

SECTION 4

DEFINITIONS

What this Section Does: This section provides definitions for terms within this ordinance.

- A. Purpose: To give this Ordinance its most reasonable application, the words or phrases used throughout the Ordinance, shall be interpreted so as to give them the meaning they have in common usage, unless specifically defined below.
- B. Rules of Construction: Whenever appropriate to the context, words used in the present tense include the future tense; words used in the singular include the plural and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive.
- C. Words and Terms Defined: For use in this Ordinance, certain words and terms or phrases are defined as follows:

ABUTTING	A common border with, or being separated from, such a common border by right-of-way, alley, or easement.
ACCESSORY	A use, building structure or part thereof, which is subordinate to or incidental to the main building structure or use on the same parcel of land.
ADMINISTRATOR	Means the Administrator of Planning and Zoning Department or his/her designee.
AERATION PLANT	Equipment or devices for the treatment of liquefied waste or sewage, capable of meeting the standards and requirements of the Idaho Department of Health/Department of Environmental Quality.
AFFECTED PERSON	One having an interest in real property, which may be adversely affected by the issuance or denial of a permit authorizing development.
AGRICULTURAL LAND	Any parcel of land presently being used for the primary purpose of raising, harvesting and selling crops or by feeding, breeding, management and sale of the products of livestock, poultry, fur bearing animals or honey bees.
AIRCRAFT LANDING STRIP	A private facility for the accommodation and servicing of aircraft, the use of which shall be limited to the owner or owners of the land where the strip is located.
AREA OF IMPACT	A geographical area surrounding the city defined by a legal agreement between the city and county.

APPEAL	A request from anyone for a review of the interpretation, administration or enforcement of any provision of this Ordinance by the City of Swan Valley Planning Commission or Planning Coordinator, including a request for a variance.
BED AND BREAKFAST	Means a dwelling or portions thereof, which include accessory buildings, where short-term lodging rooms, with or without meals, are provided, and where the operator resides in the residence.
BOARDING OR ROOMING HOUSE	A residential dwelling or portion thereof, which is used to provide lodging for two (2) or more non-family members for monetary compensation, services or other things of value.
BUILDING HEIGHT	The distance, measured vertically, from the undisturbed or natural ground surface at the mid-point between the front and rear walls of a building to the top of a flat roof or mansard roof, or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof.
BUILDING OFFICIAL	The individual designated by the City Council to administer and enforce this Ordinance and the International Building Code adopted by Swan Valley, Idaho.
BUILDABLE AREA	The space remaining on a lot after the minimum open space requirements (coverage, yards, and setbacks) have been met.
CAMPER OR RV PARK	Any parcel of land which has been designated, improved or used for the parking of two (2) or more camper vehicles and/or tent campers for human habitation.
CERTIFIED FAMILY HOME	Home facilities for adult foster care, which shall provide for two or less clients.
CLEAR VISION AREA	The triangular area within the intersection of the linear extension of the lateral curb lines, or edges if no curb exists, of two (2) roadways, or a roadway and a railroad, and extending back from the point of intersection along each roadway or railroad a distance of forty (40) feet, except that where the angle of intersection is less than thirty degrees, a greater distance may be required as determined by the Bonneville County Road and Bridge Department.
CLUSTER DEVELOPMENT	A development with concentrated building in specific

	areas on a site to allow the remaining land to be used for recreation, common open space, agricultural, or preservation of environmentally sensitive areas.
COMMERCIAL FEED LOT	Any cattle, sheep, poultry, swine or other exotic animal feed lot which is not incidental or an accessory use to a farm or ranch operation and any farm or ranch feed lot. The principal purpose of such operation is to produce income.
COMMERCIAL USE	An Occupation or enterprise, which is carried on for profit upon the premises for which the use lies. Short term residential rentals of less than 30 days are considered a commercial use.
COMMISSION	The City of Swan Valley Planning and Zoning Commission.
COMMON OPEN SPACE	An area held for the use and benefit of the owners of dwelling units or lots in a PUD/MPC which is devoid of streets, parking, or buildings not intended for recreational or community purpose. Common open space does not include open space of individual lots within a subdivision, but may include open space as a buffer for commercial and industrial land uses, and a buffer on the perimeter of the PUD/MPC.
CONDITIONAL USE	Is a use, which may not be appropriate throughout the zoning district but which, when subject to special requirements (conditions), may be allowed by the Planning and Zoning Commission.
CONFINED ANIMAL FEEDING OPERATION (CAFO)	Corrals or holding areas for the primary purpose of holding or feeding farm animals for market, and not incidental to a farm or ranch (also called FEEDLOT).
CONSERVATION EASEMENT	A long term easement defining an area to be preserved in agricultural or natural state.
CONVENIENCE STORE	A one story, retail store containing less than 2,000 square feet of gross floor area and is designed and stocked to sell purchases of a few items (in contrast to a supermarket).
COUNTY	Bonneville County, Idaho.
COUNTY COMMISSIONERS	The Board of County Commissioners of Bonneville County, Idaho.
DEVELOPMENT	Any man-made change to improved or unimproved real

	estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations located within the County.
DUPLEX	A unit for two families, which are separated by a common wall, with each dwelling unit having an independent access.
DWELLING	Any building or structure with facilities for cooking, sleeping and sanitation designed shelter or enclosure for person, conventional built, modular constructed, mobile home or portion thereof, remodeled for residential occupancy.
FARMING	The raising and harvesting of crops; feeding, breeding, and management of livestock; dairying; or any other agricultural or horticultural use including nurseries for wholesale, or any combination thereof. It also includes fisheries, including fishponds for breeding fish and fish hatcheries. It includes the construction and use of dwellings and other structures customarily provided in conjunction with farming, and further includes the disposal, by marketing or otherwise, of products produced on the premises.
FEEDLOT	Confined animal feeding operation (CAFO).
FLOOR AREA	The area included in the surrounding walls of a building, or portion thereof, exclusive of vent shafts and court, multiplied by the numbers of stories.
FLOOD PLAIN	An area defined by the FEMA on maps known as FIRM.
ENVIRONMENTAL HEALTH OFFICER	An individual, designated by the County Commissioners or the Idaho Department of Health to enforce health and safety laws or regulations.
GRADE	At ground level; the average of the landscaped ground level at the center of all walls of the building.
GREENBELT	Land retained in an open unimproved, natural condition or landscaped and improved as park facilities for public and private purposes. Ownership of such land may be private, with an easement or reservation for greenbelt use by deed restriction or it may be dedicated to the public. The designation of a greenbelt does not automatically provide for access by the public.

HOME BASED BUSINESS

Any use for gain or support carried on at a residence which does not constitute a Home Occupation.

HOME OCCUPATION

Any use for gain or support carried on as an accessory use within a dwelling or permitted accessory building which does not require any exterior building alterations, generate additional traffic, require additional off-street parking or otherwise create the appearance or impact of a commercial activity within the neighborhood.

HOTEL, MOTEL OR LODGE

A building providing three (3) or more rooms for the lodging of members of the public for compensation.

INDUSTRIAL OPERATIONS CLASSIFICATIONS

Industrial uses shall be classified under one of the following categories, which characterize the dominant feature of the operation for purposes of regulation under this Ordinance.

- a. Extraction. The removal of physical matter in a solid, liquid or gaseous state from its naturally occurring location. The initial step in utilization of or harvesting a natural resource such as oil, natural gas, coal, gravel pits and timber.
- b. Processing. Changing the physical state or chemical composition of products. The second step in utilization of a natural resource or product grown for consumption, such as refining petroleum, milling feed, canning or packaging food, mixing cement, blending fertilizer and crushing gravel.
- c. Fabrication. Changing the physical shape of material which has been processed to form a product for use or consumption and putting it into the final product. The final step in utilization of a natural resource or product, grown for consumption, such as manufacturing consumer goods, assembling equipment and vehicles.
- d. Storage. The keeping of material or products from extraction, processing or fabrication on a parcel of land, in a building, storage tank or other structure.
- e. Repair. Restoration of a used or damaged product to its original, physical shape or function, such as automobile, equipment and appliance repair.
- f. Material Handling. Loading and unloading goods, materials and products in bulk or large quantities, separate from the operations of extraction, processing, fabrication or storage.

LARGE DEVELOPMENT

Subdivisions within the city of Swan Valley with fifty (50)

	or more lots.
LOT	A parcel of land, held in separate ownership from contiguous lands or delineated as an individual parcel on record in the office of the County Clerk and Recorder, including, but not limited to, a part of any subdivision plat filed of record.
LOT LINE	The external boundary of lot: Front: The boundary of a lot along a highway, road or street. Rear: The boundary of a lot on the back side of the property or the side opposite the front lot line. Side: The boundaries of a lot other than a front or rear lot line.
LOT, CORNER	A lot abutting on two (2) or more roads, other than an alley at their intersection.
LOT COVERAGE	The total area of a lot which is occupied by the physical improvements or uses such as buildings, structures, parking, loading/unloading, driveway and storage. Normal landscaping improvements are not computed into the lot coverage area.
LOT SLOPE	The gradient or configuration of the undisturbed land surface of a lot or building site, which shall be established by measuring the maximum number of feet in elevation gained or lost over each one hundred feet (100') or fraction thereof, measured horizontally in any direction between opposing lot lines. The relationship of elevation or vertical measurement shall be expressed as a percentile (%), as a means of quantifying the term lot slope.
LOT, NONCONFORMING	A lot existing on the effective date this ordinance is adopted that does not meet the minimum area requirement of the district in which the lot is located.
LOWEST FLOOR	The lowest floor of the lowest enclosed area (including basement.) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.
MANUFACTURED (MOBILE) HOME	A residential structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

MANUFACTURED (MOBILE) HOME PARK OR SUBDIVISION	A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots or spaces for rent or sale.
NEW CONSTRUCTION	Any structure for which the “start of construction” commenced on or after the effective date of this Ordinance.
NONCONFORMING STRUCTURES OR USE	A lawful existing structure or use, which existed prior to this ordinance is adopted , and is not conforming to the requirements of the zone in which it is located (this includes nonconforming lots of record).
OFF-STREET PARKING	An area developed and maintained on a parcel of land in an accessible and unobstructed condition for parking of automobiles by residents, visitors, employees and customers of uses permitted on the same or adjacent premises.
PERMIT	An instrument in writing, issued by the Planning Administrator, permitting a specific use of land, building or structure in conformance to regulations under this Ordinance, and setting forth any conditions to which such use is subject.
PLANNING ADMINISTRATOR	The individual designated by the City Council to assist them and the Planning Commission with the administration of this Ordinance and related State and City regulations.
PLANNING COMMISSION	The Planning & Zoning Commission for the City of Swan Valley.
PASTURE	An area suitable for the keeping of livestock or poultry, excluding the area of the residential use, and any required yard areas, as required by the zone classification.
PERSON	Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
PERSONAL SERVICE	Any retail service, which provides service of an individual need, such as dry cleaning, and beauty or barbershops.
RIDING AREANA	Commercial building or land where horses are kept for riding including activities associated with riding horses;

including horse shows, team roping, and similar activities.

RESIDENTIAL CARE FACILITY

Any facility, however named, operated on either a profit or nonprofit basis for the purpose of providing a home with continuous protective oversight and necessary personal care services and facilities for three (3) or more persons not related to the owner, who are eighteen (18) years of age or older and are unable to care for themselves.

- a. The City of Swan Valley shall have only specialized Residential Care Facilities that provide continuous protective oversight, twenty four (24) hour supervision and individualized habilitation plans for only one (1) of the following categories of residents:
 - i. Developmentally disabled;
 - ii. Mental ill;
 - iii. Chemically dependent;
 - iv. Geriatric.

- b. Residential/Assisted Living Facility shall not exceed a licensed capacity of fifteen (15) beds and shall, at a minimum, meet the regulations of the State under Chapter 39, Section 35.

ROW HOUSE

A single family dwelling, sharing one (1) or two (2) common side building walls with adjacent similar dwellings.

SALVAGE (JUNK) YARD

Any location which is maintained, used or operated for dismantling, storing, keeping, buying or selling discarded, scrapped or ruined vehicles, machinery, appliances, metal products, paper, synthetic petrochemical products or any other scrap or waste materials.

SCHOOL

A public or private preschool, elementary or secondary school or college.

SEPTIC TANK

A water tight, accessible covered receptacle, designed and constructed to receive sewage from a building sewer, to settle solids from the liquid, to an aerobically digest organic matter and store digested solids through a period of retention and allow the clarified liquids to discharge to other treatment units for final disposal.

SETBACK

The minimum distance between two given points, objects,

structures or buildings.

SEWAGE TREATMENT WORKS A system or facility for treating, neutralizing, stabilizing or disposing of sewage, which system or facility has a designated capacity to receive more than two thousand (2,000) gallons of sewage per day. The term “sewage treatment works” includes appurtenances such as interceptors, collection lines, outfall and outlet sewers, pumping stations and related equipment.

START OF CONSTRUCTION The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling.

STORAGE FACILITY A building or group of buildings intended for various sizes of individual self contained units that are leased or owned for the storage of customer’s goods or wares.

STREET A right-of-way reserved for public use (other than alley) which also provides primary vehicular and pedestrian access to adjacent properties; it may also be used for utility access to adjacent properties.

- a. Street, arterial: A street primarily used for through traffic, as designated on the Zone District Maps.
- b. Street, local: A street primarily used for access to adjacent properties.

STRUCTURE A walled and roofed building also including gas or liquid storage tank, that is principally above ground.

SUBDIVIDED LAND Land located either within a subdivision, a plat of which has been filed in the office of the Clerk and Recorder of Bonneville County or land which has been specifically exempted from subdivision review by the Planning and Zoning Commission and City Council.

SUBSTANTIAL IMPROVEMENT For the purposes of this definition, “substantial improvement,” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that

alteration affects the external dimension of the structure. Repair, reconstruction, or improvement of a structure, that cost the of which equals or exceeds fifty percent (50%) of the market value of the structure either;

- a. Before the improvement or repair is started, or;
- b. If the structure has been damaged and is being restored, The term does not, however, include either:
- c. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, which are solely necessary to assure safe living conditions, or
- d. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TOWNHOUSE/
CONDOMINIUM

One of the units in a multi-unit dwelling, each separately owned.

TEMPORARY

A period of time of six (6) months or less.

TOWER

A structure whose principal function is to support an antenna for transmitting or receiving communications. This excludes antennas or satellite dishes for private use in a residence.

USE

- a. Use, principal: The purpose or function for which a lot, structure or building is intended, designed or constructed or the activity which is carried on within said lot, structure or building; a lot is restricted to one (1) principal use.
- b. Use, accessory: A use, incidental and subordinate to the principal use of the lot, structure or building on the same lot.
- c. Use, by right: Use allowed in a particular zone district when listed thereunder with no further conditions or approval required other than the general terms and stipulations of this Ordinance.
- d. Use, special or conditional: Uses allowed only after a public hearing by the Planning Commission, which permit may be approved or denied. If approved, certain conditions and performance standards may be imposed and must be complied with by the permittee.

UTILITY

A structure or facility owned by a government entity, nonprofit organization, corporation, or other entity defined as a utility, and used in connection with the production, generation, transmission, delivery, collection

or storage of water, sewage, electricity, gas, oil, telecommunications or electronic signals.

VARIANCE

A grant of relief from the development standards, but not the use requirements of this Ordinance, which then permits construction in a manner that would otherwise be prohibited by this Ordinance.

WATER IMPOUNDMENTS

Impoundments of water, including surface runoff stream flow, extracted ground water and water as a by-product of extraction or processing of mineral resources, energy generation or agricultural, municipal or industrial water supply or sewage treatment installation, with a surface area of one (1) acre or more, or a number of smaller impoundments on one (1) lot with an aggregate surface area of one (1) acre or more.

YARD

The open space on a lot (other than an interior court), unobstructed from the ground upward, except as otherwise provided in this Ordinance:

- a. Yard, front: A yard extending the full width of the lot, the depth of which shall be measured in the shortest horizontal distance between the front lot line and the nearest wall of the principal building; such distance to be known as the front yard setback.
- b. Yard, rear: A yard extending the full width of the lot, the depth of which shall be measured in the shortest horizontal distance between the rear lot line and the nearest wall of the principal building; such distance to be known as the rear yard setback.
- c. Yard, side: A yard extending from the front yard to the rear yard, the width of which shall be measured in the shortest horizontal distance between the side lot line and nearest wall of the principal building; such distance to be known as the side yard setback.

ZONING OFFICIAL

The Administrator or his/her designee.

RECREATION TERMS:

RECREATIONAL FACILITY

Shall mean facilities designed for recreational uses such as parks, playgrounds, athletic fields, pathways for pedestrians/bicyclists, and other similar uses. Recreational facilities shall not include primary buildings, but may include accessory buildings that are subordinate to and customarily incidental to the primary recreational use (such as maintenance and equipment storage buildings).

CAMPGROUND	A recreation park which provides facilities and space for tents, tent vehicles, or camping vehicles.
PICNIC PARK	A recreation park which is for day use only and provides no recreational vehicle or overnight camping spaces.
RECREATIONAL VEHICLE PARK	A plot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
CAMPING TRAILER	A vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
MOTOR HOME	A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle.
PARK TRAILER	A vehicle built on a single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.
TRAVEL TRAILER	A vehicular unit which has a roof, floor and sides and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle and has a floor area of less than 220 square feet.
TRUCK CAMPER	A portable unit which has a roof, floor and sides and is designed to be loaded on and off the bed of a truck or pick-up truck.
SPACE	That portion of a park reserved for the location of a recreation vehicle, tent, tent vehicle or camping vehicle.