

CHAPTER 2 LAND USE REGULATIONS

SECTIONS:

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11-2-1: PURPOSE.

The provisions of this Chapter identify the allowed land uses in each zone and the specific standards for development of certain allowed land uses, including permitted and conditional uses.

11-2-2: GENERAL PROVISIONS.

- (A) Tables of Allowed Land Uses. In the tables of allowed land uses that are set forth in this Chapter, allowed land uses are listed as permitted (P), conditional (C), or prohibited (blank) uses for each zone.
- (1) If a proposed use of property is not listed in the tables, the use shall be prohibited, unless the Zoning Administrator specifically determines that the proposed use is equivalent to a permitted or conditional use. Should the use be determined equivalent to a use that requires a conditional use permit, the application shall follow the procedures set forth for conditional use permits. In making the determination, the Zoning Administrator shall consider each of the following:
 - (a) The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the allowed uses listed in the applicable base zone;
 - (b) The proposed use shall not involve a more intense level of activity or greater density than one or more of the allowed uses listed in the applicable base zones;
 - (c) The proposed use is consistent with the purpose of the base zone in which the use is proposed to be located; and
 - (d) The proposed use is in substantial conformance with goals and objectives of the Comprehensive Plan.
 - (2) Uses that are listed followed by an asterisk (*) are subject to the specific use provisions set forth in the Standards for Allowed Land Uses Section, of this Chapter.
 - (3) The Zoning Administrator shall determine the most appropriate category for mixed uses or uses that fall into more than one (1) category of land use classifications. Allowed use shall be permitted based on the more restrictive applicable standards.

11-2-3: ALLOWED USES IN RESIDENTIAL ZONES.

Table 11-2-1: Allowed Uses in Residential Zones

P = permitted use. C1 = administrative conditional use. C2 = Board of Adjustment conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.								
*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.								
Proposed Land Use Classification	Residential							
	RE	RP	R1	R2	TN	RMH	R3	R3A
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic*					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C ₂	P	P		P	P
Day Care, Group*	C ₁		C ₁	P	P	C ₁	P	P
Day Care, Home	C ₁		C ₁	P	P	C ₁	P	P
Dwelling, Accessory Unit*	P	P	P	P	P	P	P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			P
Food Processing, Small Scale					P*			P
Food Store					P*			P
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C ₁		C ₁	C ₁	C ₁	C ₁	C ₁	C ₁
Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C ₁			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						P		C ₂
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C ₃	C ₃	C ₃	C ₃	C ₃	C ₃	C ₃	C ₃
Professional Service					P			P
Public Service Facility*	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P

Proposed Land Use Classification	RE	RP	R1	R2	TN	RMH	R3	R3A
Recreational Vehicle Park*						P		
Religious Institution*	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂
Residential Care Facility							P	P
Retail					P*			C ₂
School	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂	C ₂
Short Term Rental*	P	P	P	P	P	P	P	P
Transit Station								P

(Ord. 3218, 9-13-18) (Ord. 3358, 12-10-20) (Ord. 3451, 3-31-22) (Ord. 3458, 4-14-22)

(Ord. 3496, 12-8-22)

11-2-4: ALLOWED USES IN COMMERCIAL ZONES.

Table 11-2-2: Allowed Uses in Commercial Zones

P = permitted use. C1 = administrative conditional use. C2 = Board of Adjustment conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.

*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.

Proposed Land Use Classification	Commercial				
	PB	CC	LC	HC	PT
Accessory Use	P	P	P	P	P
Accessory Use, Fuel Station*		P	P	P	
Accessory Use, Storage Yard*		P	P	P	
Amusement Center, Indoor		P	P	P	
Amusement Center, Indoor Shooting Range*		P	P	P	
Amusement Center, Outdoor*				P	
Animal Care Clinic*	P	P	P	P	
Animal Care Facility*				P	
Bed and Breakfast*		P	P		P
Boarding /Rooming House		P	P		P
Building Material, Garden and Farm Supplies			P	P	
Cemetery*		C ₂	C ₂	C ₂	
Club*		P	P	P	
Communication Facility		P	P	P	
Day Care, all Types*	P	P	P	P	P
Drinking Establishment		P		P	
Drive-through Establishment *	P*	P	P	P	P
Dwelling, Accessory Unit *		P	P	P	P
Dwelling, Multi-Unit*		P	P		P
Dwelling, Multi-Unit Attached*		P	P		P
Dwelling, Single Unit Attached*			P		
Dwelling, Single Unit Detached			P		
Dwelling, Two Unit			P		P
Eating Establishment		P	P	P	P
Eating Establishment, Limited	P	P	P	P	P
Financial Institutions	P	P	P	P	P
Entertainment and Cultural Facilities	P	P	P	P	P
Equipment Sales, Rental and Services			P	P	
Food Processing, Small Scale				P	
Food Store		P	P	P	P
Health Care and Social Services	P	P	P	P	P
Higher Education Center		P	P	P	P
Home Occupation*	P	P	P	P	P
Hospital*	C ₂	C ₂	C ₂	C ₂	C ₂
Industry, Craftsman	P	P	P	P	

Proposed Land Use Classification	PB	CC	LC	HC	PT
Industry, Light		P		P	
Information Technology	P	P	P	P	P
Laundry and Dry Cleaning		P			P
Live-Work*	C ₂	P	P	P	P
Lodging Facility		P	P	P	P
Mortuary				P	P
Parking Facility		P	P	P	P
Pawn Shop		P			
Personal Service	P	P	P	P	P
Professional Service	P	P	P	P	P
Planned Unit Development*		C ₃	C ₃		C ₃
Public Service Facility*	C ₂	C ₂	C ₂	C ₂	C ₂
Public Service Facility, Limited	P	P	P	P	P
Public Service Use	P	P	P	P	P
Recreation Vehicle Park*				P	
Religious Institution*		P	P	P	P
Residential Care Facility	P	P	P	P	P
Retail		P	P	P	P
School		P	P	P	P
Short Term Rental*		P	P		P
Fuel Station		P	P	P	
Fuel Station, Super		C ₂	P	P	
Storage Facility, Indoor		P	P	P	P
Storage Facility, Outdoor				P	
Storage Yard*				P	
Transit Station		P	P	P	P
Vehicle Body Shop				P	
Vehicle Repair and Service		P	P	P	
Vehicle Sales, Rental and Service		P		P	
Vehicle Washing Facility		C ₂	C ₂	P	

(Ord. 3210, 8-23-18) (Ord. 3218, 9-13-18) (Ord. 3233, 12-20-18) (Ord 3277, 10-10-19)
(Ord. 3358, 12-10-20) (Ord. 3451, 3-31-22)

11-2-5: ALLOWED USES IN INDUSTRIAL AND SPECIAL PURPOSE ZONES.

Table 11-2-3: Allowed Uses in Industrial Zones

P = permitted use. C1 = administrative conditional use. C2 = Board of Adjustment conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.				
*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.				
Proposed Land Use Classification	Industrial		Special Purpose	
	LM	I&M	R&D	P
Accessory Use	P	P	P	
Accessory Use, Fuel Station*	P	P	P	
Accessory Use, Storage Yard*	P	P	P	
Airport	P			
Agriculture*	C ₂	P		C ₂
Agriculture Tourism	C ₂	P		C ₂
Amusement Center	P	P		
Amusement Center, Indoor Shooting Range*	P	P		
Amusement Center, Outdoor*	P	P		C ₂
Adult Business*		P		
Animal Care Clinic*	P	P		
Animal Care Facility*	P	P		
Artist Studio	P	P		
Auction, Livestock		C ₂		
Building Contractor Shop	P	P		
Building Material, Garden and Equipment	P	P		
Cemetery*				C ₂
Club*	P	P		
Communication Facility	P	P	P	
Correctional Facility or Jail	C ₂	P		
Day Care Center*	P	P	P	
Drinking Establishment	P	P		
Drive-through Establishment*	P	P		
Dwelling, Accessory Unit*	P	P		
Eating Establishment	P	P		
Dwelling, Multi-Unit*			P	
Eating Establishment, Limited	P	P	P	
Equipment Sales, Rental and Service	P	P		
Financial Institution	P	P	P	
Food Processing, Small Scale Processing With or Without Sales	P	P		
Food Products, Processing, With or Without Retail Sales		P		
Food Store	P	P		

Proposed Land Use Classification	LM	I&M	R&D	P
Fuel Station, Super	P	P		
Health Care and Social Services			P	
Higher Education Facilities	P		P	
Hospital*	C ₂	C ₂	C ₂	
Industry, Craftsman	P	P		
Industry, Heavy		P		
Industry, Light	P	P		
Information Technology	P	P	P	
Laundry and Dry Cleaning	P	P		
Lodging Facility	P		C ₂	
Medical Support Facilities	P		P	
Parking Facility	P	P	P	
Park and Recreation Facility*				P
Pawn Shop	P	P		
Personnel Service	P	P		
Professional Service	P	P	P	
Public Service Facility*	P	P	C ₂	C ₂
Public Service Facility, Limited	P	P	P	P
Public Service Use	P	P	P	P
Railroad Freight Terminal and Station		P		
Recreational Vehicle Park*				C ₂
Research and Development Business	P	P	P	
Retail	P	P		
Storage Facility, Indoor	P	P		
Storage Facility, Outdoor	P	P		
Storage Yard*	P	P		
Terminal Yard, Trucking and Bus		P		
Transit Station	P	P	P	
Vehicle Body Shop	P	P		
Vehicle Sales, Rentals and Service	P	P		
Vehicle Washing Facility	P	P		
Warehouse	P	P		
Warehouse, Wholesale With Flammable Materials	P	P		

(Ord. 3218, 9-13-18) (Ord. 3233, 12-20-18) (Ord. 3451, 3-31-22) (Ord. 3496, 12-8-22)

11-2-6: STANDARDS FOR ALLOWED LAND USES.

- (A) Accessory Use, Fuel Station**
- (B) Accessory Use, Storage Yard**
- (C) Adult Business**
- (D) Agriculture**
- (E) Amusement Center, Indoor Shooting Range**
- (F) Amusement Center, Outdoor**
- (G) Animal Care Clinic**
- (H) Animal Care Facility**
- (I) Bed and Breakfast**
- (J) Cemetery**
- (K) Club, and Religious Institution**
- (L) Day Care, Center and Day Care, Group**
- (M) Drive-through Establishment**
- (N) Dwelling, Accessory Unit**
- (O) Dwelling, Multi-Unit**
- (P) Dwelling, Single Unit Attached**
- (Q) Hazards and Nuisances**
- (R) Home Occupations**
- (S) Hospital**
- (T) Live-Work**
- (U) Manufactured Home outside a Manufactured Home Community**
- (V) Mobile Home Park**
- (W) Planned Unit Development**
- (X) Public Service Facility**
- (Y) Recreation Vehicle Park**
- (Z) Short Term Rental**
- (AA) Storage Yards**
- (BB) Temporary Construction**
- (CC) Temporary Land Use**

- (A) Accessory Use, Fuel Station. Accessory Use, Fuel Stations shall not occupy more than twenty-five percent (25%) of the property.
- (B) Accessory Use, Storage Yard . Accessory Use, Storage Yards shall meet the requirements for screening as set forth in Section 11-4-4.
- (C) Adult Business. Adult Businesses shall meet the requirements of the Adult Business Chapter of the City Code.
- (D) Agriculture Uses. Agriculture uses, including animal husbandry, shall be limited for the purpose of providing family food and for the use of those residing on the premises, but not for commercial purposes. No more than one (1) llama, or horse and their dependent young shall be kept for each twenty thousand square feet (20,000 ft²) of lot area. For poultry, refer to Animal Control.(Ord. 3496, 12-8-22)
- (E) Amusement Center, Indoor Shooting Range.
 - (1) The plans for the indoor shooting range shall meet the design criteria outlined in Indoor Shooting Range Design Criteria, August, 2013 filed in the Building Division.

- (2) The site of the proposed indoor shooting range shall be at least six hundred feet (600') from the nearest dwelling, unless such dwelling is a custodial or caretaker dwelling, and from any school or religious institution.
 - (3) Activities on the site of the proposed indoor shooting range shall not exceed sixty-five decibels (65 dBAs), when measured at the property line.
 - (4) The range shall be located so as to have frontage on an arterial or collector street, as designated in the Access Management Plan.
- (F) Amusement Center, Outdoor.
- (1) All outdoor activity areas shall maintain a minimum setback of fifty feet (50') from all contiguous residential zones and uses.
 - (2) Any outdoor speaker system associated with the amusement center shall not exceed a noise measurement of sixty-five decibels (65 dBAs), when measured at the property line.
 - (3) All outdoor activities and events shall be scheduled to conclude by 10:00 p.m. Any outdoor illumination shall be terminated no later than one (1) hour after the conclusion of an event.
- (G) Animal Care Clinic.
- (1) Clinics are limited to the care of animals that weigh less than two hundred pounds (200lbs) each.
 - (2) Clinics shall be designed and constructed so that sound emitted through exterior walls or roofs shall not exceed sixty-five decibels (65 dBAs), when measured at the property line.
 - (3) Clinics shall be designed and constructed so objectionable odors are not emitted from the clinic.
 - (4) All activities associated with the use shall be within a completely enclosed building.
 - (5) There shall be no boarding or grooming of animals except as a use incidental to medical or surgical treatment.
- (H) Animal Care Facility.
- (1) The facility shall be maintained with adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.
 - (2) When an Animal Care Facility is contiguous to a residential zone or use it shall be designed and constructed so that sound emitted through exterior walls or roofs shall not exceed sixty-five decibels (65 dBAs), when measured at the property line.
 - (3) Temporary boarding of animals shall be allowed for a maximum of thirty (30) days.
 - (4) The operator shall have a continuing obligation to comply with all City, county and state regulations relative to such an operation.
- (I) Bed and Breakfast.
- (1) The use shall be owner- occupied by a person with a fifty percent (50%) or greater ownership interest in the bed and breakfast.
 - (2) Not more than twenty (20) occupants (including, the owner, the owner's household, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night) or limited to five (5) guest rooms.
 - (3) The maximum stay shall be two (2) weeks for any guest.
 - (4) Breakfast served on the premises shall only be for guests and employees of the facility. No other meals shall be provided on the premises. Guest rooms shall not be equipped with cooking

facilities.

(J) Cemetery.

- (1) Proof of compliance with Idaho Code on the development and maintenance of cemeteries shall be required prior to issuance of a conditional use permit.
- (2) In review of the conditional use permit, the Planning and Zoning Commission shall consider the following:
 - (a) The site shall be of sufficient size and designed to allow for assembly of funeral processions and provide for adequate parking, loading and landscaping; and

(K) Club and Religious Institution.

- (1) Where such uses are located in or contiguous to a residential zone, all buildings (except accessory buildings) shall be located not less than twenty feet (20') from any side or rear lot line adjoining such residential zone.
- (2) If such uses are located in a zone which does not permit commercial uses, there shall be no external evidence of any commercial activity including, but not limited to, outdoor display of goods, signage or other forms of advertising.
- (3) Any retail sales on the premises shall be for members or guests only and shall be carried on as an activity which is minor and incidental to the major function of the club or religious institution.

(L) Day Care, Center and Day Care, Group.

- (1) On-site vehicle pickup, parking and turnaround areas shall be provided to ensure safe discharge and pickup of clients.
- (2) For day care centers and group day care facilities located in a residential zone or contiguous to a residential use, the hours of operation shall be limited to 6:00 a.m. to 8:00 p.m.
- (3) Additional standards for day care facilities.
 - (a) All outdoor play areas shall be completely enclosed by minimum six foot (6') fence to secure against exit/entry by children and to screen abutting properties.
 - (b) Outdoor play equipment over six feet (6') high, shall not be in a front yard or within any required side yard that faces a street.
 - (c) Outdoor play areas in residential zones adjacent to an existing residence shall not be used after dusk.
- (4) Day-care centers shall have a lot area of at least eight thousand square feet (8,000 ft²).

(M) Drive-through Establishment.

- (1) When a drive-through lane is located within one hundred and fifty feet (150') of a residential use a buffer shall be required which reduces noise on contiguous property to be no greater than sixty-five decibels (65 dBAs), when measured at the property line.
- (2) To the extent practical, speakers for menu ordering boards shall not be oriented towards contiguous residential uses.
- (3) An eight foot (8') fence or equivalent landscaping shall be provided where a vehicle stacking lane, menu ordering boards or drive-through window location is contiguous to a residential zone or use.

- (4) Night lighting on the site shall be directed away from other properties.
 - (5) Safe pedestrian and vehicle access and circulation on the site and between contiguous properties shall be demonstrated as follows:
 - (a) Access by the pedestrian customer shall be provided contiguous to the public right-of-way; and
 - (b) Vehicle stacking lanes shall have sufficient capacity to prevent obstruction of the public right-of-way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.
 - (6) In the PB Zone drive-throughs will not be allowed for eating establishments.
- (N) Dwelling, Accessory Unit.
- (1) The accessory dwelling unit may be configured as follows:
 - (a) As an integral portion of a principal dwelling unit on any floor or basement; or
 - (b) As an attached structure to the principal dwelling unit; or
 - (c) As a separate structure; or
 - (d) As a caretaker's residence. when accessory and incidental to a permitted use and constructed as an integral portion of any floor of a structure in an Industrial or Commercial Zone. (Ord. 3458, 4-14-22)
 - (2) The accessory dwelling unit shall comply with the following dimensional and design requirements, except for those units that fall under 11-2-6(N)(1)(d): (Ord. 3218, 9-13-18) (Ord. 3458, 4-14-22)
 - (a) The maximum size of the accessory dwelling is seven hundred and fifty (750) sq. ft.
 - (b) The structure that contains an accessory dwelling shall meet all required dimensional standards for the zone, with the following exceptions:
 - (i) A detached accessory dwelling shall have the same side yard requirement as a primary structure, as required by the zone in which the accessory dwelling is located.
 - (ii) A detached accessory dwelling shall have a minimum setback from the rear property line of twelve feet (12'), except when adjacent to a public or private alley that is at least sixteen feet (16') wide. If adjacent to a public or private alley, the detached accessory dwelling shall comply with Table 11-3-3 (3).
 - (c) A detached accessory dwelling that is more than twelve feet (12') in height shall comply with Table 11-3-3 (1).
 - (d) The accessory dwelling structure shall be well-matched in height, bulk, and site location with the adjoining neighborhood.
 - (e) As an attached structure the accessory dwelling unit shall be designed together with the principal dwelling in such a way as to resemble that of a single-unit dwelling.
 - (f) As an attached or separate structure the accessory dwelling unit shall be designed with the same architectural design, style and appearance of the principal dwelling unit.
 - (g) If included as part of the primary structure, only one (1) entrance to the primary structure may be located on the front building elevation except for structures where multiple entrances already exist. If multiple entrances exist then the accessory dwelling may utilize an existing entrance on the front building elevation.

- (h) The accessory dwelling unit shall have a separate entrance from the primary dwelling, meet the building code requirements for a separate unit, and be functionally separate from the primary dwelling.
- (i) Recreational vehicles shall be prohibited for use as an accessory dwelling unit.
- (3) One (1) parking space shall be required on the lot where the accessory dwelling is located in addition to the existing minimum parking requirement for the principal dwelling unit. A driveway may be used for this requirement. Conversion of a garage into an accessory unit is not permitted unless required parking can be provided elsewhere on the lot. (Ord. 3458, 4-14-22)
- (4) The property owner shall occupy either the principal dwelling unit or the accessory dwelling unit as their primary residence, except for units accessory to nonresidential uses. This requirement shall be enforced through recordation of a deed restriction with the Bonneville County Recorder. (Ord. 3218, 9-13-18)
- (5) Only one (1) accessory dwelling unit shall be permitted on a lot of a principal dwelling unit. Accessory dwelling units shall not be counted in density calculations.
- (6) The accessory dwelling unit shall not be sold separately or converted to any form of legal ownership different from the principal dwelling unit.
- (O) Dwelling, Multi-Unit.
 - (1) In the R2 Zone, no more than four (4) dwelling units shall be constructed within a single structure.
 - (2) In the LC Zone, multi-unit developments shall comply with the development standards of the R3A Zone. (Ord. 3277, 10-10-19)
 - (3) In the R&D Zone, multi-unit dwellings are permitted on second (2nd) story and above. (Ord. 3496, 12-8-22)
- (P) Dwelling, Single Unit Attached, and Multi-Unit Attached.
 - (1) Every lot upon which an attached dwelling is located shall have frontage upon a dedicated public street.
 - (2) No attached dwelling shall be located above another dwelling unit, either in whole or part.
 - (3) Each attached dwelling shall have at least one (1) direct pedestrian access from the interior of the dwelling to the exterior boundaries of the lot. No pedestrian access to an attached dwelling unit may be held in common with any other attached dwelling unit.
 - (4) Except as noted below, an attached dwelling shall have no facilities or property in common with any other attached dwelling and all such dwelling units shall be structurally and functionally independent from another. All attached dwellings shall have separate electrical service, water service lines and sanitary sewer service lines from all other of such dwellings. Common facilities or property are allowed for the following:
 - (a) Common party walls constructed in accordance with the International Building Code.
 - (b) Foundations supporting attached or party walls.
 - (c) Flashing at the termination of the roof covering any attached walls.

- (d) Roofs.
 - (e) Vehicular access to a dedicated street from off-street parking facilities or garages.
- (5) No building permit shall be issued for the construction of an attached dwelling unless a common facilities agreement or party wall agreement for Declaration of Condominium has been filed with the Bonneville County Recorder's Office for each such dwelling which shares common facilities with another unit. Such agreement shall include a legal description of the lots sharing common facilities and shall allocate responsibility between the owners of such lots the use, maintenance, and ownership of all common facilities.
 - (6) All attached dwellings shall meet the dwelling unit separation requirements of the officially adopted and applicable building codes of Idaho Falls.
 - (7) A lot upon which an attached dwelling is located need not comply with the zone's minimum area and width requirements, provided such lot complies with the zone's location of buildings.
 - (8) The gross density of attached dwellings shall not exceed the density allowed in the zone where it is located. Public rights-of-way shall be excluded when calculating gross density. (Ord. 12-8-22).
 - (9) An interior attached dwelling shall be allowed to increase the maximum lot coverage by ten percent (10%). (Ord. 3233, 12-20-18)
- (Q) Hazards and Nuisances. No use shall create a hazard or nuisance for neighboring properties or on or along public streets. Such hazards and/or nuisances may include but are not limited to:
- (1) Excessive noise as measured at the property line on the contiguous residential property shall not exceed a noise measurement of sixty-five decibels (65 dBAs), when measured at the property line.
 - (2) Electrical interference that adversely affects other uses.
 - (3) Odors, dust, or other air pollutants which are injurious to human health, or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;
 - (4) Improperly stored or handled solid waste.
 - (5) The storage or handling of radioactive toxic, or hazardous materials or waste, explosives or flammable materials.
 - (6) Unfavorable soils, geological hazards, or other site conditions that pose a threat to the health or safety of neighborhood or the environment.
- (R) Home Occupations.
- (1) The following activities do not require a home occupation:
 - (a) Artists, sculptors, craft work, such as jewelry-making and pottery, and composers who do not sell product to the public on the premises; and
 - (b) Home offices with no client visits to the home permitted; and
 - (c) Telephone answering and message services; and
 - (d) Private instruction (including tutoring or artistic instruction such as music, dance, art, etc.) where not more than one (1) student is on the premises for lessons at any given time.
 - (2) A home occupation shall be conducted entirely within a residential dwelling or accessory structure.

- (3) No employment of on-premise help other than the residents of the dwelling shall be allowed as except as otherwise provided in this Code.
 - (a) Day Cares, as home occupations, may have one (1) non-resident only, on-premise employee provided that nothing herein shall permit a home occupation Day Care to provide for more than twelve (12) children
- (4) No more than twenty percent (20%) floor space of the area of the dwelling shall be used in the home occupation.
- (5) No outdoor storage of any materials or supplies and no overnight on-site parking of any commercial or business vehicle of greater than eight thousand pounds (8,000 lbs.) gross vehicle weight shall be allowed.
- (6) Advertising shall be limited to one (1) eighteen inch by twenty-four inch (18" x 24") non-illuminated sign posted on the exterior of the home or in a front window. Yard signs are not permitted.
- (7) The appearance of the building shall not be altered and the occupation shall not be conducted in any manner that causes the premises to deviate from its residential character, either by color, materials or construction, lighting, signs, sound or noise vibrations, traffic generation and parking requirements.
- (8) The use of utilities or community facilities shall not exceed that generally used for residential purposes.
- (9) No home occupation shall generate the need for off-street parking or loading areas that are more extensive than those normally provided for a residence. Nor shall any home occupation create a consistently negative impact upon on-street parking in its neighborhood.
- (10) Prior to issuance of a home occupation, the applicant shall sign a statement verifying:
 - (a) All requirements and conditions for approval of the home occupation is met; and
 - (b) If any of the requirements or conditions are violated by the applicant, approval shall become null and void, immediately and without further process due.
- (11) The following uses are not permitted as home occupations in residential zones:
 - (a) Medical/dental office;
 - (b) Motor vehicle and engine repair and body shops;
 - (c) Medical facilities for animals, including animal care or boarding facilities;
 - (d) Dispatch centers, where employees come to the site and are dispatched to other locations;
 - (e) Machine shop/metal working;
 - (f) On-site retail sales;
 - (g) Commercial food preparation, not including catering;
 - (h) Contractors shops;
 - (i) Mortuaries;
 - (j) Body piercing and/or painting, tattoo; and
 - (k) Any business that requires storage or manufacturing of toxic or hazardous materials, as a

significant part of its business, including ammunition or gunpowder.

(Ord. 3496. 12-8-22)

(S) Hospital.

- (1) A hospital shall not be located within one thousand feet (1,000') of the following existing, allowed, or permitted uses: explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant.
- (2) If the hospital provides emergency care, the location shall have access within six hundred feet (600') to an arterial street.
- (3) Accessory retail uses (including, but not limited to, retail shops, food or beverage service, and personal service shops), may be allowed if designed only to serve patrons of the hospital and their visitors.

(T) Live-Work.

- (1) Work Space Requirements. The minimum interior floor area of a working space shall be two hundred and fifty square feet (250 ft²).
- (2) Living Space Requirements.
 - (a) The living space may be within the same edifice and share some of the same space as the work space; or attached to the building where the workspace is located; or detached but on the same property as the workspace; and
 - (b) The living space shall be a minimum of two hundred and twenty square feet (220 ft²).
 - (c) The living space shall include a bedroom, closet, bathroom, and kitchen. The bedroom shall be for the exclusive use of the living space. All other spaces may be shared with the work space.
- (3) Combined Work-Live Space Requirements.
 - (a) The minimum interior floor area or the combined work-live space shall be five hundred square feet (500 ft²).
 - (b) The combined work-live space shall provide fire protection as required for a combined occupancy per the International Fire Code.
 - (c) Combined work-live spaces of over two thousand square feet (2,000 ft²) shall have two (2) exits, as required by the International Fire Code.
- (4) Work space activities involving the use of hazardous materials or operations shall not be allowed in a combined work-live space without separation required under the International Fire Code.
- (5) Multiple Work-Live Space Requirements.
 - (a) Multiple work-live spaces, either attached or detached, may be located on any lot subject to the other provisions of City Code.
 - (b) Each work-live space shall have a clearly defined separate access from other work-live units.

(U) Manufactured Home that is not Within an Established a Manufactured Home Park.

- (1) The manufactured home shall conform to all requirements of a single-unit dwelling, including but not limited to required setbacks, minimum lot size, maximum lot coverage, parking.

(V) Mobile Home Park.

- (1) The minimum site size for a Mobile Home Park shall be two (2) acres.
- (2) There shall be fifteen feet (15') of separation between the Mobile or Manufactured homes. An uncovered porch, with a depth up to five feet (5'), may encroach five feet (5') into the setback between structures.
- (3) An aggregate area of at least one hundred square feet (100 ft²) for each mobile home space contained within the mobile home park shall be provided for the storage of renter's items that cannot be stored within the park's mobile homes. Storage space shall be enclosed within a sight obstructing fence or screening of not less than six feet (6') and not more than eight feet (8') in height.
- (4) Access shall be provided to each individual mobile home space by means of an access way reserved for maneuvering mobile homes into position. This access shall be kept free from trees, shrubs and other immovable obstructions. Paving of the access way shall be required. Use of planks, steel mats, etc., during placement of a mobile home shall be allowed so long as the same are removed immediately after such placement.
- (5) Off-Street parking shall be provided at the rate of two (2) parking spaces per individual mobile home space contained within the mobile home park. Two (2) nine foot by twenty foot (9'x20') hard surfaced areas, either side by side or tandem shall be required for parking. minimum of one hundred and eight (180) square feet. In no situation shall the parking space be located greater than one-hundred feet (100') away from the mobile home space it is designed to serve.
- (6) The Mobile Home Park shall be under unified ownership and shall be planned as a whole so all landscaping and common areas can be properly maintained.
- (7) An amenity shall be provided for Mobile Home Parks that contain ten (10) or more homes or spaces. (Ord. 3452, 3-31-22)

(W) Planned Unit Development (PUD).

- (1) Purpose. The purpose of the Planned Unit Development (PUD) regulations is to allow for residential and limited commercial uses, or a mix of residential and limited commercial uses, in an overall site development that may vary from the requirements of this Code. The intent of the PUD regulations is also to:
 - (a) Allow for flexibility from traditional zoning standards that results in development providing an improved living environment, including usable common space, amenities or services, increased landscaping, additional architectural features or standards, and compatibility with the contiguous neighborhood.
 - (b) Promote flexibility and innovation of design while permitting diversification of development types in order to encourage the most suitable use of a site.
 - (c) Achieve a compatible land use relationship with the surrounding area.
 - (d) Promote redevelopment and reuse of previously developed property.
 - (e) Encourage development of vacant properties within developed areas.
 - (f) Provide usable and suitably located common space, recreation facilities or other public/common facilities.

- (g) Facilitate functional and efficient systems of streets, pathways, utilities, and municipal services on and off site.
 - (h) Promote efficient use of land with a more flexible arrangement of buildings and land uses.
 - (i) Provide for master planned development that includes interconnected design elements between structures or phases, increased amounts of landscaping or natural features, connections to the surrounding neighborhood or public lands and unique architectural features.
 - (j) Ensure appropriate phasing of development and amenities.
 - (k) Provide for attractive streetscapes that are not dominated by parked vehicles or garage entrances.
- (2) Allowed Uses.
- (a) All uses allowed in the underlying zone.
 - (b) Limited commercial uses in mixed use developments not otherwise allowed in the base zone as set forth in Chapter 2 Land Use Regulations of when:
 - (i) The uses are consistent with the character of the neighborhood, mitigate impacts to the surrounding area and are sited and designed such that the activities present will not detrimentally affect residential uses.
 - (ii) The uses do not create a traffic or pedestrian safety hazard or generate traffic more than the capacity of the public streets serving the development or its own proposed access points to those streets.
 - (iii) The limited commercial uses within a residential zone do not constitute more than twenty percent (20%) of the gross land area of the PUD.
- (3) General Requirements.
- (a) Unified Control. The development site of a PUD shall be under unified ownership or control and shall be planned as a whole so all landscaping, off-street parking and other common areas can be properly maintained.
 - (b) Establishing Additional Standards. In addition to general building and development standards, additional design standards may be imposed in the approval of a conditional use to satisfy the criteria for PUD development as set forth in this Section. The requirement of additional conditions to implement these standards shall be consistent with the process for approval of a conditional use permit for a PUD as set forth in Chapter 6 Administration.
 - (c) Applicability of Other Regulations. Unless otherwise approved through the Conditional Use Permit, a PUD shall conform to all requirements set forth elsewhere in this Code, Subdivision Regulations, Standard Specifications and Drawings, and all other applicable regulations and standards of the City of Idaho Falls.
 - (d) Approval Process. The application requirements, review steps and approval process for a PUD as set forth in Chapter 6 Administration.
- (4) Dimensional Requirements. Dimensional standards, including minimum lot size, setbacks,

maximum density and height, and required parking and parking dimensional standards, if different from the regular requirements of this code shall be established for each individual PUD based upon the following criteria:

- (a) PUD Size. The minimum site size for a PUD shall be two (2) acres. Smaller acreage may be considered for a PUD on land that the Council finds is redeveloping, or provides a public benefit or amenity.
- (b) Lot Size. There shall be no minimum lot size.
- (c) Density.
 - (i) The maximum density allowed in residential zones is set forth in Table 11-2-4 Maximum Residential Density:

Table 11-2-4: Maximum Residential Density

Base Residential Zone	Dwelling units/gross acres
RE	2
RP	5
RMH	35
R1	8
R2	17
TN	17
R3	35
R3A	35

(Ord. 3452, 3-31-22)

- (ii) For other base zones where residential uses are allowed, the maximum density allowed shall be thirty-five (35) dwelling units per gross acre.
 - (iii) The maximum number of units permissible in each individual zone shall be calculated separately, and no allowed dwelling unit density can be transferred between zones.
 - (d) Setbacks shall reflect the general standards of the area and character of the neighborhood in which the PUD is located.
 - (i) In residential PUDs, the established setbacks of residential properties contiguous to or across the street from the PUD, shall constitute the minimum setback for the perimeter area of the PUD which it is contiguous to.
 - (ii) Internal setbacks between buildings or internal lot lines within residential PUDs may be established as part of the PUD process.
 - (e) Height. The maximum structure height for a residential PUD shall be determined by the underlying base zone, except where a structure is set back from required setback lines by at least two foot (2') for each additional one foot (1') of building height.
- (5) Arrangement and Design.
- (a) A PUD shall be compatible with the surrounding neighborhood bulk, scale, structural mass, and character demonstrated by similar building types, construction, separations, and

heights.

- (b) Structures and uses of lowest height and intensity shall be arranged around the boundaries of the development.
 - (c) Taller structures should be located toward the interior of the site or in a location to lessen the adverse impacts of height on the surrounding neighborhood.
 - (d) Structures should be oriented towards common areas. Residential uses should be separated and arranged to provide for private space, in addition to providing for common areas.
 - (e) Structures should include a high quality of design and architecture as demonstrated by cohesive building styles, a range of building positions, custom architectural features, and varied building materials.
- (6) Landscaping and Buffering.
- (a) All areas within the PUD not covered by buildings, parking spaces, sidewalks or driveways shall be landscaped and maintained.
 - (b) Landscape plans shall be submitted as part of the PUD application.
 - (c) Internal landscaping area, excluding required buffers, shall provide the following, a minimum one (1) tree per five thousand square feet (5,000 ft²). A minimum of two (2) shrubs for each required tree. The use of native vegetation which reduces water consumption is encouraged.
 - (d) Alternate tree spacing can be requested as part of the PUD, but shall not reduce the total minimum number of trees required.
 - (e) All PUDs that include limited commercial uses or residential uses contiguous to existing commercial uses shall provide a buffer from contiguous residential uses that are not part of the PUD development.
 - (i) The buffer shall be no less than ten feet (10') in width and shall include trees with no less than twenty foot (20') centers separating them; and
 - (ii) A six foot (6') opaque fence (opaque fence shall not include chain link fencing with or without slats) or a dense hedge of shrubbery which shall attain a height of at least six feet (6').
- (7) Parking Lot Design and Landscaping.
- (a) Parking areas more than twenty-four (24) parking spaces shall include landscaping of a minimum of ten percent (10%) of the parking area with trees and appropriate ground cover. Landscape rock alone shall not constitute appropriate ground cover.
 - (b) Parking lots containing twenty-four (24) or more parking spaces contiguous to public or private streets shall include within the contiguous landscape strip a berm of no less than four feet (4') in height.
 - (c) Interior parking lot landscaping shall be designed to incorporate pedestrian ways through the parking area and to break large parking areas into smaller bays.
- (8) Streetscapes.
- (a) All PUDs shall have frontage on a public or an approved private street.
 - (b) The development shall provide safe, inviting, and attractive streetscapes.

- (c) Except for the area occupied by a permitted driveway, a landscape strip shall be provided and maintained along the side of the property bordering any public or private street that is closest to the portion of the lot containing a structure or other development.
 - (i) The landscape strip contiguous to perimeter public streets shall be no less than twenty feet (20') in width and shall include trees (with no less than thirty feet (30') centers separating them) and lawn or other ground cover.
 - (ii) The landscape strip contiguous to internal public and private streets shall be no less than ten feet (10') in width and shall include trees (with no less than forty feet (40') centers separating them) and lawn or other ground cover.
 - (d) Trash enclosures and dumpsters shall not be located within setbacks or contiguous to any street.
- (9) Common Space. All PUDs shall provide common space and landscape areas as follows:
- (a) Not less than twenty-five percent (25%) of the gross area of a PUD shall be designated and maintained as common space for the recreational and/or common use of the occupants of the development.
 - (b) Common space may include an outdoor space parcel or parcels of land, an area of water, or a combination of land and water, recreational facilities, either public or private, ball courts, swimming pools, playgrounds, drainage facility developed with physical amenities, exercise rooms or similar facilities. Usable outdoor space shall include outdoor areas on the ground, deck or patio, gazebo or pavilion designed and accessible for outdoor living, recreation or park-like facilities and shall include landscaping. Usable outdoor space shall not include parking areas or communal facilities of a non-recreational nature.
 - (c) Common spaces shall not include areas within any road, driveway, parking area, sidewalk contiguous to a public or private street, required landscape strip or buffer, and a drainage facility that does not include additional physical amenities, as identified in this Section, beyond open space.
- (10) Amenities. All PUDs shall provide amenities in addition to the common space required by this Section as follows:
- (a) The number and size of amenities should increase as overall acreage and scale of the development increases. At least one (1) amenity shall be provided for the first fifty (50) residential units proposed, and one (1) additional amenity shall be provided for each fifty (50) residential units proposed thereafter.
 - (b) Amenities should be placed in logical areas that allow convenient access to most of the occupants of the development.
 - (c) PUDs shall provide at least one (1) of the following amenities:
 - (i) Private or public indoor or outdoor recreational facility, such as a swimming pool, hot tub, theater room, gym, ball courts, or commercial playground equipment featuring a minimum of three (3) different functions, such as slide, swing set and climbing wall.
 - (ii) Private or public plaza, pedestrian mall, community garden area which includes irrigation and planting beds, outdoor kitchen facilities, shade structures such as pavilions, or other similar space for social gatherings.
 - (iii) Public access to or additions to the greenbelt, bike lanes, neighborhood park systems

or other public open space or enhanced pedestrian connections to City pathway system, adjacent employment and shopping centers.

- (iv) Trail system or pedestrian paths in addition to necessary circulation paths that would be required if the development was not a PUD.
- (v) A drainage facility developed with additional permanently affixed physical amenities beyond open space.
- (vi) Dog Park. Dog Parks must be completely fenced and shall include pet waste stations, trash cans, benches or picnic tables and a minimum of one of the following: wash station, grooming tables, or agility training equipment.
- (vii) Similar amenities which reflect the purposes of this Section, as approved by the Council.

(Ord. 3522, 06-29-23)

(11) Pedestrian system.

- (a) PUDs shall provide pedestrian connections to existing or proposed schools, parks, public lands or pathways on adjacent properties.
- (b) The pedestrian connections shall form a logical, safe, and convenient system for pedestrian access to all structures, project facilities and amenities, and principal off-site pedestrian destinations.

(12) Phasing. Phasing of development and associated public and private improvements is permitted, subject to an approved phasing schedule. Phased development shall be considered with the initial PUD approval process and a phasing schedule shall be approved as part of the development plan. Proposed amenities shall be constructed with the first phase or approved according to the phasing schedule, provided that a majority of the improvements occur within the first phase. Upon approval of the development plan and schedule for all phases of the PUD, each phase of the development may occur in accordance with the review and approval procedures, as specified by this Code. (Ord. 3277, 10-10-19) (Ord. 3496, 12-8-22)

(X) Public Service Facility.

- (1) The activity to be carried on must not generate an amount of vehicular traffic significantly higher than uses in the surrounding area.
- (2) Lights must be directed away from surrounding residential areas and shielded downward.

(Y) Recreation Vehicle (RV) Park.

- (1) Each RV park shall be held in one (1) ownership and shall contain at least two (2) acres of land.
- (2) All RV parks shall be contiguous to a collector or arterial street, as set forth in The Access Management Plan.
- (3) All RVs shall be set back at least thirty feet (30') from any public street, and fifteen feet (15') from an interior private roadway.
- (4) The RV park roadway system shall provide convenient circulation through the park and shall provide access to each RV space. No space will be permitted direct access to a public street, road, or highway other than by means of the RV park roadway system. All entrances and exits from the RV park shall be by forward motions only. No exit or entrance from a RV park shall be

through a residential zone.

- (5) All roadways shall have a width of at least twenty feet (20') and all roadways shall be hard-surfaced.
 - (6) All areas within the RV park which are not hard-surfaced shall be landscaped and maintained with lawns, trees, and shrubs designed to provide privacy and noise containment. A landscape screen at least eight feet (18') in width shall be provided contiguous to the exterior boundaries of the RV park.
 - (7) Each RV space shall be at least twenty feet (20') in width and at least forty feet (40') in length.
 - (8) No RV space shall be rented for a period of more than thirty (30) days.
 - (9) A minimum of fifty percent (50%) of all RV spaces shall be served by an approved water and sewage disposal system. In addition, each RV park shall have a sewage dump for self-contained RV units.
 - (10) All RV parks shall conform to the requirements of the State and City Health regulations relating to RV parks.
 - (11) Any exterior storage space provided by the RV Park shall be enclosed within a sight obstructing fence not less than six feet (6') and not more than eight feet (8') in height.
 - (12) RV Parks may include a launderette for the use by the occupants of the park but not by the general public.
- (Z) Short Term Rental.
- (1) Allowed in all zones where residential uses are also allowed. No short-term rental shall be located within an accessory structure where the accessory structure has not been specifically designed for human habitation or located within a recreational vehicle or travel trailer, except when located in an approved travel trailer court.
 - (2) A short term rental property shall not be occupied by more than one (1) guest party at a time.
- (AA) Storage Yard.
- (1) All outside storage areas shall be screened within an enclosed yard and comply with the following standards:
 - (a) No storage shall be allowed within the front building setback line along a street.
 - (b) Outside storage areas shall meet the screening requirements of this Code. (Ord. 3233, 12-20-18)
 - (c) Contents within the storage yard shall not be parked or stacked so as to be visible above the screened enclosure.
 - (d) Outside storage shall be located at least seven hundred fifty feet (750') from the Snake River and not located within any A Zone or B Zone as defined by the Flood Insurance Rate Maps (FIRM).
- (BB) Temporary Construction Use.
- (1) A temporary construction use permit may be issued by the Board of Adjustment to allow for temporary construction uses associated with an ongoing and permitted construction project. A temporary use permit shall be for a period of not to exceed one (1) year, subject to one (1) renewal at the discretion of the Board of Adjustment for not more than a total of two (2) years.

- (2) Temporary construction uses shall include only:
 - (a) Non-commercial concrete batching plants, both incidental and necessary to construction within the immediate area; and
 - (b) Temporary buildings or yards for construction materials and/or equipment both incidental and necessary to an ongoing and permitted construction project within the immediate area.

(CC) Temporary Land Use.

- (1) A temporary land use permit may be issued by the Zoning Administrator for any allowed use within a Zone where the use will not last longer than thirty (30) consecutive days or where the use will not occur more than twice in a single calendar year and will have at least fifteen (15) days between consecutive occurrences.
- (2) In determining approval of the temporary land use permit the Zoning Administrator shall use the following criteria. The Zoning Administrator may place additional site specific conditions necessary to minimize adverse impacts on contiguous properties.
 - (a) Granting of the temporary land use permit results in no new permanent structures or facilities; and
 - (b) If placed within a parking lot the use shall not reduce the number of parking spaces below the minimum number required by this Code for the uses located on the property and will not impair emergency access or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

(Ord. 3377, 10-10-19) (Ord. 3301, 2-13-20)