

# CHAPTER 1 GENERAL REGULATIONS

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**11-1-1: TITLE AND AUTHORITY.**

This Title 11 shall constitute the official Zoning Code of the City of Idaho Falls, Idaho. This Zoning Code is adopted pursuant to the Idaho Local Land Use Planning Act, Title 67, Chapter 65, of the Idaho Code.

**11-1-2: PURPOSE.**

The purpose of this Zoning Code is to promote the health, safety, peace, convenience and general welfare of the inhabitants of the City by implementing the goals and policies of the City’s Comprehensive Plan.

**11-1-3: ESTABLISHMENT OF ZONES.**

**Table 11-1-1: Established Zones**

Zone Type	Zone Abbreviation	Zone Name
<b>Low Density Residential</b>	RE	Residential Estate
	RP	Residential Park
	R1	Single Dwelling Residential
<b>Medium Density Residential</b>	R2	Mixed Residential
	TN	Traditional Neighborhood
<b>High Density Residential</b>	R3	Multiple Dwelling Residential
	R3A	Residential Mixed Use
<b>Commercial</b>	PB	Professional Business Office
	CC	Central Commercial
	LC	Limited Commercial
	HC	Highway Commercial
<b>Industrial</b>	LM	Light Manufacturing and Heavy Commercial
	I&M	Industrial and Manufacturing
<b>Special Purpose</b>	R&D	Research and Development
	P	Parks and Open Space

**11-1-4: APPLICABILITY.**

The regulations in this Zoning Code shall apply and govern development and the use of all properties within the corporate limits of the City, in areas outside of City limits for which annexation has been requested; or as otherwise permitted through written agreement(s) with Bonneville County, or by Idaho Code.

- (A) No person or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:
  - (1) The proposed use, structure, or division of property complies with this Zoning Code; and
  - (2) Any required approval is first obtained, as provided by this Zoning Code, and any applicable conditions of such approval are met.
- (B) Nothing in this Zoning Code shall eliminate the need for obtaining any other permit(s) required by this Code, other political subdivisions or agencies of the State of Idaho Including, but not limited to, building permits, plumbing, electrical, or mechanical permits.
- (C) This Zoning Code is not intended to impair or interfere with other more restrictive regulations or private restrictions on the use of land improvements and structures.
- (D) The provisions of this Zoning Code shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant, or deed restriction.
- (E) Where this Zoning Code imposes greater restrictions than that imposed by other law, this Zoning Ordinance shall prevail.
- (F) All properties in the City corporate limits shall comply with the regulations of this Zoning Code, unless otherwise preempted by federal statute or local law.
- (G) The prosecution of violations that occurred under previous land use regulations and that remain a violation under this Zoning Code shall continue until resolved.
- (H) Applications pending as of the effective date of this Zoning Code, April 12, 2018.
  - (1) Project with pending application: All applications shall be processed according to the regulations and requirements in effect as of the date staff accepted the application.
  - (2) Approved project with pending request for a time extension: Time extension requests shall be consistent with the requirements that are in effect when the original application was approved.
  - (3) Approved projects not yet completed. Any approved application may still be completed as, set out by the approval.

#### **11-1-5: INTERPRETATION.**

- (A) Language.
  - (1) Terminology. When used in this Zoning Code, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and vice versa, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive. The masculine shall include the feminine.
  - (2) Number Of Days. Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days, except that such time limits shall extend to the following working day when the last of the specified number of days falls on a weekend or City holiday.
  - (3) Minimum Requirements.

- (a) When interpreting and applying the regulations of this Zoning Code, all regulations shall be considered to be minimum requirements, unless stated otherwise.
  - (b) Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this Zoning Code.
- (4) Defined Terms.
- (a) Terms defined in the Appendix of this Zoning Code shall have their defined meaning when used elsewhere in this Zoning Code.
  - (b) Where terms are used that are not defined, the term shall have the ordinary accepted meaning within the context with which the term is used.
- (5) Section Headings. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Zoning Code.
- (6) References. All references to state or federal laws and/or regulations shall include such laws and/or regulations as they may be amended over time.
- (B) Measurements.
- (1) Building height shall be measured from the grade to the top of the building walls as defined by this Code.
  - (2) Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line.

**11-1-6: SEVERABILITY.**

Each section, clause, and provision of this Zoning Code is declared severable. If a Court of competent jurisdiction declares that any section, clause, or provision of this Zoning Code is invalid, the same shall not affect the validity of the remainder of this Zoning Code as a whole, or any other part of this Zoning Code, or the application of the provisions to other persons or circumstances, and the remainder shall continue in full force and effect.

**11-1-7: NONCONFORMING LOTS OF RECORD.**

- (A) For a lot of record created prior to April 12, 2018 and that does not meet the minimum lot size or width required by this Zoning Code, structures for single unit dwellings may be built, expanded, reconstructed, occupied or used. Such structures and uses shall meet all other applicable requirements of this Zoning Code.
- (B) For two (2) or more lots, combinations, or portions of lots with continuous frontage in single ownership created prior to August 20, 1964, and do not meet the requirements for minimum lot size or width required by this Zoning Code, the lands involved shall be treated as an undivided parcel.
  - (1) No portion of such a parcel shall be used which does not meet lot size or width requirements established by this title.
  - (2) No division of such a parcel shall be made which leaves remaining any lot size or width below the requirements established by this title.

**11-1-8: NONCONFORMING USES AND STRUCTURES THAT CONTAIN NON-**

## **CONFORMING USES.**

- (A) It is the intent of this Zoning Code to prohibit the addition or enlargement of non-conforming uses.
- (B) A nonconforming use and a structure containing a nonconforming use only may be maintained and continued to the same extent as it legally existed prior to the adoption of this Zoning Code (April 12, 2018), subject to the following provisions:
  - (1) Repairs may be made to a structure occupied by a nonconforming use provided that such repairs shall not have the effect of increasing the floor space devoted to the non-conforming use, capacity or volume of business.
  - (2) Land area of any nonconforming use shall not be increased.
  - (3) The floor area of a structure occupied by a nonconforming use shall not be increased, except to overcome unsafe or unsanitary conditions when required by the Building Official.
  - (4) Where a structure occupied by a nonconforming use is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or public enemy, it may be restored and the previous occupancy resumed provided that:
    - (a) The structure was occupied at the time of such damage or destruction.
    - (b) Restoration is started within a period of one (1) year from the date of destruction and restoration is diligently pursued to completion.
    - (c) The restoration does not increase the floor space devoted to the non-conforming use beyond that which existed at the time the use became nonconforming.
  - (5) If a nonconforming use has ceased for a continuous period of five (5) years or has been replaced with a conforming use, the nonconforming use shall be deemed abandoned and shall not be reestablished.
  - (6) A nonconforming use shall not be changed to another nonconforming use. Any change of nonconforming use shall be to a conforming use.

## **11-1-9: NONCONFORMING STRUCTURES.**

- (A) It is the intent of this Zoning Code to prohibit the addition or enlargement of non-conforming structures.
- (B) Nonconforming structures may continue to be occupied, enlarged, repaired or modified only as follows:
  - (1) Any additions or modifications to the structure shall conform to the requirements of this Zoning Code.
  - (2) Ordinary repair work may be done including repair or replacement of non-load bearing walls, fixtures, wiring or plumbing so long as such repair work does not change or increase the intensity of nonconformity.
  - (3) Any structural alteration that will reduce the degree of nonconformity is permitted, subject to all other applicable requirements of this Zoning Code.
  - (4) Any nonconforming structure or portion of a nonconforming structure declared unsafe by the Building Official may be made safe or restored to safe conditions.
  - (5) No building or other structure shall hereafter be erected or altered to have narrower or smaller

rear yards, front yards, side yards, or other open spaces, that herein required; or in any other manner be contrary to the provisions of this Zoning Code, except that encroachment into yards shall be permitted on lots occupied by buildings which were in existence prior to the effective date of this Zoning Code, but not to an extent greater than the existing encroachment. (Ord. 3218, 9-13-18)

- (C) A nonconforming structure that is damaged or destroyed by fire, flood, wind, earthquake, or other calamity or act of God or public enemy, may be restored and the previous occupancy resumed provided that:
  - (1) Restoration is started within a period of one (1) year from the date of destruction and the restoration is diligently pursued to completion.
  - (2) The restoration does not increase the extent of the nonconformity beyond that which existed at the time the structure became nonconforming.

#### **11-1-10: NONCONFORMING SITE AND LANDSCAPING.**

- (A) Any use which is nonconforming because of the regulations contained in this Code may be continued in the same manner as if the landscaping were conforming.
  - (1) This allowance applies only to those uses as they existed on the effective date of this Code and that were nonconforming only as to the regulations relating to landscaping.
- (B) An increase in the intensity of a land use with nonconforming landscaping shall comply with the landscaping requirements of this section to the extent possible as determined by the Zoning Administrator, but in no case, shall the landscaping be reduced unless suitable substituted landscaping is provided which complies with the provisions of this section.