

**ORDINANCE NO. 415
CASE NO. OA-138-08
CONDOMINIUM PLATS**

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ADDING NEW SECTIONS 9-1-5 AND 10-1-7, KOOTENAI COUNTY CODE, DECLARING THE REGULATION OF LAND USE AND THE ENFORCEMENT THEREOF TO BE DISCRETIONARY FUNCTIONS OF COUNTY GOVERNMENT; AMENDING SECTIONS 9-2-2 AND 10-1-4, KOOTENAI COUNTY CODE, REGARDING THE DEFINITIONS OF CONDOMINIUM, CONDOMINIUM PLAT, AND DECLARATION OF CONDOMINIUM; AMENDING SECTION 9-15-12, KOOTENAI COUNTY CODE, REGARDING APPLICABILITY OF PLANNED UNIT DEVELOPMENT REQUIREMENTS TO CONDOMINIUMS; ADDING A NEW SECTION 10-2-7, KOOTENAI COUNTY CODE, PROVIDING AN APPROVAL PROCESS FOR CONDOMINIUM PLATS; AND AMENDING SECTION 10-5-3, KOOTENAI COUNTY CODE, REGARDING UNLAWFUL RECORDATION OF PLATS; PROVIDING FOR SEVERABILITY; PROVIDING THAT ADOPTION OF THIS ORDINANCE SHALL HAVE NO EFFECT ON PROSECUTIONS MADE UNDER ANY PREVIOUSLY EFFECTIVE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF KOOTENAI COUNTY, IDAHO AS FOLLOWS:

SECTION 1. That Section 9-1-5, Kootenai County Code, be and the same is hereby added to read as follows:

9-1-5: DISCRETIONARY FUNCTION: The regulation of land use and the enforcement thereof, as set forth in the provisions of this title, are hereby declared to be discretionary functions and duties of county government within the meaning of Idaho Code § 6-904(1).

SECTION 2. That Section 9-2-2, Kootenai County Code, be and the same is hereby amended to read as follows:

9-2-2: DEFINITIONS:

ACCESS ROADWAY/DRIVEWAY STANDARDS FOR RESIDENTIAL PROPERTIES -

A. Road/Driveway shall have an all weather driving surface. Design shall consist of removing all topsoil and duff, putting down 8 inches of compacted ballast (pit run material), then a minimum of 4 inches of compacted base material (crushed aggregate). Road/Driveway shall be maintained by plowing, grading, and re-graveling.

B. Minimum common driveway and private road width of twenty (20) feet; minimum driveway width of fourteen (14) feet.

C. A minimum turning radius for all corners shall be twenty (20) feet, as measured to the inside of the corner.

D. A minimum distance between switchbacks shall be seventy-five (75) feet, as measured along the centerline between curves.

E. Turnarounds with a minimum radius of fifty (50) feet at the end of any roadway or driveway longer than 150 feet, or as approved by the applicable fire district.

F. Minimum unobstructed overhead clearance shall be fourteen (14) feet.

G. No private road or driveway shall have greater than 12% grade. Grades of 10% or greater shall not exceed one-hundred (100) feet in length.

H. All private roadways shall enter public roadways at a right angle and meet the radius requirements listed above; all driveways shall enter public or private roads at a right angle and meet the radius requirements listed above.

I. Bridge and culvert crossings with a travel distance less than ten (10) feet in length must support a minimum of 34,000 pounds. Crossings with travel distances ten (10) feet or greater must support a minimum of 60,000 pounds.

ACCESSORY BUILDING OR USE - A building or use which is dependent to that of the main building or use on the same lot or parcel.

ACCESSORY LIVING UNIT - A building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with at least 220 feet of habitable space. For purposes of this section, habitable space shall be considered to be any enclosed area(s) with plumbing for a sink, toilet, or bathing facilities that is capable of being lived in. Habitable space shall not include garages with a toilet, sink or shower, providing the garage has a door at least 8 feet wide. Square footage of habitable space shall include, but not be limited to, all bathrooms, bedrooms, closets, laundry facilities, offices, living and recreational rooms, kitchens, and storage space, except storage space in a garage. Accessory living units are allowed in the Agriculture, Rural, Agriculture Suburban and Restricted Residential Zoning Districts. An accessory living unit permit is required. The application shall be on forms provided by the Planning Department and shall contain a site plan, a narrative and an affidavit attesting to the validity of the information provided. Upon review of the information, the Director shall determine if the minimum requirements delineated below have been met and either approve or deny the permit. Appeals of the Director's determination shall be filed within twenty-eight days under section 9-22-8 of this title.

Additional standards for accessory living units are as follows:

A. The accessory living unit shall not be a rental unit.

B. The square footage of the accessory living unit shall not exceed 1,000 square feet of habitable space. New structures that will be used solely for accessory living units shall be measured from the exterior walls. Existing structures that will add habitable space will be measured from interior dimensions of the habitable space. Only one accessory living unit shall be allowed on a parcel.

C. Water, telephone, electric, and gas services shall be extended from the primary dwelling and shall not be billed separate from the primary dwelling. Sewer systems shall be as approved by Panhandle Health District and/or Division of Environmental Quality.

D. The accessory living unit shall not receive mail delivery.

E. No new approach from a public or private road shall be permitted. Existing ingress/egress used by the principal dwelling shall also serve as the ingress/egress for the accessory living unit.

F. Open space and setback requirements of the underlying zone shall be met.

G. The application form delineates the application requirements for the Planning Department. The application package shall include but is not limited to: detailed site plan, drawn to scale on 8 ½ x 11" paper, which includes, but shall not be limited to, the following: man-made structures, ingress/egress, setback lines of existing structures, the proposed accessory living unit, and natural features. The application shall also include a floor plan, drawn to scale, of the accessory living unit, and the foot print of the primary dwelling. If applicable, the floor plan shall delineate the area of an attached garage.

H. The accessory living unit shall meet all International Building Code requirements for this type of use, and an occupancy permit shall be made a condition of approval.

I. Must meet all requirements of Panhandle Health District.

J. Conditions of approval shall include compliance with all applicable County ordinances.

ACREAGE - Any tract of land or parcel of land which has not been subdivided or platted.

ADMINISTRATOR - An official having knowledge in the principles and the practices of administration of this title, who is appointed by the Board of County Commissioners to administer the provisions of this title and the Kootenai County Subdivision Ordinances, Title 10 of this code. Said Administrator may select a designee or designees to assist in the administration of the provisions and procedures of said ordinances.

AIRCRAFT PARKING AREAS - Those areas designated as parking areas for parking and maneuvering aircraft while on the ground. "Tie-down" areas shall also mean aircraft parking areas and will be marked by "tie-down" to denote this area.

AIRPORT - Any area of land or water designed and set aside for landing and take-off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

AIRPORT ADVISORY BOARD - The Board consisting of members as defined by current by-laws to provide information and recommendations to the Airport Manager and County Commissioners pertaining to airport flight-line operations and development in the Airport Operations Area.

AIRPORT DEVELOPMENT CONTROL COMMITTEE - The Committee consisting of members as defined by current by-laws to provide information and recommendations to the Airport Manager and County Commissioners pertaining to development in the Light Industrial and Terminal Support Areas in the Airport District.

AIRPORT HAZARD - Any structure, or tree, or use of land which obstructs the airspace required for the flight of aircraft in landing and taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

AIRSTRIP - improved or unimproved landing areas used by pilots to land, park, take off, unload, load and taxi all types and styles of aircraft.

AMENDMENT - A change in the wording context, or substance of this title , or change of the zone boundaries upon the Official Zoning Map, which Map is a part of this title when adopted by ordinance passed by the Board of County Commissioners in the manner prescribed herein.

ANIMATED SIGN - A moving sign or display, or a sign depicting action or motion, through electrical or mechanical means.

ANTENNA - A device used in the sending and receiving of electromagnetic waves.

APARTMENT HOUSE - Any building or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied as the home or residence of five or more families living independently of each other and doing their own cooking in said building and shall include flats, apartments, and multi-family dwellings. An apartment house is the same as a "multi-family dwelling." "Apartment Houses" and "Multi-Family Dwellings" refer to buildings or portions thereof, which are built, rented, leased, let, or hired out to be occupied on a permanent basis, as distinguished from a transient occupancy basis.

APPROACH - A point of access onto a publicly dedicated and maintained road for which approval has been given by the appropriate Highway District or Idaho Transportation Department.

APRON - The portion of the aircraft parking area (or tie-down area) used for access between taxiways, aircraft parking positions, hangars, and storage facilities. An apron is outside the normal area of movement for aircraft. An apron and a taxi lane are the same.

AUTOMOBILE WRECKING YARD - Any area, lot, land, or parcel, excluding automotive hobby, and excluding completely enclosed buildings, whereon more than two (2) motor vehicles without current registration, or where more than two (2) inoperable or dismantled motor vehicles, or any combination of more than two (2) unregistered, inoperable, or dismantled motor vehicles, not in operating condition are standing more than thirty (30) days, or on which such used motor vehicles or parts thereof, are dismantled or stored. For purposes of this definition, the term "inoperable" means the motor vehicle cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho.

AUTOMOTIVE HOBBY - An accessory use involving the restoration maintenance, and/or preservation of motor vehicles. It is the intent of this section to provide for, and to protect the property rights of, those individuals who are involved in the restoration, maintenance, and/or preservation of motor vehicles. For the purposes of implementing these provisions, the following standards are applicable to the accessory use of automotive hobby:

A. No commercial, retail, or wholesale sales of automotive parts or supplies shall be conducted upon a site, which is used for automotive hobby.

B. Automotive restoration may be conducted as a hobby.

C. No commercial restoration, repair, or maintenance of motor vehicles shall be conducted upon a site used for automotive hobby.

D. The site for an automotive hobby shall be maintained in an orderly manner so as to prevent the creation of a public nuisance or a health hazard.

E. Not more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from ground level on any adjacent property. All other inoperable, dismantled, or unregistered motor vehicles shall be covered, or stored behind a 100% sight-obscuring fence or hedge which is not less than six (6) feet in height; or, within a completely enclosed building.

F. All inoperable, dismantled, or unregistered motor vehicles being maintained on the site for an automotive hobby shall be necessary and wanted. Once the need and/or want for the inoperable, dismantled, or unregistered automobile has passed, the automobile shall be removed from the site for proper disposal.

AWNING (OR CANOPY) SIGN - A sign located on an awning or canopy that is attached to a building.

BANNER - A sign or display on lightweight fabric or similar material.

BED AND BREAKFAST - An owner-occupied single-family residence which provides up to five (5) rooms for lodging and breakfast for paying guests.

BOARD OF COUNTY COMMISSIONERS - The Board of County Commissioners of Kootenai County, Idaho, herein further referred to as the Board.

BOARDING KENNELS – SEE KENNELS, BOARDING

BOARDING STABLE – A structure designed for the feeding, housing, and exercising of horses not owned by the owner of the premises and for which the owner of the premises receives compensation. Boarding facilities may include training and scheduled events such as horse shows, workshops and clinics.

BUILDING - See "STRUCTURE."

BUILDING, HEIGHT - The vertical distance at the center of the building's front measured from the average elevation of the finished grade along the front of the building to the highest point of the coming of a flat roof, or to the deck line of a measured roof, or to the average height of the highest gable of a pitch or hip roof, excepting chimneys and steeples.

BUILDING LINE - A line denoting the outer perimeter of a structure that is permanently affixed to the land.

BUILDING RESTRICTION LINE - A line established by the Federal Aviation Administration across which no structural development may occur. These lines normally connect in such a fashion as to enclose an area in which no structures may be built, except those necessary and incidental to airport operations.

CHURCH - An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. A church may include a rectory.

CLEAR ZONE (CLEARWAY) - An area beyond the stop end of a runway, not less than 500 feet (150 m) wide, centered on the extended centerline of the runway, and controlled by airport authorities.

CLINIC OR HOSPITAL, ANIMAL OR VETERINARY - A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

CLINIC, MEDICAL OR DENTAL - A building or portion of a building containing offices for providing medical, dental, or psychiatric services for outpatients only.

COLLOCATION - The placement of additional antennas on an existing transmission tower or structure. Such antennas shall be placed and colored to blend into the architectural detail and coloring of the host structure. The placement of an antenna on an existing tower or structure does

not require a conditional use permit unless otherwise required by this title. Collocation shall be a permitted, accessory use.

COMMERCIAL RESORT - A privately-owned, outdoor recreation area, operated for profit. A commercial resort may include permanent facilities for overnight or seasonal living, camping areas, recreational vehicle parks, and limited commercial activities associated with convenience goods and services that serve to enhance the primary recreational use or activity.

COMMERCIAL RIDING ARENA OR EQUINE TRAINING CENTER OR FACILITY (MAY INCLUDE BOARDING STABLES)– land or a building or a part thereof dedicated to clinics, workshops and training of horses. A training center or facility may include horse boarding facilities.

COMMON DRIVEWAY - A driveway that provides vehicular access from a public or private road to not more than four lots or parcels of land. Common driveways shall be at least 20 feet in width and shall meet the "Minimum requirements for access roadways/driveways to residential properties" as defined in this section.

CONDITIONAL USE - A use listed among those classified in any given zone but permitted to locate only after review and which requires a special degree of control to make such use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities and facilities.

CONDOMINIUM - ~~Shall be as defined in Idaho Code § 55-101B. A condominium is an estate consisting of (i) an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof, together with (ii) a separate interest in real property, in an interest or interests in real property, or in any combination thereof. Idaho Code §55-101B. Further, is defined as the interior surfaces of the perimeter walls, floors, ceilings, windows and doors, thereof, and the unit includes both the portions of the building so described and the airspace so encompassed. Idaho Code §55-1509.~~

CONDOMINIUM PLAT: A plat setting forth a division of units for condominium ownership purposes where there is no subdivision of the land upon which the units sit.

CONSERVATION DESIGN SUBDIVISION - A subdivision design that maximizes the conservation of open space and the natural, cultural or historic characteristics of an area. The subdivision name for a conservation design subdivision will be followed by the suffix "CDS".

DAY CARE - means care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes. (Idaho Code §39-1102(3))

DAY CARE CENTER - Any child care arrangement that provides care and supervision for compensation during any part of a 24-hour day for more than thirteen (13) children. See Idaho Code § 39-1102.

DECIBEL - A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "Decibels."

DECLARATION OF CONDOMINIUM: A document, other than a condominium plat, which meets the relevant requirements of Idaho Code §§ 55-1504 and 55-1505.

DESIGN PROFESSIONAL - An individual with specialized knowledge and experience, who is qualified to develop plans for various components of a subdivision development. With regard to stormwater plans, the design professional must meet the definition found in the Kootenai County Site Disturbance Ordinance, Title 11, Chapter 2 of this code.

DEPARTMENT - The Kootenai County Building and Planning Department.

DIRECTOR - The Director of the Kootenai County Building and Planning Department or his designee.

DIRECT ACCESS - A driveway or common driveway that directly intersects with a public road.

DRAINAGEWAY - A water course that does not the definition of a Class I or Class II stream.

DRIVEWAY - A means of vehicular access from a public or private road to any point on a lot.

DWELLING - A building whose primary use is for residential purposes, including single-family, two-family, and multi-family structures, but not including hotels, motels, and boarding houses.

DWELLING, MULTIPLE-FAMILY - A building, or a portion thereof, containing at least three (3), but not more than four (4), dwelling units.

DWELLING, SINGLE-FAMILY - A building containing one dwelling unit. Single-family dwelling includes a Group Home.

DWELLING, TWO-FAMILY, OR DUPLEX - A site-built structure containing two (2) dwelling units, which have either a) a common interior wall or b) a common roofline with a common exterior wall.

DWELLING UNIT - One or more rooms physically arranged so as to create a habitable housekeeping unit that includes sleeping, eating, and sanitary facilities for occupancy by one family.

EASEMENT, PUBLIC OR PRIVATE - A grant by a property owner to specific persons or to the public to use land for specific purposes. Also, a right of use acquired by prescription, if such right has been adjudicated. No transfer of land title is implied.

ELECTRONIC MESSAGE CENTER - A variable message sign using computer generated messages or some other electronic means of changing copy.

FAMILY - One or more persons occupying a dwelling unit and living as a single housekeeping unit. Family is also defined as: eight (8) or fewer persons occupying a dwelling unit and living as a single housekeeping unit, if the occupants are mentally or physically handicapped persons or eight (8) or fewer elderly persons.

FAMILY DAY CARE HOME - means a home, place, or facility providing day care for six (6) or fewer children.

FARMING, GENERAL - The production of crops and/or animals.

FEED LOT - An enclosed area where livestock is confined for the purpose of resale or slaughter.

FLASHING LIGHT, SIGN OR DISPLAY - A sign, light or display with lighting or messages that change more than once every 4 seconds. Generally, the flashing is the primary attention getting device.

FOOT-CANDLE - A measure of the amount of light cast onto a given point. One foot-candle is equivalent to one lumen per square foot. Foot candles may be measured in a horizontal or vertical plane, at a specified height, or with no direction or height specified.

FRONTAGE LENGTH - That portion of a lot, site, tract, or parcel of land, held in fee simple, adjoining a publicly dedicated and maintained road and measured as a length along said road.

GATED COMMUNITY - a form of closed community with more than ten residential lots, characterized by a controlled entrance for pedestrians, bicycles, and automobiles, may be staffed by full-time, private security guards, may lead into one or more small residential streets, with walls or fences surrounding the perimeter of the entire development. Many gated communities may have various amenities which make it possible for residents to stay within the community for day-to-day activities.

GRANGE HALL - A building used as a meeting place by a fraternal association normally comprised of farmers.

GREENHOUSE, COMMERCIAL - An establishment where flowers, shrubbery, vegetables, trees, and other horticultural products are grown in the open and/or in an enclosed building for sale to the general public on a retail basis.

GREENHOUSE, WHOLESALE - An establishment where flowers, shrubbery, vegetables, trees, and other horticultural products are grown in the open and/or in an enclosed building for sale on a wholesale basis, with retail sales on premises to be on an occasional and incidental basis.

GROUP DAY CARE FACILITY - means a home, place, or facility providing day care for seven (7) to twelve (12) children. (Idaho Code §39-1102)

GROUP HOME - A single-family dwelling that provides residential shelter to eight (8) or fewer unrelated, mentally and/or physically handicapped, or elderly persons, who are supervised, and reside as a single-family unit. No more than two, related or non-related, staff members shall reside in the dwelling at any one time.

HEARING EXAMINER - An individual appointed by the Board who shall, for the purposes of this title, perform the powers and duties of the Board of Adjustment and such other duties as deemed necessary by the Board and as authorized by Idaho Code §67-6520.

HEIGHT - For the purpose of determining the height limits in the Airport District, the datum shall be the National Geodetic Vertical Datum (NGVD).

HIGHWAY DISTRICT - The agencies that have jurisdiction over secondary roads in Kootenai County. Authority results from powers vested by Idaho Code, Title 40, Chapter 6.

HOME OCCUPATION - An occupation, profession, or craft which is clearly incidental to the residential use of a site, subject to the following requirements:

A. The home occupation shall be conducted by an immediate member of the family residing within the dwelling on the site.

B. There shall be no more than one (1) individual employed at the site who does not live in the dwelling on the site.

C. The home occupation may be conducted in an accessory building on the site, although no home occupation shall be allowed on sites without a dwelling.

D. The home occupation shall be of a nature that does not generate retail business or have customer traffic on a regular basis. Equipment storage facilities where more than one employee arrives at the site to pick up equipment, then leaves to work off-site, shall not be considered home occupations.

E. Storage of equipment, inventory, or work-related items other than vehicles, shall be within the residence or a permitted accessory building. Outside storage or storage within a cargo container or trailer is prohibited.

F. A Home Occupation Permit is required. The application shall be on forms provided by the department and shall contain a site plan, a narrative and an affidavit attesting to the validity of the information provided. Upon review of the information, the Planning Director shall determine if the minimum requirements have been met and either approve or deny the permit.

HOSPITAL - An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by State Law to provide facilities and services in surgery, obstetrics, and general medical practice.

HOT MIX ASPHALT PLANT OR CONCRETE BATCH PLANT - A facility where asphalt or cement is mixed with aggregate to create hot mix asphalt or concrete paving materials. Such facilities do not include the actual manufacture or storage for resale or distribution of the asphalt tars and oils, or Portland cement.

HOTEL - A building in which there are six (6) or more guest rooms where lodging with or without meals is provided for compensation and where no provisions are made for cooking in any individual room or suite, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and similar buildings where human beings are housed and detained under restraint.

ILLUMINATED SIGN - A sign illuminated internally through its face by a light source contained inside the sign, or externally by reflection of a light aimed at its surface.

JUNK YARD - An outdoor space where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored or handled, including automobile wrecking yards, farm equipment wrecking yards, organic waste, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but excluding such places where such uses are conducted entirely within a completely enclosed building, such as pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment or for used cars in operable condition, or salvaged materials incidental to manufacturing operations.

KENNEL, BOARDING - A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation, or any lot or adjacent lot(s), or any building(s), structure(s), enclosure(s) or premises on the same or adjacent lot(s), in which a total of six (6) or more dogs, six (6) months of age or over, are kept or maintained by one or more persons. The term "kennel" shall not include any veterinary hospital, office or clinic operated by a veterinarian licensed by the state of Idaho.

KINDERGARTEN - A school, public or private, whether operated for a profit or not for profit, giving preschool instructions to children under seven (7) years of age.

LABORATORY - A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted.

LIVESTOCK - Large animals, such as horses, cattle, pigs, sheep, goats, llamas, etc.

LODGE - A building where members of a local chapter of an association, or fraternal, cultural, or religious organization hold their meetings.

LOT - For purposes of this title , a lot shall meet one of the following criteria. Railroad and road rights of way shall not be considered a lot unless specifically recognized in writing by the Department prior to July 16, 2001.

A. A lot created prior to January 3, 1973, that is described by metes and bounds or aliquot parts; the conveyance and description of which has been so recorded in the Kootenai County Clerk and Recorder's Office; OR

B. A lot created after January 3, 1973, and prior to November, 17, 1995, that was not created by the County's subdivision process, that is described by metes and bounds or aliquot parts, the conveyance and description of which has been so recorded in the Kootenai County Clerk and Recorder's Office, and that has duly recorded legal access to a public road. Access to the lot shall meet "Access Roadway/Driveway Standards for Residential Properties" or as approved by the applicable Fire Protection District. In cases where width is fixed by easement, or where topographic features present an undue hardship, a variance may be applied for as set forth in Chapter 23 of this title ; OR

C. A lot created after November, 17, 1995, that was created through an exemption to the County's Subdivision Ordinance, that is described by metes and bounds or aliquot parts, the conveyance and description of which has been so recorded in the Kootenai County Clerk and Recorder's Office, and that has duly recorded legal access to a public road. Access to the lot shall meet "Access Roadway/Driveway Standards for Residential Properties" or as approved by the applicable Fire Protection District. In cases where width is fixed by easement, or where topographic features present an undue hardship, a variance may be applied for as set forth in Chapter 23 of this title ; OR

D. A lot platted by the subdivision process which has been recorded in the Kootenai County Clerk and Recorder's Office, and that has legal access from a public road, or private road, as approved by the Board of County Commissioners at the time of platting. Driveways shall meet the "Access Roadway/Driveway Standards for Residential Properties." Water access is acceptable only if it was approved by the Board of County Commissioners at the time of platting.

LOT, FRONTAGE - The front of a lot shall be construed to be in the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of "Yard" contained in this section.

LOT LINE - The lines (lease or property lines) bounding a lot as defined herein.

LOT MEASUREMENTS:

A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines in the foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot

width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

LOT TYPES:

A. "Corner Lot" defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of a lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

B. "Interior Lot" defined as a lot other than a corner lot with only one (1) frontage on a street.

C. "Through Lot" defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D. "Reversed Frontage Lot" defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

E. "Water Front Lot" defined as a lot that adjoins or abuts the high water mark of a lake, river, or stream.

LUMEN - A measure of the amount of light emitted by a light source.

MANUFACTURED HOME (formerly mobile home) - A dwelling unit that is not constructed in accordance with the standards set forth in the International Building Code for single-family dwellings and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis. Recreational vehicles shall not be considered to be manufactured homes. Manufactured homes constructed prior to June 15, 1976, must obtain a Rehabilitation Certificate of Compliance prior to application for a permit from Kootenai County as provided by Chapter 25, Title 44, Idaho Code. For the purposes of this title, manufactured housing units are classified as follows:

Class A: A manufactured home that satisfies the following additional criteria:

A. The home has a minimum living space of one thousand (1,000) square feet.

B. The home shall have a pitched roof, except that no standards shall require a slope of greater than one (1) foot in height for each four (4) feet in width.

C. The exterior siding of the home consists of wood, hardboard, or aluminum comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. Carports or garages shall be constructed of like materials.

D. The home is placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade.

E. The tongue, axles, transporting lights, and removable towing apparatus are removed from the home after placement on the lot and before occupancy.

Class B: A manufactured home that does not satisfy the criteria necessary to qualify the home as a Class A manufactured home. A Class B manufactured home requires a special notice permit in the Agriculture Suburban and Restricted Residential Zoning Districts.

MANUFACTURED HOME PARK - A parcel of land under single ownership on which three or more manufactured homes are occupied as residences. Said park may include special facilities for common use of the occupants such as recreational building, swimming pool, common open space, laundry facilities, and commercial uses incidental thereto.

MINI-STORAGE - Storage facility with multiple individual units available for lease. Individual units shall be no larger than 14 feet in width or 40 feet in length and total building height shall not exceed 22 feet.

MONUMENT SIGN - A sign with low overall height, supported by a footing in the ground, the sole purpose of which is to support the sign, and where the entire base of the sign is in contact with the ground.

MOTEL OR TOURIST COURT - A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the use by automobile tourists or transients, and such words include auto courts, motor lodges, motor inns, and similar terms.

NATURAL SLOPE - The slope of the land prior to any man-made disturbance.

NONCONFORMING LOT OR PARCEL - A lot or parcel that was lawfully established prior to the adoption of this title or previous applicable ordinances, and which was in compliance with land development regulations then in effect, but which no longer conforms to the regulations for the zone in which it is located. Examples include lots that do not meet the minimum lot sizes or open space requirements, and lots that have a substandard access driveway.

NONCONFORMING STRUCTURE - A building, sign or other structure, that was lawfully constructed prior to the adoption of this title or previous applicable ordinances, but which no longer conforms to the regulations for the zone in which it is located. Examples include signs and buildings that do not meet required setbacks to property lines or that exceed height or size requirements.

NONCONFORMING USE - The use of a lot, parcel or structure that was lawfully established prior to the adoption of this title or previous applicable ordinances, and which was in compliance with land development regulations then in effect, but which no longer conforms to the

regulations for the zone in which it is located. Examples include residing in a second home on a parcel which has not been approved as an Accessory Living Unit, using a parcel in a manner that does not meet landscaping, parking or lighting requirements, and using a parcel or structure for a business that is no longer allowed, or that is allowed contingent upon requirements that are not being met.

NONDOMESTIC WASTE WATER - Any waste water that is not produced as sanitary wastewater from restroom facilities, showers, or kitchens.

NONPROFIT PUBLIC OR PRIVATE COMMUNITY FACILITY (AGRICULTURAL AND RURAL DISTRICTS ONLY) - A facility that includes property utilized by business leagues, boards of trade, or other associations of persons having some common business interest in agriculture, livestock production, or forestry that is recognized by State and Federal Taxing authorities as nonprofit. The purpose of the nonprofit public or private community facility is to promote such common interest and not to engage in a regular business of a kind ordinarily carried on for profit.

NOXIOUS MATTER - A material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NUISANCE - Anything which is injurious to health or morals, or is indecent, 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, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, stream, canal or basin, or any public park, square, street or highway, is a nuisance.

NURSING HOME - A home, place, or institution for the care of children, the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

OCTAVE BAND - A means of dividing the range of sound frequencies into octaves in order to classify sound in pitch.

OCTAVE BAND FILTER - An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

OFF-PREMISE SIGN - A sign that is not accessory to or associated with a permitted structure or use on a parcel of land, such as a sign that directs attention to a business, product, service, entertainment, event or other activity that is conducted, produced, furnished, sold, or offered at another location.

ON-PREMISE SIGN - A sign that is located on the same parcel of land as the owner or lessee's business, organization, product, service, event, activity, or residence, and that is accessory to or associated with an allowed structure or use.

OPEN SPACE - Any open area, including, but not limited to, the following: Parks, yards, playgrounds, beaches, waterways, parkways, and streets.

OUTDOOR RECREATIONAL FACILITIES - Areas designed for active recreation, whether publicly or privately owned, including but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts, swimming pools, race tracks, arenas, and similar places of outdoor assembly, and including private recreational facilities accessory to one-family dwelling properties.

PARCEL - A piece of land that is separately described in a deed of conveyance. Parcel boundaries, as used in this title, may or may not coincide with parcel boundaries as assigned by the Kootenai County Assessor.

PERSONAL STORAGE BUILDING - A structure used solely for the storing of personal property.

PERFORMANCE STANDARD - A criterion established to control noise, odor, smoke, toxic or noxious mater, vibration, fire, and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

PLANNED UNIT DEVELOPMENT - A Planned Unit Development (PUD) is an integrated design for development of residential, commercial or industrial uses, or combinations of uses, under single ownership or control, in which the standards of this title may be varied. PUD's allow flexibility and creativity in site and building design and location, in accordance with an approved plan, and the goals and policies of this title and the Comprehensive Plan. PUD's associated with subdividing lots must include at least 25 lots.

PLANNING AND ZONING COMMISSION - The Kootenai County Planning and Zoning Commission, herein further referred to as the Commission.

POLE SIGN - A sign supported by a footing in the ground, the sole purpose of which is to support the sign.

PORTABLE SIGN - A sign capable of being carried or easily moved.

PRIVATE ROAD - A means of vehicular access, which does not meet the definition of "driveway" and is not maintained by a public highway district.

PROJECTING SIGN - A sign, other than a wall sign, that projects from and is supported by the wall of a building or structure, with the face of the sign perpendicular to the building.

PROPERTY LINE - A series of lines which when connected denote the outer perimeter of a lot as described herein. These lines are described by metes and bounds, and meet the criteria defined as establishing a separate parcel as a "Lot of Record", or as a legally "Subdivided" parcel.

PUBLIC OFFICE BUILDING - A structure used as the office or for the purpose of conducting official business by an agency of the Federal Government, State Government, or a political subdivision of the State of Idaho.

PUBLIC UTILITY COMPLEX FACILITY - A public utility facility of major importance involving construction of facilities of a complex nature including, but not limited to: station houses or station grounds, pumping stations, power substations, dam structures, water storage facilities which hold more than 100,000 gallons or are greater than 25 feet in height, fire stations, telephone transmission stations, sewage disposal or storage stations, railroad transportation lines or spurs, railroad classification yards, high voltage or high pressure transmission lines, or structures principally used in interstate transmission of electricity, natural gas, or fuel. Cellular telephone, radio and television towers shall not be included in this definition.

RECREATIONAL BUILDING, PUBLIC OR NON-PROFIT - Any facility which provides recreational activities for use by the general public including, but not limited to, non-profit or public buildings, such as libraries, museums, art galleries, etc.

RECREATIONAL FACILITY - Any facility which provides recreational activities for use by the general public including, but not limited to, parks, playgrounds, picnic areas, etc.

RECREATIONAL VEHICLE - 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 basic entities are: travel trailer, camping trailer, truck camper, fifth-wheel camper, and motor home.

RECREATIONAL VEHICLE PARK - A parcel of land upon which three (3) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles, or tents, as temporary living quarters for recreation, camping, or vacation purposes.

RENTAL WAREHOUSE - Storage facility available for lease, with or without individual units, which does not meet the definition of Mini-storage.

RIGHT-OF-WAY, PRIVATE - A strip of land reserved for use as a private roadway for one (1) or more parcels of land, which normally includes a private street and may incorporate private utilities or service areas.

RIGHT-OF-WAY, PUBLIC - A strip of land publicly dedicated and accepted by a Highway District for use as a roadway. In addition to the roadway, it may also incorporate curbs, utilities, lawn strips, sidewalks, parking lanes, lighting and drainage facilities and may include special features such as grade separation, landscaped areas, viaducts and bridges. The term public right-of-way shall also include public easements acquired by prescription.

ROAD FRONTAGE - The frontage that abuts onto a publicly dedicated and maintained road.

ROAD OR STREET, PUBLICLY DEDICATED AND MAINTAINED - That portion of a public right-of-way prescriptive easement which is improved, dedicated, and maintained by a