

CHAPTER 1 Scope, Definitions, and Establishment of Districts

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11-1-1: **SHORT TITLE.** This Title shall be known and may be cited as the “Zoning Ordinance of the City of Iona.”

(Ord. 170-01-13, 1/15/13).

11-1-2: **AUTHORITY.** This Zoning Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code, and Article 12, Section 2 of the Idaho Constitution.

(Ord. 170-01-13, 1/15/13).

11-1-3: **PURPOSE.** The purpose of this Title is to promote the public health, safety and welfare, retain and enhance the aesthetics of the community, preserve and enhance land values, separate incompatible uses, promote security within the community, protect the public safety, facilitate adequate fire protection and avoid undue concentration of population.

(Ord. 170-01-13, 1/15/13).

11-1-4: **SCOPE.** Where this Title imposes greater restrictions upon land, buildings or structures than are imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Title shall control.

(Ord. 170-01-13, 1/15/13).

11-1-5: **DEFINITIONS.** For the purposes of this Title the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

ACCESSORY USE OR BUILDINGS: A subordinate use or building customarily incident to and located upon the same lot with the primary use or building.

AGRICULTURAL USE: Any facility for the growing, raising or production of agricultural, horticultural and viticulture crops and vegetable products of the soil, poultry and poultry products, livestock, field grains, seeds, hay, apiary and dairy products and the processing for commercial purposes of livestock or agricultural commodities.

ALTERATIONS: “Alterations,” as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit, facilities, or an enlargement, whether by extending on a side or by increasing in height, or by the moving of any portion of a structure from one location to another.

BLOCK: The area along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right-of-way, or other similar barrier, whichever is lesser.

BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no connecting doors, windows or openings, and which is

designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

CITY:	The City of Iona, Idaho.
CONDITIONAL USE:	A use or occupancy of a structure, or use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified therein.
DAIRY:	The congregation of more than one (1) animal unit per acre on a single parcel of ground for the purpose of production, sale and distribution of milk, butter or cheeses.
DAY CARE CENTER:	A building in which thirteen (13) or more children, not related by blood or marriage to the person or persons operating such center, are regularly received and provided with part-time custodial care in exchange for compensation or remuneration of any kind.
DETACHED BUILDING:	Any building that is used as an ancillary building in addition to the buildings used primarily upon the lot and which is not physically connected to the primary building.
DOG:	Any animal of the canine species which is older than six (6) months.
FRONTAGE:	Any side of a lot which abuts a public street.
FRONT FACE SETBACK LINE:	The line defined by the intersection of the surface of a lot and the plane within which is located the building wall or frame closest to the street upon which the primary entrance to the main building faces.
HOME OCCUPATION:	Any business, operation, profession, or craft that: (a) is conducted in a residential zone established under Chapter 3, 4, 4A, or 5 of this Title; (b) is incidental and secondary to the use of the dwelling for

dwelling purposes; and (c) which is carried on primarily by the immediate members of the family residing on that lot.

- IBSD:** The Iona-Bonneville Sewer District.
- INDUSTRIAL, LIGHT:** Warehousing, wholesaling, manufacturing and/or processing of goods and materials which do not emit offensive odor, dust, smoke, glare, gas, light, noise or for which vibration is confined to the site.
- INDUSTRIAL, HEAVY:** Any industry that has hazardous or objectionable elements such as noise, odor, dust, smoke, vibration, pollution, particulants or glare and that are operated both within enclosed structures and outside of such structures.
- JUNK YARD:** Any business in which used goods are collected and sold for reuse even as a secondary business related to the primary business on site, including any outdoor space where junk, waste, discarded or salvaged material are stored or handled, further including automobile wrecking yards and yards for storage of used building materials, salvaged equipment, automobiles or machinery.
- KENNEL:** A facility or property that boards or keeps more than two (2) dogs at any one time for compensation or remuneration of any kind.
- LIVESTOCK CONFINEMENT OPERATION (LCO):** Any lot, corral, or facility where more than fifty (50) animal units of livestock, excluding animals six (6) months of age or younger, are confined, stabled or fed, or maintained for a total of two hundred forty (240) days or more in any consecutive twelve (12) month period; and on which crops, vegetation, forage growth or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Livestock means all domesticated animals, poultry, rabbits and

fur-bearing animals. Animal units shall be determined as following:

Cow	1 animal
Horse	1 animal
Sheep	5 animals
Poultry/Fowl	10 animals
Others	10 animals

LOT: A unit of land described by metes and bounds or a lot included within a subdivision recorded with the Bonneville County Recorder's office.

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

LOT LINE: The boundary property line encompassing a lot. The front lot line is the boundary line that abuts a public street. For a corner lot, the owner may select either street line as the front lot line. The rear lot line is the lot line or most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a sideline in common with another lot.

MAIN BUILDING: The building within which activities are conducted which are most fundamental to the intended use of the lot.

MANUFACTURED HOME: A structure, constructed according the HUD/FHA mobile home construction and safety standards, newer than July 1, 1976, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required

utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et. seq.

MOBILE HOME: A structure similar to a manufactured home, but built to a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code), and which was built prior to July 1, 1976.

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

NON-CONFORMING BUILDING: A building, structure, or portion thereof which does not conform to the regulations of this Title applicable to the zone or district in which such building is situated, but which existed prior to and was in compliance with existing regulations as of the effective date of this Title.

NUISANCE: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City or any act or thing repugnant to, or creating a hazard to, or having a significantly detrimental effect upon the property of another person or to the community.

PARKING SPACE: Usable space within a public or private parking area or building, not less than one hundred eighty (180) square feet in gross area, exclusive of access drives, aisles or

ramps for the storage of one (1) passenger automobile or commercial vehicle.

SETBACK AREA:

The space on a lot required to be left open and unoccupied by ceilings or structures, either by the front, side or rear yard requirements of this Title, or by delineation on a recorded subdivision map. The setback does not include cornices, canopies, eaves or other projections which do not increase the column of space enclosed by the building; provided, however, that none of these shall project into any required yard more than two (2) feet. The setback shall be measured as the shortest distance between the property line and any portion of the foundation wall or frame of any building.

SIGN:

Any structure or natural object, such as tree, rock, bush and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which is used to attract attention to any object, product, place, activity, person, institution, organization or business, or which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of this definition, the word sign does not include the United States flag or flag of the State of Idaho, pennant or insignia of any nation, state, city or other political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event.

STREET:

A public right-of-way that provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the City. The term, street, includes also the terms highway, thoroughfare, parkway,

throughway, road, avenue, boulevard, land, place and other such terms.

VARIANCE:

An action by the City allowing modification of the requirements of this Title as to lot size, lot coverage, width, depth, front yard, side yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

YARD:

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

YARD, FRONT:

A yard lying between the front lot line and the nearest foundation line of the main building and extending across the full width of the lot.

YARD, REAR:

A yard lying between the rear lot line and the nearest foundation line of the main building and extending across the full width of the lot. In the case of corner lot where the building fronts on a side street, the rear yard may be established from the rear of the house to the side property line.

YARD, REQUIRED:

The open space around building as required by the Zoning Ordinance.

YARD, SIDE:

An open space between the side of the main building and the side line of the lot and extending from the front yard to the rear yard.

ZONING MAP:

The map incorporated into this Title designating the use for district zones.

(Ord. 128, 1/15/08); (Ord. 145-03-09, 9/8/09); (Ord. 170-01-13, 1/15/13); (Ord. 232-08-19, 8/20/19).

11-1-6: **ESTABLISHMENT OF DISTRICTS.**

(A) **Use Districts Established.** For the purposes of this Title the following Use Districts are hereby established:

- (1) Agricultural (A) District
- (2) Residential-Agricultural (RA) District
- (3) Residential (R-1) District
- (4) Residential (R-2) District
- (5) Residential Townhouse (R-T) District
- (6) Commercial (C) District
- (7) Industrial (I) District

(Ord. 170-01-13, 1/15/13).

11-1-7: **ZONING MAP AND INTERPRETATION OF DISTRICT BOUNDARIES.**

- (A) The boundaries of the Use Districts shall be determined and defined by the adoption of a zoning map on which are shown the boundaries of the Use Districts, which map is adopted as part of this Title. The City Clerk shall at all times maintain an accurate and current zoning map in his or her office at the Iona City Hall.
- (B) As much as possible zoning district boundaries shall fall at the back property line so that like uses will be facing each other.
- (C) Where any such boundary line is indicated as following a street, alley or public right of way, it shall be construed as following the centerline thereof.
- (D) Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- (E) If a lot which was platted or recorded prior to the adoption of this Title, is split by two (2) different zones, the lot shall be considered, in whole, zoned to that use in which a majority of the lot is zoned.

(Ord. 170-01-13, 1/15/13).

11-1-8: **ZONING MAP AMENDMENT PROCEDURES.**

(A) All amendments of the official zoning map shall follow the procedure set forth in Title 67, Chapter 65 of the Idaho Code. In conformance with notice and hearing procedures

established by law, the Iona City Council shall make the final decision of approval, conditional approval or disapproval of all applications for initial zoning or rezoning of property within the City.

(Ord. 170-01-13, 1/15/13).

11-1-9: **USES PROHIBITED.** It shall be unlawful to use, occupy, inhabit or construct any structure or building within the City of Iona, unless such use is expressly permitted by the provisions of this Chapter.

(Ord. 145-03-09, 9/8/09); (Ord. 170-01-13, 1/15/13).