT: The line separating the lot from the principal street on which it fronts.

LOT LINE, REAR: The line opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is also called a side street or flanking street lot line. A side lot line separating a lot from another lot or lots is also called an interior side lot line.

LOT LINE, STREET OR ALLEY: A lot line separating the lot from a street or alley.

MANUFACTURED HOME (MOBILE HOME) CLASS A: A dwelling unit manufactured and installed with all the following characteristics:

- A. Mass produced in a factory;
- B. Built on a frame, designed and constructed for transportation to a site for installation and use when connected to required utilities;
- C. Properly connected to sewer, water and electrical services;
- D. Designed for long-term residential use by a family, containing kitchen, bath and sleeping facilities;

- E. Multi-sectional and at least twenty (20) feet wide at the narrowest point, with a minimum of four hundred (400) square feet per section. (Minimum total square footage equal to eight hundred (800) square feet);
- F. Constructed after June 15, 1976, and certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development;
- G. Has a painted metallic, wood, shake, asphalt shingle or similar type roof with a minimum pitch of 2:12 (pitch to run);
- H. Has an eave of a minimum of six (6) inches, or an eave and gutter combination with a minimum of six (6) inches, attached to the entire perimeter of the roof;
- I. Has horizontal metal lap siding, simulated wood siding, or wood siding similar to permanent residential structures;
- J. Has a foundation that is similar in appearance and durability to concrete or masonry foundations of site-built dwellings and which surrounds the entire perimeter of the structure, completely enclosing the space between the siding and the finished grade; and
- K. Is permanently affixed, with the running gear and towing hitch removed, and set upon a foundation base having an anchoring system that is totally concealed under the structure.

MANUFACTURED HOME (MOBILE HOME) CLASS B: A dwelling unit manufactured and installed with all the following characteristics:

- A. Mass produced in a factory;
- B. Built on a frame, designed and constructed for transportation to a site for installation and use when connected to required utilities;
- C. Properly connected to sewer, water and electrical services;
- D. Designed for long-term residential use by a family, containing kitchen, bath and sleeping facilities;
- E. Constructed after June 15, 1976, and certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. If constructed before the above mentioned date, the home shall conform with the Mobile Home Rehabilitation Act, Idaho State Code Title 44 Chapter 25;
- F. New, new condition or rehabilitated so that all roofing, siding, and exterior trim is in tact, good condition and paint that is not blistered, peeling, or dull in color.
- G. Units at least fourteen (14) feet wide at the narrowest point, with a minimum of six hundred (600) square feet;
- H. Has a factory constructed painted metallic, wood, shake or shingle, asphalt or fiberglass shingle or similar residential type roof with a minimum pitch of 2:12 (pitch to run);
- I. Has an eave of a minimum of six (6) inches, or an eave and gutter combination with a minimum of six (6) inches, attached to the entire perimeter of the roof;
- J. Has horizontal metal lap siding, simulated wood siding, or wood siding similar to permanent residential structures;

- K. Has a foundation that is similar in appearance and durability to concrete or masonry foundations or approved skirting material, which matches the exterior siding. The foundation or skirting surrounds the entire perimeter of the structure, completely enclosing the space between the siding and the finished grade; and
- L. Is permanently affixed, with the running gear and towing hitch removed, and set upon a foundation base having an anchoring system that is totally concealed under the structure.

MANUFACTURED HOME (MOBILE HOME) CLASS C: A dwelling unit manufactured and installed with all the following characteristics:

- A. Mass produced in a factory;
- B. Built on a frame, designed and constructed for transportation to a site for installation and use when connected to required utilities;
- C. Properly connected to sewer, water and electrical services;
- D. Designed for long-term residential use by a family, containing kitchen, bath and sleeping facilities;
- E. Constructed after June 15, 1976, and certified as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development. If constructed before the above mentioned date shall conform with the Mobile Home Rehabilitation Act, Idaho State Code Title 44 Chapter 25; and
- F. Does not meet all definitional characteristics in items (E) through (K) of Manufactured Home Class A and in items (E) through (L) of Manufactured Home Class B.

MANUFACTURED HOME (MOBILE HOME) NON-CONFORMING: A dwelling unit manufactured and installed with all the following characteristics:

- A. Mass produced in a factory;
- B. Built on a frame, designed and constructed for transportation to a site for installation and use when connected to required utilities;
- C. Properly connected to sewer, water and electrical services;
- D. Designed for long-term residential use by a family, containing kitchen, bath and sleeping facilities;
- E. Does not meet all definitional characteristics in items (E) through (K) of Manufactured Home Class A, in items (E) through (L) of Manufactured Home Class B and item (E) of Manufactured Home Class C.

MANUFACTURED BUILDING OR HOUSE: A building or house built to the Uniform Building Code standards in a factory or other facility and then delivered to the construction site. This definition includes buildings used for other than residential use.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling storing, testing and similar industrial uses which are generally major operations and extensive in character requiring large sites, open storage and service area, extensive services and facilities, ready access to regional transportation and normally generate some nuisances such as smoke, noise, vibration, dust, glare, and air and water pollution beyond the district boundary.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free from objectionable or hazardous elements such as smoke, noise, odor, dust or other pollution; operating and storing within enclosed structures and generating little industrial traffic or nuisances.

MAPS, ZONING: See Zoning Maps.

MONOPOLE: A telecommunication tower of a single pole design.

MOTEL: Shall mean the same as hotel as defined in this chapter.

MOTOR VEHICLE: Any vehicle propelled or drawn by power other than muscular power designed to travel on the ground by wheels, treads, runners or slides, to transport persons or property or pull machinery and including, but not limited to, automobiles, trucks, trailers, motorcycles and tractors.

NAVIGABLE STREAM OR LAKE: As designated on the United States Geological Survey (USGS) map and/or the maps of Minidoka County Zoning.

NON-CONFORMING BUILDING OR STRUCTURE: A building, structure, or portion thereof, which does not conform to the regulations of this Ordinance applicable to the zone or district in which such building is situated, but which existed prior to the effective date of this Ordinance, or one for which a building permit was issued prior to the effective date.

NON-CONFORMING USE: A use of premises which does not conform to the regulations of this Ordinance, but which was in existence at the effective date of this Ordinance.

NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants for sale on or off the premises including products used for gardening or landscaping.

NURSING HOME: See ASSISTED LIVING FACILITY.

OCCUPANCY, CHANGE OF: Any change in the character or use of a building or premises, not including change of tenants, proprietors or occupants.

OCCUPIED RESIDENTIAL USE: A Residential Use defined in this chapter, which has actual residential habitation by one or more persons during the preceding three (3) years.

ODOR: Means the presence in the outdoor atmosphere of any contaminant or combination thereof in such quantity, nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

ODOR ABATEMENT: The reduction or elimination of odors present in the ambient air.

ODOR ABATEMENT PLAN: A written plan prepared by the owner/applicant stating methods and practices to be used to minimize or eliminate odors.

OFF-STREET PARKING SPACE: An area adjoining a building providing for the parking of automobiles which does not include a public street but has convenient access to it and shall consist of area adequate for parking an automobile with room for opening doors, together with properly related access to a public street or alley and maneuvering room.

OPEN SPACE: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and other recreational facilities that the Commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

OPERATION (TELECOMMUNICATIONS): Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.

ORIGINAL PARCEL OF LAND: A lot, tract or individual parcel as recorded on any plat or recorded on file in the office of the Minidoka County Recorder, any unplatted contiguous parcel of land held in one ownership, or any platted contiguous parcel of land comprised of or including government lots, and being any such parcel of record as of the effective date of the original Subdivision Ordinance.

OTHER USES: The term "other uses", as used in this Ordinance implies such usage that may be permitted in the zone or district. In no way does the term, when used, imply a permit or approval for a usage. "Other uses" requires a review by the Commission, which will deny or approve (generally under conditions), the requested usage.

OWNER: Any individual, person, firm, association, syndicate, partnership, corporation, or other entity having proprietary interest in real property subject to this Ordinance. A leasehold interest is excluded from such proprietary interest.

PARK, MANUFACTURED (MOBILE) HOME: Any area, tract, plot or site of land developed as a planned unit development located and maintained for dwelling purposes on a permanent or semi-permanent basis for two or more manufactured (mobile) homes or travel trailers.

PARK, TRAVEL TRAILER (RV Park): Any area, tract, plot or site of land with domestic water and sanitary facilities whereupon two or more travel trailers are placed, located and maintained for dwelling purposes on a temporary basis.

PARKING AREA, PRIVATE: An open area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles, of occupants of the building or buildings for which the parking area is developed and is necessary and accessory.

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

PARKING SPACE: A usable space of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

PERFORMANCE BOND: An amount of money or other negotiable security paid by the subdivider or his surety to the County/City Clerk which guarantees that the subdivider will perform all actions required by an approved plat, and provides that if the subdivider defaults and fails to comply with provisions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat. The Board shall set the amount of the bond at its sole discretion with regard to the recommendation of the Commission.

PERSONAL SERVICES: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

PEST ABATEMENT: The reduction or elimination of pests such as but not limited to flies, insects, rodents, etc.

PEST ABATEMENT PLAN: A written plan prepared by the owner/applicant stating methods and practices to be used to minimize or eliminate pests.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial and industrial uses developed under single ownership or control are accommodated in a pre-planned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

PLATFORM (ANTENNAS): A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

PLOT: A parcel of land consisting of one or more lots or portions thereof, which is described by reference to a recorded plat or by metes and bounds.

PRINCIPAL DESIGNATED USE: The main use of land or building as distinguished from a subordinate, accessory uses or other uses.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

PROPERTY: A lot or plot including all buildings and improvements thereon.

PROPERTY LINE: A recorded boundary of a plot.

PUBLIC USES: Public parks, schools, administrative and cultural buildings, and structures, not including public land or buildings devoted solely to storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITIES: Structures or facilities essential to furnishing the public with electricity, power, gas, water supply, water treatment and public services, including power plants and service stations, water treatment plants or public stations, fire stations or police stations.

PUBLIC WAY, PUBLIC RIGHT-OF-WAY: A public way, right-of-way, easement, or strip of land dedicated, acquired or platted across real property and intended for the special or general use of the public which normally includes streets, sidewalks or other public utilities or service areas.

QUASIPUBLIC USE: Churches, Sunday Schools, Parochial Schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

REAL PROPERTY: Real estate consisting of:

- A. Lands, possessive rights to land, ditch and water rights and mining claims; both lode and placer;
- B. That which is affixed to land; or
- C. That which is appurtenant to land.

REPAIR: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any change in a structure such as would be required by additions to, or remodeling of such structure.

RESEARCH ACTIVITIES: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, electronics, and engineering.

RESIDENTIAL CARE FACILITY: See ASSISTED LIVING FACILITY.

RESIDENTIAL USE: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple family dwellings, but not including hotels, motels, boarding and lodging houses, trailers, recreational vehicles, or trailer houses.

RESTAURANT: Any land, building or part thereof, other than a boarding house where meals are provided for compensation, including, among others, such uses as cafe, 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 the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.

RODEO: An area used as an entertainment site for an exhibition and/or competition of the skills of Cowboys/Cowgirls and Horsemanship.

ROOMING HOUSE: A building other than a hotel where lodging is provided for compensation to three or more persons who are not members of the householder's family and wherein no meals are served or provided.

SALVAGE YARD: A place where scrap, waste, discarded or salvage materials are bought, sold, exchanged, baled, packed, dismantled, handled or stored, including auto-wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural materials and equipment; but not including such places where such uses are conducted entirely within a completely

enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment within a building, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

SANITARIUM, SANITORIUM: A hospital, whether or not such facility is operated for profit.

SATELLITE DISH: A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shell dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs (satellite television receive only) and satellite microwave antennas.

SCHOOL: An institution conducting regular academic instruction at elementary, secondary and college levels.

SCHOOL, TRADE OR INDUSTRIAL: An institution or facility conducting instruction in the technical, commercial or trade skills such as business, beauticians, barbers, electricians, automotive and so forth.

SERVICE STATION: Buildings premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail and wherein in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries and distributor parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
- D. Radiator cleaning and flushing;
- E. Washing, polishing and sale of washing and polishing materials;
- F. Greasing and lubrication;
- G. Providing and repairing fuel pumps, oil pumps and lines;
- H. Minor servicing and repair of carburetors;
- I. Adjusting and repairing brakes;
- J. Minor motor adjustment not involving removal of the head or crankcase or raising the motor;
- K. Sales of cold drinks, packaged food, tobacco and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- L. Provisions of road maps and other informational material to customers - provision of rest room facilities; and
- M. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other characteristics to an extent greater than normally found in service stations. A service station is neither a repair garage nor a body shop.

**SETBACK:** The shortest distance between the property or lot line and the structure or portion thereof, excluding street or road right-of-way.

**SETBACK AREA:** The space on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear setback requirements of this Ordinance, or by delineation on a recorded subdivision or planned unit development map.

**SETBACK LINE:** A line established by the zoning regulations, 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 except as may be provided in this Ordinance.

**SEWAGE LAGOONS:** Ponds or other similar facilities designed and used for the storage, treatment or evaporation of liquid or semi-liquid human, commercial or industrial waste.

**SHELTER HOME:** A residential facility for temporary occupancy by individuals that for financial or physical or mental health reasons, who do have a place of residence or cannot live at their normal residences. This would include but not be limited to facilities for the homeless, battered and abused, halfway houses, and children's home.

**SHOOTING RANGE:** A facility, which allows for the safe practice of shooting firearms, including shotguns, pistols, and rifles, which may include any accessory uses and structures normally associated with this activity.

**SIGN:** A sign is any structure or natural object, such as tree, rock, brush 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, word, model, flag, banner, 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 the flag, pennant or insignia of any nation, state, county or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement or event.

**SIGN:** *Sign* means any display or device consisting of painted letters, symbols or designs, and including any moving parts, lighting, sound equipment, framework, background material or structural support, which display or device is intended to communicate business identification, an advertisement, announcement, directions or other message or attract, distract, hold, direct or focus public attention.

SIGN, COMMERCIAL: Any sign erected which directs attention to a use, name, business, commodity, service or entertainment conducted, sold or offered at a commercial establishment whether located on the same premises of the sign or not.

SIGN, DIRECTIONAL/INFORMATIONAL: Any sign erected with the purpose of giving directions which contains words such as *entrance, enter, exit, in, out*, or other similar words or a sign containing arrows or characters indicating traffic directions or provides information and/or messages of interest to the public.

SIGN, HOME: An accessory sign or nameplate announcing the names of the occupants or owners of the premises or the name of the home occupation conducted thereon.

SIGN, PROPERTY: An on-premises sign erected for the purpose of advertising the availability of the property for sale, lease or rent; or may include project identification, a private or public announcement or the announcement of danger or warning in connection with said premises.

SIGN, PUBLIC: An accessory sign erected for the purpose of identification of the buildings, or involved facilities, and may include the dissemination of information in connection with the program, policy or operation of public or semipublic institutions owning or occupying subject premises, such as schools, churches hospitals, quasi-public bodies, clubs, lodges, clinics, professional and executive office, or information in connection with the property of general interest to the public.

SIGN, TEMPORARY: Any sign that is used only temporarily, not exceeding sixty (60) days and is not permanently mounted or installed.

SITING ADVISORY TEAM ("Team"): A team comprised of representatives from the Idaho State Department of Agriculture (ISDA), Idaho Division of Environmental Quality (IDEQ), Idaho Department of Water Resources (IDWR), and an official designee of Minidoka County. The Siting Advisory Team may invite representatives of the state universities of Idaho and following federal agencies, U.S. Environmental Protection Agency (EPA), U.S. Natural Resources Conservation Service (NRCS), U.S. Geological Survey (USGS), and the United States Department Agricultural Research Services (USDA), to participate as Advisor and/or Consultants to the Team.

SLAUGHTER HOUSE: See Commercial Slaughter House.

SPECIAL USE: A special use permitted within a district, other than a principally permitted use, requiring a permit and approval of the Commission. Special uses permitted in each zone are listed in the Schedule of Zoning Regulations.

STABLE, PRIVATE: A detached accessory building or structure for the keeping of one or more horses or cows owned and used by the occupant of the premises and not for remuneration, hire or sale.

STABLE, RIDING: A building or structure used or designed for the boarding or care of riding horses for remuneration, hire or sale.

STORM RUNOFF CONTAINMENT: Means the storage facility that intercepts precipitation runoff of a corral(s) based on the requirement for a twenty-five (25) year, twenty-four (24) hour storm event only. This does not include wastewater.

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

STREET: A public right of way officially accepted by the Agency or Entity having jurisdiction, fifty feet (50') or more in width, which provides a public means of access to abutting property, or any such right of way more than twenty feet (20') and less than fifty feet (50') in width provided it existed prior to the enactment of this Ordinance and has received official approvals. The term "street" shall include "avenue", "drive", "circle", "road", "parkway", "thoroughfare", or any other similar term.

STRUCTURAL ALTERATION: Any change in the supporting members of the building such as the bearing walls, columns, beams, girders or roof.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision Ordinance of the City of Rupert. The subdivider need not be the owner but must have written authorization from the owner to propose the subdivision of the owner's lands.

SUBDIVISION: (See separate Subdivision Ordinance for definition).

SUBDIVISION, MOBILE HOME: A subdivision designed for manufactured or mobile home residential use.

SURVEYOR: A land surveyor or professional engineer registered in the State of Idaho.

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

TELECOMMUNICATION FACILITY: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment with is used for transmitting, receiving, or relaying telecommunications signals.

TELECOMMUNICATION FACILITY (CO-LOCATED): A telecommunication facility comprised of a single telecommunication tower or building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or private entity.

TELECOMMUNICATION SUPPORT FACILITY: The telecommunication equipment buildings and equipment cabinets.

TOWER, TELECOMMUNICATION: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, buy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers

TOWER, CAMOUFLAGED: Any telecommunication tower that due to design or appearance entirely hides, obscures, or conceals the presence of the tower and antennas.

TOWER, GUYED: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

TOWER, LATTICE: A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

TOWER FARM: A parcel of ground on which multiple telecommunication towers or antennas are located and clustered together on a single parcel for economic, aesthetic, or other reasons.

TRACT, ORIGINAL TRACT OF LAND OR ORIGINAL PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the Office of the County Recorder, or any unplatted contiguous parcel of land held in one (1) ownership of record at the effective date of the Ordinance.

UNDUE HARDSHIP: Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of the Ordinance, but not merely a matter of convenience and profit. A hardship caused by the

applicant for the purpose of evading the restrictions of this Ordinance shall not be considered an undue hardship.

USE: The specific purposes for which land or a building is designated, arranged, intended or for which it is or may be occupied or maintained.

USE, EXISTING: Any use legally existing at the time of adoption of this Ordinance.

UTILITIES: Installation for conducting water, sewage, gas, electricity, television, communications, storm water, ancillary facilities providing service to and used by the public.

WASTE: Waste normally associated with animal feeding operations, which may include waste products, wastewater and feed residues.

WASTE PRODUCTS: Organic waste matter such as urine and/or feces.

WASTE TREATMENT SYSTEM: The process, area, or mechanism employed for the retention, storage and treatment of liquid or solid wastes.

WASTEWATER: Water that has been used, for washing, flushing, or in a manufacturing process, which also contains waste products.

VARIANCE: A variance is a modification of the requirements of the Ordinance as to lot size, lot coverage, width, depth, use of property, setbacks, required parking spaces, height of buildings or other Ordinance provisions affecting the size, location or shape of a structure or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

YARD: An open space on the same zoning 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 Ordinance, and which extends to a depth or width specified in the yard or setback regulations for the district in which the lot is located.

YARD, FRONT: The yard across the full width of the lot or plot facing the street and extending from the front building line of the building to the front property or street line.

YARD, REAR: The yard across the full width of the lot or plot opposite the front yard, extending from the rear building line of the building to the rear property line.

YARD, SIDE: The yard between the side building line of the building and the adjacent side property line and extending from the front yard to the rear yard.

ZONE OR ZONING DISTRICT: A portion of the unincorporated territory of Minidoka County or the incorporated territory of the Cities of Rupert, Heyburn, Paul, Acequia, or Minidoka as defined by this Ordinance and designated on Zoning Maps, to which the provisions of this Zoning Ordinance apply.

ZONING MAP: The Zoning Map or Maps of Minidoka County or the Cities of Rupert, Heyburn, Paul, Acequia, or Minidoka, Idaho, incorporated into this Ordinance designating zoning districts together with all amendments subsequently adopted.

ZONING OFFICIAL: The Zoning Administrator or his authorized representative.

ZONING PERMITS AND CERTIFICATES:

- A. Certificate of Zoning Compliance: A document issued by the zoning official which may be issued separately or attached to an occupancy permit, business licensee or building permit, which is for the purpose of carrying out and enforcing the provisions of this Ordinance. A building permit once issued may serve as a zoning permit.
- B. Certificate of Occupancy: A document issued by the Building Official authorizing the occupancy and use of completed buildings, structures or premises and the proposed use thereof for the purpose of insuring compliance with the provisions of this Ordinance and other adopted Codes and regulations.
- C. Notice of Noncompliance: A document issued by Zoning Administrator indication that a use or structure is nonconforming to the district regulations or is not in conformity with other conditions or requirements of this Ordinance.