

CHAPTER 2

DEFINITIONS

SECTION:

9-2-1: Construction

9-2-2: Definitions

9-2-1: **CONSTRUCTION:** For the purpose of this title, certain words and terms are defined as set forth herein. Words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word "lot" includes the words "plot", "tract" or "parcel of land" as the sense may require; the term "erected" means constructed, altered, moved or repaired; words "shall" and "must" are always mandatory. (Ord. 93-6-1, 6-28-1993)

9-2-2: **DEFINITIONS:**

ACCESSORY BUILDING: A subordinate building the use of which is incidental to that of the main building.

ACCESSORY USE: A related use which is incidental to the prescribed and permissible use.

AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. Agricultural buildings shall not be places of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

AGRICULTURE: Agriculture shall mean the growing of soil crops in the customary manner in the open, on tracts of land of at least five (5) acres in area, and shall include all farming and livestock raising activities associated with the acreage so used in the neighborhood where situated. Incidental retailing on the premises of goods and products raised on the premises shall also be considered as being within the definition of agriculture.

ALLEY: A public way primarily for utility use and for servicing the property adjacent thereto.

ANIMAL UNIT(S): The following standards shall be used and applied to this title to establish an equivalency for various species of livestock. All livestock shall have the following animal unit equivalents for purposes related to this Title:

<u>Animal Types</u>	<u>Animal Equivalency Factor</u>
Dairy Cattle:	
Holsteins (milking and dry cows)	1.4 animal units
Jerseys (milking and dry cows)	1.0 animal units
Heifers:	
Less than 500 pounds	0.4 animal units
500 pounds to 700 pounds	0.6 animal units
700 pounds to 900 pounds	0.8 animal units
Greater than 900 pounds	1.0 animal units
Beef Cattle/Slaughter/feeder:	
Less than 300 pounds	0.2 animal units
300 pounds to 500 pounds	0.4 animal units
500 pounds to 700 pounds	0.6 animal units
700 pounds to 900 pounds	0.8 animal units
Greater than 900 pounds	1.0 animal units
Swine:	
Boars	0.5 animal units
Sows	0.5 animal units
Pigs (55 pounds to market)	0.4 animal units
Pigs (up to 55 pounds)	0.10 animal units
Sheep/lambs: (each)	0.1 animal units
Horse: (each)	2.0 animal units
Chickens (each)	0.006 animal units
Turkeys (each)	0.018 animal units
Fur-bearing animal (each)	0.003 animal units
Goats (each)	0.3 animal units
For species not specifically identified:	
1,000 pounds of live body weight	1.0 animal units

[Amended Ord. 2006-11-01, 11-07-06, Ord. 2009-04-01, 4-14-09, Ord. 2009-05-01, 5-09]

AUTOMOBILE COLLECTOR:	A person acquiring collectible automobiles either for his or someone else's future use to restore, sell, or give away. Such collectible automobiles shall be sheltered in a covered building.
	Any person selling the parts off of collectible automobiles, or storing them in the open air, must comply with the junkyard ordinance ¹ and obtain a license to so operate.
BOARD:	The board of county commissioners of Cassia County, Idaho.
BUILDING:	Any combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any use or occupancy, and shall include a part or parts thereof and all equipment therein normally a part of the structure.
BUILDING AREA:	The total areas, taken on a horizontal plane at the main grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.
BUILDING HEIGHT:	The vertical distance measured from the average elevation of the finished grade at the front of the building to the main height of the square of the building.
BUILDING, MAIN:	One or more of the principal buildings upon a lot.
BUILDING SITE:	Any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be placed.
CLOSED CONSTRUCTION:	Any manufactured building or building component which may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.
COMMERCIAL COACH:	A modular building equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designated to be used without a permanent foundation.

¹ See Title 3, Chapter 4 of this Code.

- COMMERCIAL USE:** A use other than agriculture operated for profit or compensation through the buying or selling of commodities or of services.
- COMMISSION:** The Cassia County, Idaho planning and zoning commission, as appointed by the board of county commissioners of Cassia County, Idaho.
- CONDITIONAL USE:** A use which requires the approval of the planning and zoning commission before the zoning administrator may issue a permit therefor. The conditional use is generally one which requires individual consideration of the surrounding conditions and circumstances in order to carry out the intent and purpose of the zoning plan.
- CONFINED ANIMAL FEEDING OPERATION:** Herein sometimes referred to as "CAFO" means any lot, corral, or facility, real property and related structures thereon where ten (10) animal units or more of livestock are confined, or stabled and fed, or maintained for a total of two hundred ten (210) days or more in any twelve (12) month period; and on which crops, vegetation, forage growth or postharvest residues are not sustained in the normal operations after the effective date hereof, and the lot, corral, facility, real property and related structures thereon used for such confinement, and including for use of disposal of solid or liquid waste generated by livestock, and is designed to confine or actually does confine an equivalent of ten (10) animal units or more.
- CONSTRUCTION:** The erection, fabrication, reconstruction, demolition, alteration, conversion or repair of a building, or the installation of equipment therein normally a part of the structure.
- CORRAL:** A fenced enclosure where livestock are confined, stabled, fed or maintained, and crops, vegetation, forage growth or postharvest residues are not sustained in the normal growing seasons over more than ten percent (10%) of the enclosure.
- COUNTY:** Cassia County, state of Idaho.

DEVELOPMENT PERMIT:

A permit granted by the planning commission under the conditions and standards contained in chapter 12 of this title for the construction, demolition, or development of any structure within the historical preservation zone.

DWELLING:

Any building which is used for residential purposes, including a mobile home or manufactured home, excepting a hotel, motel, boarding or rooming house, rest home, or childcare home.

DWELLING, MULTI-FAMILY:

A dwelling on one plot containing separate living units for two (2) or more families, but which may have joint services or facilities or both.

DWELLING, TEMPORARY:

Any building, trailer, recreational vehicle, mobile home or manufactured home, located in the county and used for residential purposes on a temporary basis not to exceed one year in duration, during a period of construction, repair or remodel to another structure on the premises, or for other temporary purposes or uses.

DWELLING UNIT:

One or more habitable rooms constituting a self-contained unit with a separate entrance, and used or intended to be used by not more than one family, and containing not more than one kitchen or kitchenette. For the purposes of this definition, hotel rooms, boarding house rooms, motel rooms, recreational vehicles, and similar types of uses shall not constitute a dwelling unit.

EQUIPMENT:

Facilities or installations including, but not limited to, heating, ventilating, air conditioning, and refrigerating facilities or installation, and elevators, dumbwaiters, escalators, boilers and pressure vessels and ski lifts, but not including telecommunications facilities.

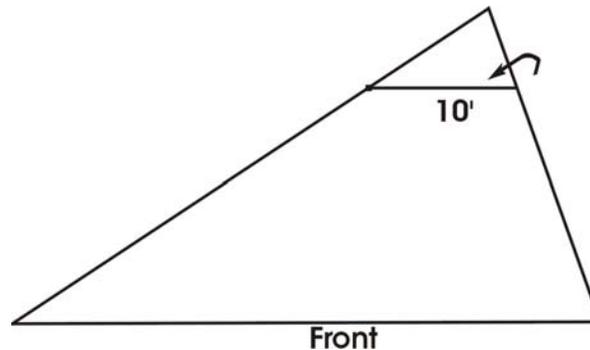
FAMILY:

An individual or two (2) or more persons related by blood, marriage, or adoption, living together in a dwelling unit. Except as otherwise established by state or federal law, persons in excess of eight (8), not related by blood, marriage, or adoption, residing with the family shall be considered as boarders and the building in which they abide shall be considered as a boarding house.

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:	An agricultural unit of five (5) acres or more.
FLOOR AREA:	The floor area of a building is the sum of the several floors of the building, including the mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior walls or from the centerline of the walls separating the buildings. The architectural area does not include such features as pipe trenches, exterior terraces or steps, chimneys, roof overhangs, etc.
GARAGE, PRIVATE:	An accessory building or an accessory part of a main building designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.
GRADE:	The average of the finished ground level.
HEALTH DEPARTMENT OR HEALTH AUTHORITY:	The South Central Health District of the State of Idaho.
HIGHWAYS:	Roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to and accepted by the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structure, works or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways.

- HOME OCCUPATION:** An occupation or profession which:
- A. Is customarily carried on in a dwelling unit, or in an attached building.
 - B. Is carried on by a member of the family residing in the dwelling unit.
 - C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.
- 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.
- HOUSEHOLD PET:** Animals or fowl customarily permitted in the house and kept for company and pleasure, including dogs cats, canaries and similar pets.
- HUMAN HABITATION:** When used in respect to temporary facilities, means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, storage utility space and similar areas are not considered space for human habitation.
- JUNK:** Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, waste, dismantled, wrecked, inoperable and unregistered vehicles, or their parts; iron, steel and other scrap ferrous or nonferrous material.
- JUNKYARD:** Any premises or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a vehicle graveyard. Any premises having more than two (2) inoperable and unregistered vehicles is a "junkyard" under this title and must comply herewith, unless its owner qualifies as an "automobile collector" as defined in this section.

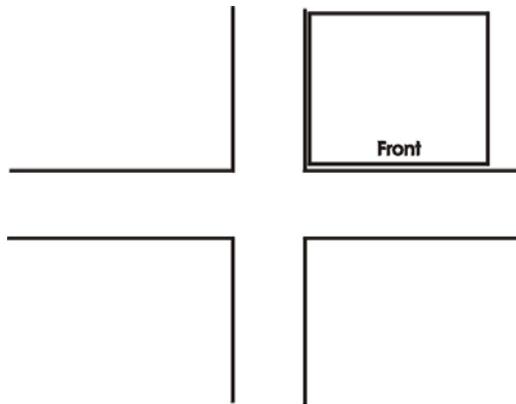
- LAND USE PLAN:** A comprehensive plan adopted and maintained by the county.
- LIVESTOCK:** Hoofed domesticated animals, poultry, rabbits, and furbearing animals. See also the definition of Animal Unit(s).
- LOT:** Land occupied or to be occupied by a building or buildings together with such open spaces as required under this title and having its principal frontage on a street or an officially approved place. Also building sites without reference to lots as recorded on official plats.
- LOT, LENGTH:** The length or depth of a lot shall be:
- A. If the front and rear lines are parallel, the distance between such lines.
 - B. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
 - C. If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet (10') long, lying wholly within the lot.



LOT, LINE:

A. Front: The front property line shall be determined as follows:

1. Corner Lot: The front property line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets as originally platted or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing customs of the other buildings in the block. If such front is not evident, then either may be considered the front of the lot but not both.

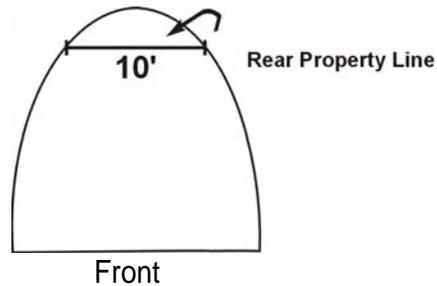


2. Interior Lot: The front property line of an interior lot shall be the line bounding the street frontage.

3. Through Lot: The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the commission shall determine the front property line.

B. Rear: The rear property line of a lot is that lot line opposite to 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.



C. Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

LOT, THROUGH:

A lot having frontage on two (2) streets which are parallel or nearly so.

LOT, WIDTH:

The width of a lot shall be assumed to be:

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

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

MANUFACTURED
HUD/FHA HOME:

A structure, constructed according to mobile home construction and safety standards, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or is forty feet (40') 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 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.

**MASTER OR
GENERAL PLAN:**

A comprehensive plan, or part thereof, which has been adopted by the board of county commissioners.

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 1976).

MODULAR BUILDING:

Any building or building component, other than a manufactured home, which is constructed according to standards contained in the uniform building code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

**NONCONFORMING
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 the effective date hereof.

**NONCONFORMING
USE:**

A use of premises which does not conform to the regulations of this title, but which was in existence at the effective date hereof.

**OCCUPANCY,
CHANGE OF:**

Any change in the character or use of a building or premises; not including change of tenants, proprietors or occupants.

**OFF STREET
PARKING SPACE:**

An area adjoining a building providing for the parking of automobiles which does not include a public street but has a convenient access to it.

- PARCEL: See definition of Lot.
- PERMITTED USE: A use specifically permitted or analogous to those specifically permitted in all established zones.
- PLANNED UNIT DEVELOPMENT (PUD): An area of land in which a variety of residential, commercial, and industrial uses developed under single ownership or control are accommodated in a preplanned environment with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.
- PRIVATE DRIVEWAY: A non-dedicated privately constructed and maintained vehicular access way approved by the commission from a public road or street to dwellings or other buildings located on not more than three (3) parcels, which is wholly located on the parcels served only, and is made to serve as access only to buildings on the parcels it is located within. Private drives serving more than one parcel shall have a base of at least four inches (4") of compacted gravel, and a minimum width of eighteen feet (18').
- PRIVATE ROADWAY: A non-dedicated roadway which serves as access to one or more parcels and is so designated by the commission in writing, constructed and maintained with private funds and which must meet the following standards as a minimum:
 - A. Right Of Way: Shall be fifty feet (50') in width.
 - B. Cul-De-Sacs: No dead end roads will be accepted without a cul-de-sac being provided. Any cul-de-sacs must have an inside diameter of at least one hundred feet (100').
 - C. Drainage:
 - 1. Maximum Gradient: The maximum gradient shall not exceed seven percent (7%).

2. Minimum Gradient: The minimum gradient where curb and gutter is used shall be one-half percent (0.5%) and a minimum gradient of three-tenths Percent (0.3%) shall be used with a ditch section.

3. Cross Slope: Pavement cross slope shall be one-eighth inch (1/8") to one-quarter inch (1/4") per foot.

4. Culverts: Culverts crossing the roadway shall be corrugated metal or concrete pipe with a minimum diameter of twelve inches (12") and a minimum length of forty feet (40'). Approved plastic culvert pipe may be used with appropriate metal end caps for protection from fire. Culverts crossing at an intersection shall be increased in length to meet local conditions.

5. Driveways And Approaches: Driveways or approaches shall either have a pipe culvert or a depressed section at the roadway ditch line to permit the free flow of roadway drainage through the approach area. Approach pipe culverts shall be a minimum length of twenty feet (20').

D. Roadway Cross Section:

1. Curb And Gutter: Curb and gutter section shall have a width of not less than forty feet (40') face to face of curb with full width surfacing.

2. Ditch: Ditch (barrow pit) sections shall have a finished width of not less than thirty feet (30').

3. Roadway: Roadway ditches (barrow pits) shall start at fifteen feet (15') from the centerline and slope away from the centerline towards the edge of the right of way on a five to one (5:1) slope for five feet (5') to provide a one foot (1') deep ditch twenty feet (20') from centerline.

4. Gravel: Pit run gravel not to exceed two inch (2") rock shall be placed to a compacted depth of four inches (4"). Compacted depth of two inches

(2") of three-quarter inch (3/4") maximum diameter crushed gravel shall be placed as a leveling course for a minimum width of thirty feet (30').

5. Bituminous Surfacing: Bituminous surfacing when provided shall be provided with a minimum compacted depth of not less than three inches (3") at a minimum width of twenty four feet (24').

6. State Specifications: All construction items shall conform to current Idaho state transportation department specifications for road and bridge construction.

E. Post acceptance Rules And Regulations: No curb, gutter, road or street shall be otherwise altered without a permit from the county planning and zoning commission after initial acceptance.

PRIVATE USE: A use which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PROHIBITED USE: A use which is not specifically permitted or analogous to those specifically permitted.

RECREATIONAL VEHICLE (RV): A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are: travel trailer, camping trailer, truck camper, fifth wheel trailer, and motor home.

A. Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

B. Fifth Wheel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the setup mode, and designed to be

towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

C. Motor Home: A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, 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.

D. Travel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

E. Truck Camper: A portable unit constructed to provide temporary living quarters for recreational, camping, or travel use, consisting of roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

ROOM:	An undivided portion of the interior of a dwelling unit but excluding bathroom, closet, kitchen, hallway and service porch.
SALVAGE YARD:	See definition of Junkyard.
SETBACK:	The shortest distance between the property line and the building or part thereof.
SPECIAL USE:	See definition of Conditional Use.
STORY:	That portion of a building included between the surface of a floor and the ceiling next above it.
STREET:	A public thoroughfare other than an alley.

A. Street: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than fifty feet (50') wide which has been made public by right of use and which affords the principal access to the abutting property, and/or provides vehicular circulation.

B. Street, Major Arterial: An existing or proposed street which is intended to serve as a major traffic way with controlled access.

C. Street, Minor Arterial: An existing or proposed street which is intended to serve as a major traffic way with direct access from lots discouraged.

D. Street, Major Collector: An existing or proposed street which is mainly intended to provide transportation routes to major destination areas or to arterial streets.

E. Street, Minor Collector: A street which is intended to provide some access to lots and mainly to provide transportation routes from local streets to major collectors or arterials.

F. Street, Local: A street which is intended to provide access to lots and serve the needs of a neighborhood.

G. Street, Marginal Access: A street which is parallel to and adjacent to a major arterial street which provides access to abutting properties and protection from through traffic.

H. Street, Minor Terminal: A local street which is terminated with a cul-de-sac and which is not intended to go through to connect with other streets.

**STRUCTURAL
ALTERATIONS:**

Any change in the supporting members of the building such as the bearing walls, column, beams, girders or roof.

SUBDIVISION:

The division after April 29, 1978, of a tract, lot, or parcel of land into lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, lease, or building development, or the creation after said date of a development in which land, roads, etc., are to be dedicated or abandoned to the public.

(Refer to the Cassia County subdivision ordinance for regulations and requirements pertaining to subdivisions.)

TRAILER COURT: A parcel equipped with sanitary facilities for the parking of two (2) or more occupied mobile homes, which parcel opens onto a public way.

TRAILER PARK: A trailer court which has been approved by the county commissioners as a conditional use and complies with the provisions of this title.

UNINCORPORATED TERRITORY: All territory within the boundaries of Cassia County, state of Idaho, which lies outside of the incorporated cities, and outside of established buffer zones agreed upon by joint city-county enactments.

USE: The specific purpose for which a building or lot is arranged, intended, designed, occupied or maintained.

WASTE LAGOON: An open impoundment with earthen or concrete embankments for the purpose of runoff collection, a settling facility, and/or temporary storage of all forms of animal waste, whether semisolid, slurry, and/or liquid.

WIND FARM: One or more wind turbines of any size proposed and/ or constructed by the same person, group of persons or entity of any type on the same or adjoining parcels. [Ord. 2006-11-01, 11-07-06]

WIND TURBINE: Any machine used to produce electricity by converting the kinetic energy of wind to electrical energy. Wind turbines consist of the turbine apparatus and any other buildings, support structures or other related improvements necessary for the generation of electric power. [Ord. 2006-11-01, 11-07-06]

YARD: An open space on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in this title.

- YARD, FRONT:** The minimum horizontal distance between the street line and the front line of the building or any projection thereof, excluding steps.
- YARD, REAR:** A yard extending across the full width of a lot between the rearmost main building and the rear line of the lot. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the main building.
- YARD, SIDE:** A yard between the building and the side line of the lot and extending from the street line to the rear of the lot. (Ord. 93-6-1, 6-28-1993; amd. Ord. 94-12-3, 12-19-1994; Ord. 99-1-1, 1-4-1999; Ord. 99-10-2, 10-18-1999; 2003 Code; Ord. 2003-04-01, 4-14-2003; amd. Ord. 2006-11-01, 11-07-06)