

CHAPTER 1

TITLE, AUTHORITY, PURPOSE AND DEFINITIONS

SECTION:

- 9-1-1: Title
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9-1-1: **TITLE:** This title shall be known and entitled as the *DRIGGS ZONING ORDINANCE* and may be so cited and pleaded.
(Ord. 281-07, 9-4-2007)

9-1-2: **STATUTE AUTHORITY:** This title is adopted pursuant to authority granted by Idaho Code title 67, chapter 65, and Idaho constitution article XII, section 2, as amended or subsequently codified. (Ord. 281-07, 9-4-2007)

9-1-3: **PURPOSE:** The purpose of this title shall be to promote pride of ownership, health, safety, comfort, convenience and general welfare of the residents of the city and to achieve the following objectives:

- A. To protect property rights and enhance property values;
- B. To provide for the protection and enhancement of the local economy;
- C. To ensure that important environmental features are protected and enhanced;
- D. To encourage the protection of prime agricultural lands for the production of food;

- E. To avoid undue concentration of population and overcrowding of land;
- F. To ensure that the development of land is commensurate with the physical characteristics of the land;
- G. To protect life and property in areas subject to natural hazards and disasters;
- H. To protect recreation resources;
- I. To avoid undue water and air pollution;
- J. To secure safety from fire and provide adequate open spaces for light and air;
- K. To implement the comprehensive plan;
- L. To provide the manner and form of preparing and processing applications for modification of and variances from this title;
- M. To encourage the proper distribution and compatible integration of commercial and industrial uses within designated areas; and
- N. To ensure that additions and alterations to, and/or remodeling of, existing buildings or structures are completed in compliance with the restrictions and limitations imposed hereunder. (Ord. 281-07, 9-4-2007)

9-1-4: **INTENT:** It is the intent of the governing body of the city that this title be interpreted and construed to further the purposes of this title and the objectives and characteristics of the zoning districts. (Ord. 281-07, 9-4-2007)

9-1-5: **DEFINITIONS¹:** For the purpose of this title, certain terms are defined as set forth in this section. All words in the present tense include the future tense, the plural includes the singular, and all words in the singular include the plural unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory.

1. See also appendix A to this title, on file in the office of the city clerk, for design standards definitions.

ABANDONMENT:	To cease or discontinue a use or activity without intent to resume but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility, or during periods of vacation or seasonal closure.
ACCESSORY BUILDING:	A building which is subordinate to and incidental to the principal building on the same lot, but does not include any building containing a "dwelling unit" as defined in this section.
ACCESSORY DWELLING UNIT (ADU):	A separate additional living unit, including separate kitchen, bathroom facilities, and sleeping area(s) not in excess of two (2) bedrooms, attached or detached from a primary residential unit and subordinate in size, location, and appearance to the primary unit.
ACCESSORY USE:	A use incidental to, and on the same parcel as, a principal use.
AGRICULTURE:	Tilling of soil, horticulture, raising crops, livestock, and dairying, including all uses customarily accessory and incidental thereto, but excluding slaughterhouses and commercial feedlots.
AIRPORT:	Any area of land or water which is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.
AMUSEMENT ARCADE:	A building or part of a building in which five (5) or more pinball machines, video games, or other similar player oriented amusement devices are maintained.
ANIMAL HOSPITAL:	Any building or portion thereof designed or used for the care or treatment of cats, dogs, or other animals.
APARTMENT:	A room or suite of rooms in a building comprised of three (3) or more dwelling units

which is arranged, designed or used as a single housekeeping unit and has a complete kitchen and sanitary facilities permanently installed.

AUTO REPAIR SHOP: Premises used primarily for the repair and maintenance of automobiles, light trucks, and other motor vehicles not requiring a commercial operator's permit. All motor vehicles on the premises must carry a current registration and a work order with a completion date not to exceed thirty (30) days. Motor vehicles without valid registration and a work order shall be classified as salvage and junk, and may not be kept, stored or worked on in an auto repair shop.

AUTOMOBILE GAS/SERVICE STATION: Premises used primarily for retail sale and delivery to the vehicle of motor vehicle fuel and of lubricating oils, tires and incidental vehicular accessories, and providing vehicular lubrication and related services, including minor vehicle repairs.

AUTOMOBILE SALES LOT: Premises on which new or used passenger automobiles, trailers, trucks or other motor vehicles in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

AUTOMOBILE WRECKING YARD: Any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operating condition are standing more than thirty (30) days, or on which used motor vehicles or parts thereof are dismantled or stored.

BED AND BREAKFAST ESTABLISHMENT: Any place of lodging that provides eight (8) or fewer rooms for rent, is the owner's residence, and is occupied by the owner during the time of rental.

BOARDING HOUSE: A building other than a hotel or restaurant where meals are provided for compensation to three (3) or more persons, but not more than

twelve (12) persons, who are not members of the householder's family.

BUFFER AREA:

A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.

- BUILDING:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or openings, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.
- BUILDING, GOVERNMENT:** A building owned or used by the federal, state, county, or city government, or any political subdivision, agency or instrumentality thereof.
- BUILDING LINE:** The line, parallel to the street, that passes through the point of the principal building nearest the front lot line. The building line is measured from the drip line of the building.
- BUSINESS OR COMMERCE:** The purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood; or the ownership or management of office buildings, offices, recreation or amusement enterprises; or the maintenance and use of offices or professions and trade rendering services.
- BUSINESS SERVICES:** Establishments providing other businesses with services including maintenance, repair and service, testing, rental, etc., and includes: business equipment repair services, document storage, document destruction, and soils and materials testing laboratories.
- CAR WASH:** An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.
- CHURCH:** Any community facility used or dedicated for the legitimate exercise of recognized federal and state constitutional rights for religious free worship.

CITY:	The city of Driggs, Idaho.
CITY CLERK:	The city clerk of Driggs, Idaho.
CLUB OR LODGE:	A private club, lodge, or organization operated not for profit, and for members only.
COMMERCIAL LODGING USES:	Include hotels, motels, and convention centers having lodging facilities.
COMPREHENSIVE PLAN:	The comprehensive plan of the city of Driggs officially adopted by the city council.
CONDITIONAL USE PERMIT:	A special use permit as provided by Idaho Code section 67-6512 in which a use that, owing to some special characteristics such as traffic or noise generation, parking needs, access, building size, lighting, or other characteristics of operation, is permitted in a district subject to approval by the planning and zoning commission or the city council, depending upon the particular use.
CONDOMINIUM:	An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or any combination thereof, together with a separate estate in real property, in an interest or interests in real property, or any combination thereof.
CONTRACTOR'S SHOP:	Use of land or building(s) for storage and preparation of materials used by that same individual(s) in conducting the business of construction and/or repair work, generally completed at some other on site location.
CONVENIENCE STORE:	Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross square floor area of less than five thousand (5,000) square feet.
COTTAGE INDUSTRY USE:	Refers to industrial uses conducted on a lot with a residential dwelling unit. Up to four (4)

employees may be employed in addition to family members. Uses include industrial activities related to agriculture, trucking operations, small automotive repair shops, well and septic tank system service, carpentry, upholstery, woodworking and other similar uses.

COUNCIL:

The city council of Driggs, Idaho.

CRAFTS SHOP:

A business establishment devoted solely to arts and crafts which conforms to the following requirements:

A. Sells, produces or makes items that, by their nature, are designed or made by an artist or craftsman by using hand skills;

B. Employs not more than five (5) persons; and

C. Is conducted in such a fashion that:

1. No more dust, fumes, gases, odors, smoke, or vapors escape from the premises than that which is usual in the neighborhood;

2. All byproducts, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution other than that which is usual in the neighborhood; and

3. No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood.

DAYCARE BUSINESS:

The care and supervision, provided for compensation, during part of a twenty four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's own home. This term includes preschools, nursery schools, play schools, kindercare, and any like or similar operation.

- DENSITY:** The number of dwelling units per gross acre, including the land dedicated to streets.
- DEVELOPMENT:** A land use consisting of two (2) or more principal buildings; for example, an apartment complex consisting of three (3) buildings.
- DISTRICT:** A portion of the territory of the city, exclusive of streets, alleys, and other public ways, within which certain uses of land, premises, and buildings are not permitted and within which certain yards and open spaces are required and certain heights are established for buildings.
- DORMITORY:** A building used as group living quarters for twenty (20) or less persons. Such group living quarters shall be associated with a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use. Dormitories do not include kitchen facilities, except a group kitchen facility to serve all residents.
- DRIVE-IN ESTABLISHMENT:** An establishment, other than an automobile service station, which is designed to accommodate the motor vehicles of the patrons in such manner as to permit the occupants of vehicles, while remaining therein, to make purchases or receive services.
- DWELLING:** A building, or portion thereof, containing one or more dwelling units. The term dwelling does not include any "mobile home", "motel", "hotel", or "boarding house" as defined in this section.
- DWELLING, MULTIPLE-FAMILY:** A building, or portion thereof, containing three (3) or more dwelling units that are not separately owned.
- DWELLING, SINGLE-FAMILY:** A building designed for use and occupancy by no more than one family.

DWELLING,
SINGLE-FAMILY
ATTACHED (SFAD):

Includes, but is not limited to, townhouses, twin homes, condominiums and other structures where each dwelling unit is separately owned.

DWELLING,
TWO-FAMILY:

A detached building designed for, and occupied exclusively by, two (2) families independent of each other, where each unit is not separately owned.

DWELLING UNIT:

One or more rooms designed for or used as a residence for not more than one family, including all necessary household employees of such family and constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel.

EXTRACTION AND
DISPOSAL
ACTIVITIES:

Include extraction uses such as mining and quarrying, and disposal uses such as sanitary landfills, sludge disposal or storage, resource recovery facilities, trash compaction or transfer stations and any other form of waste management facilities and extraction uses.

FAMILY:

One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit; provided, that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family unless such five (5) or more persons qualify as a group residence as described in Idaho Code section 67-6531.

FLOODPLAIN:

Land which is covered by floodwater during or as a result of a storm event. The limits of the floodplain are defined by the high water mark of a 100-year storm event as shown on the floodplain maps covering the jurisdiction involved.

FLOODPROOFING:

Measures designed to prevent and reduce flood damage for those uses or structures located in

- the floodplain, including measures to prevent floodwaters from entering structures.
- FLOODWAY:** A designated portion of the 100-year flood area in which waters are rapidly moving which includes the stream channel and other areas as designated on floodplain maps covering the jurisdiction involved.
- FLOODWAY FRINGE:** Those flood lands, outside the floodway, subject to inundation by the 100-year recurrence interval flood, and generally associated with standing or slowly moving water rather than rapidly flowing water.
- FLOOR AREA, GROSS:** The sum of the areas of the several floors of a building, including any area used for human occupancy in the basements and attics, as measured from the exterior faces of the walls.
- FLOOR AREA, NET:** That portion of the gross area of the building occupied by the listed use or uses.
- FOOD PROCESSING FACILITY:** A facility in which food is processed or otherwise prepared for eventual human consumption but not consumed on the premises.
- FRONTAGE:** The length of any one property line of a premises, which property line abuts a legally accessible street right of way.
- GRADE:** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.
- GROUP RESIDENCE FOR THE HANDICAPPED:** A dwelling shared by eight (8) or fewer handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long term, familylike environment. See Idaho Code section 65-6731.

**HEALTH/
RECREATION
FACILITY:**

An indoor facility including uses such as game courts, exercise equipment, locker rooms, spa, and/or sauna and pro shop.

HEIGHT, BUILDING:

The vertical distance measured from the established curb level or existing terrain, whichever is higher, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Chimneys, spires, elevator penthouses, cooling towers and similar projections other than signs shall not be included in calculating building height.

HOME BUSINESS:

A business conducted on a lot in conjunction with a residential dwelling unit. Up to two (2) employees may be employed that do not live on the property. This use involves no exterior storage, and all vehicles and materials shall be located in buildings. This type of business includes contractors, service businesses, offices, music, art, or other schools and art studios and galleries.

**HOME FOR THE
AMBULATORY AGED
AND REST HOME:**

The same as a "nursing home, convalescent hospital" in this section; except, that medical care is not administered therein.

HOME OCCUPATION:

Any gainful occupation engaged in by an occupant of a dwelling unit including handicrafts, dressmaking, millinery, laundering, preserving, office of a clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time and other like occupancies which meet all of the following conditions:

A. The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes;

B. The use is conducted entirely within the dwelling and is carried on by the inhabitants thereof;

C. No article shall be sold or offered for sale on the premises except such as is produced by the occupant of the premises, and no mechanical or electronic equipment shall be installed or maintained other than such as is customarily incidental to domestic use;

D. The use does not change the character of the dwelling or adversely affect the uses permitted in the residential district;

E. The use creates no additional traffic and requires no additional parking space;

F. No persons are employed other than those necessary for domestic purposes;

G. Not more than one-fourth ($\frac{1}{4}$) of the gross area of said dwelling is used for such use; and

H. No internal or external alterations or construction features not customarily in dwellings are involved.

HOSPITAL:

An institution providing health service primarily for human inpatient medical or surgical care for sick or injured persons and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

HOTEL:

A facility offering transient lodging accommodations on a daily rate to the general public. Additional services, such as restaurants, meeting rooms, and recreational facilities, may be provided.

HOUSING FOR THE ELDERLY:

A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons fifty five (55) years of age or older, or couples where either the husband or wife is fifty five (55) years or older. The term does not include housing in which the

elderly may occupy the units seasonally, or convalescent or nursing facilities.

**IMPERVIOUS
SURFACE:**

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes surfaces such as compacted sand, lime, rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INDUSTRY, HEAVY:

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes using, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT:

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

JUNK:

Dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, bed and bedding, rags, motor vehicles and parts thereof.

JUNKYARD:

An outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including automobile wrecking yards for storage of salvaged building and structural steel materials and equipment; excluding yards or establishments for the sale, purchase or storage of used cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.

KENNEL, COMMERCIAL:	Any lot or premises, or portion thereof, on which three (3) or more dogs, cats and other household domestic animals are maintained, harbored, possessed, boarded, bred, or cared for in return for compensation or kept for sale.
LANDSCAPE OR PLANT NURSERY:	Any land used to raise trees, shrubs, flowers, and other plants for sale or transplanting.
LAUNDRY, SELF-SERVICE:	A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.
LOT AREA:	The total horizontal area within the lot lines of a lot.
LOT, CORNER:	A lot abutting on, and at the intersection of, two (2) or more streets.
LOT COVERAGE:	The area of a site covered by buildings or roofed areas and impervious surfaces.
LOT DEPTH:	The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.
LOT, FLAG:	Lots or parcels that the city has approved with less length of property on a public street than is normally required, with no less than thirty feet (30') directly adjacent to the public street, generally intended to make deeper property accessible.
LOT, INTERIOR:	A lot other than a corner lot.
LOT LINE:	The boundary line of a lot.
LOT LINE, FRONT:	The property line separating the front of the lot from the street.
LOT LINE, REAR:	The lot line opposite the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to

be a line not less than ten feet (10') long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten feet (10') long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

LOT LINE, SIDE:

Any lot line not a front or rear lot line.

LOT OF RECORD:

A lot that is part of a subdivision, the plat of which has been recorded in the office of the recorder of Teton County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded at a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

LOT, SUBSTANDARD:

A lot or parcel of land that has less than the minimum area or width as established by the district in which it is located. Such lot shall have been of record as a legally created lot on the effective date hereof.

LOT, THROUGH:

A lot that has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH:

The width of a lot shall be:

A. If the side property lines are parallel, the shortest distance between these side lines.

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

C. If the property is a flag lot, the horizontal distance between side lot lines measured at the required setback line for the applicable district.

D. For rural acreage developments, the distance between the side lot lines, measured at the street frontage.

MANUFACTURED HOME:

A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, that, in the traveling mode, is eight feet (8') or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and that 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 that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 et seq. Section 67-8203(18) Idaho Code.

MANUFACTURED HOUSING PARK:

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

MICROBREWERY:

An establishment where beer, ale, etc., are brewed and/or bottled on a scale to which the planning and zoning commission will decide is appropriate to a particular district. The establishment may, in addition to its brewing/bottling operation, offer for sale, to be consumed on the premises, beer, ale, etc., and food.

MOBILE HOME:

A transportable, factory built home, designed to be used as a year round residential dwelling

and built prior to the enactment of the federal manufactured housing construction and safety standards act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK:

Any area, tract, plot, or site of land, whereupon two (2) or more standard mobile homes are placed, located and maintained for dwelling purposes on a permanent or semipermanent basis and for which a fee, or rental or contract for payment, for such use is collected by or collectable to the person holding the land.

**MOBILE HOME,
STANDARD:**

A detached single-family dwelling unit with the following characteristics:

A. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities that can be attached to outside systems.

B. Designed to be transported after fabrication on its own wheels or on a flatbed or other trailer or detachable wheels.

C. Arriving at the site where it is to be occupied as a complete dwelling, including major appliances and furniture, and ready for occupancy except for minor or incidental unpacking and assembly operations, location of foundations, connection to facilities and the like.

D. May or may not have permanent foundations, dependent on other requirements of local ordinances, are usually single wide units of less than nineteen feet (19') in width, often have flat roofs, have rooms generally located in a row and do not reflect the appearance of residentially designed manufactured homes or traditional "stick" construction residential units.

**MOBILE HOME
SUBDIVISION:**

A subdivision designed and intended for standard mobile home residential use.

MOBILE VENDOR:	A business exhibiting goods or services from a vehicle, trailer, on foot or in a similar mobile manner for not more than one hour in twenty four (24) hours on any one site, or which is operating during an approved public event on property owned or leased by a governmental entity, with approval of the event organizer.
MOTEL:	A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers and having automobile parking conveniently located on the premises.
NONCONFORMING BUILDING:	Any building which does not meet the limitations of building size or location on a lot for the district in which the building is located and which was built prior to the effective date hereof.
NONCONFORMING LOT:	An existing lot, the area, width, size, or other characteristic of which fails to meet the requirements of the district in which it is located and which was conforming prior to the effective date hereof.
NONCONFORMING USE:	A use not conforming to the provisions of this title but which was lawfully existing at the effective date hereof.
NURSING HOME, CONVALESCENT HOSPITAL:	A building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, or deformity, or requiring care because of old age or other disabling conditions.
OFFICE:	A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

- OPEN SPACE:** Land that is used primarily for resource protection, agriculture, recreation, or otherwise left undisturbed.
- OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, junk material, merchandise, or vehicles in the same place for more than twenty four (24) hours.
- OVERLAY DISTRICT:** A set of zoning requirements that is described in this title, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay district must conform to the requirements of both districts or the more restrictive of the two (2).
- PARCEL:** A continuous quantity of land in the possession of or owned by or recorded as the property of the same person or persons.
- PARKING AREA:** An open, graded and surfaced area, other than a street or a public way, to be used for the storage, for limited periods of time, of operable passenger vehicles and commercial vehicles, and available to the public, whether for compensation, free or as an accommodation to clients or customers. The term includes any and all access drives, aisles or ramps.
- PARKING SPACE:** Usable space within a public or private parking area or building as described in subsection 9-4-2A1 of this title.
- PERSONAL SERVICE SHOP:** A building or part of a building used for personal grooming services, including beauty parlors, hair styling, manicures, massages, aromatherapy, acupuncture, and similar uses, but does not include professional office or medical office.
- PHARMACY:** A service business which dispenses, under the supervision of pharmacists licensed by the state of Idaho, prescriptive and nonprescriptive medicines and drugs, orthopedic appliances, or

	medical supplies for the treatment of human illness, disease, or injury, excluding the sale of goods or commodities for general hygiene, diet, cosmetic, or other general health purposes.
PLANNING AND ZONING COMMISSION:	The planning and zoning commission of the city.
PRINCIPAL BUILDING:	A structure or, where the context so indicates, a group of structures in which the principal use of the lot is conducted.
PRINCIPAL USE:	The main use of the land or structures as distinguished from a secondary or accessory use.
PUBLIC SERVICE USES:	Include emergency service buildings or garages such as ambulance, fire, police, rescue, utility substations or transmission and distribution facilities, including telephone and like government owned facilities except landfills and mining facilities.
RECREATION/ FITNESS CENTER:	Primary focus of a recreation/fitness center shall be the utilization of all methods and means available, or to become available, to foster human health, including, but not limited to, strength training equipment, cardiovascular equipment, sports medicine facility, swimming pools, racket sports, indoor tracks, childcare facilities, therapeutic massage, yoga studio, and similar items as well as locker/shower rooms, saunas, steam baths, hot tubs, physical therapy, and competitions relating to athletic and recreational activities. Further, said center shall be allowed to have clearly linked supporting retail and dining facilities which do not exceed thirty percent (30%) of the total building space of the facility.
RECREATIONAL VEHICLE:	A vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, that either has its own motive power

or is mounted on or drawn by another vehicle. Section 67-8203(25) Idaho Code.

**RECYCLING CENTER
OR PLANT:**

A facility which is not a junkyard and in which recoverable resources such as newspapers, glassware and metal cans are collected, stored, flattened, crushed or bundled within a completely enclosed building.

RESTAURANT:

Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including, among others, a cafe, cafeteria, coffee shop, lunchroom, tearoom and dining area.

RETAIL STORE:

A store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale. A retail store does not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a district.

**SATELLITE DISH
ANTENNA:**

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. A ground mounted dish shall be regulated as an accessory building.

SCHOOL:

A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SEASONAL VENDOR:

A business, other than a mobile vendor, exhibiting goods or services within the city of Driggs from a temporary or mobile structure or vehicle or in a similar temporary manner for

more than fourteen (14) days in any year, but for less than one hundred eighty (180) days in any year.

**SELF-SERVICE
STATION:**

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**SELF-SERVICE
STORAGE FACILITY:**

A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

SETBACK:

The minimum horizontal distance between a property line of a lot and the nearest drip line of the eaves of the building.

SHOPPING CENTER:

A grouping of three (3) or more retail businesses or service uses on a single site of two (2) or more acres with common parking facilities.

SIGN:

Any material, structure, statue or device used or located out of doors or on the exterior of any building or window, for the purpose of displaying, illustrating or directing attention to a business or building, advertisement, announcement, notice, name or emblem for the identification of a person, place, object or product. This definition shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw the attention of observers.

SITE PLAN:

A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, easements, and principal site development features proposed for a specific parcel of land.

STORY:	That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet (6') above the average level of the finished ground surface adjoining the exterior walls of such story or if it is used for business or dwelling purposes.
STREET:	A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, from a site to other parts of the city. Driveways are not to be included. Streets are further classified by the functions they perform.
Arterial Streets:	Roads conveying traffic between major activity centers within the community and traffic through the city. Efficient movement is the primary function of arterial streets. Private access and frontage road access should be controlled and limited to high volume generators of vehicle trips.
Residential Access Streets Or Local Streets:	Streets having the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.
Residential Collectors:	Streets that conduct and distribute traffic between other residential streets of lower order and higher order streets or major activity centers. This is the highest order of street appropriate to a residential neighborhood, and residential frontage along it should be prohibited or severely restricted.
STRUCTURE:	Anything constructed or erected, except fences not exceeding three feet (3') in height, which

	requires permanent location on the ground or is attached to something having location on the ground.
STUDIO APARTMENT:	An apartment containing only one room, exclusive of the bathroom, and containing not more than five hundred (500) square feet.
TAVERN, LOUNGE OR PUB:	A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.
TEMPORARY USE:	A use intended for a limited duration, generally less than a year, to be located in a zoning district where such is not permitted.
TEMPORARY VENDOR:	A business, other than a mobile vendor, exhibiting goods or services within the city of Driggs from a temporary or mobile structure or vehicle or in a similar temporary manner for fourteen (14) or fewer days in any one year period.
TOWER:	A structure situated that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications.
TRAVEL TRAILER OR RECREATIONAL TRAILER:	<p>A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses which:</p> <p>A. Is not more than eight feet (8') in body width; and</p> <p>B. Is of any weight, provided its body length does not exceed twenty nine feet (29'); or</p> <p>C. Is of any length, provided its gross weight, factory equipped for the road, does not exceed forty five thousand (45,000) pounds.</p>

**TRAVEL TRAILER OR
RECREATIONAL
VEHICLE PARK:**

Any area, tract, plot, or site of land, whereupon two (2) or more travel trailers or recreational vehicles are placed, located and maintained for dwelling purposes on a semipermanent basis and for which a fee or rental for such use is collected by or collectable to the person holding the land.

**TRUCK REPAIR/
SERVICE SHOP:**

A business for the repair and maintenance of trucks and other motor vehicles requiring a commercial operator's permit.

TRUCK TERMINAL:

Land and/or buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

VARIANCE¹:

A modification of the requirements of this title for lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provisions affecting the size or shape of a structure, the placement of the structure upon lots, or the size of the lot. A variance does not include a change of land use. See Idaho Code section 67-6516.

**WAREHOUSING AND
DISTRIBUTION:**

A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

YARD:

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this title. The mini-

1. See definition of the same term in section 9-2C-2 of this title.

mum depth or width of a yard shall consist of the horizontal distance between the lot line and the drip line of the main building.

YARD, FRONT:

A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

YARD, REAR:

A yard extending the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, SIDE:

A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the lot.

ZONING MAP:

The map incorporated into this title designating the zoning districts. (Ord. 281-07, 9-4-2007; amd. Ord. 294-08, 10-7-2008; Ord. 304-09, 4-21-2009; 2010 Code; Ord. 310-10, 3-3-2010)