

SECTION 2 DEFINITIONS

- 2-1: Interpretation of terms or words
- 2-2: Specific Definitions

2-1 INTERPRETATION OF TERMS OR WORDS: For the purpose of this ordinance certain terms or words are herewith interpreted. When not inconsistent with the content, words used in the present tense include the future tense, words in the singular number include the plural, words in the plural number include the singular; the word “persons” may include persons, association, firm, co-partnership, partnership, company, trust or corporation or any other entity capable of owning or holding any interest in real property; the word “structure” includes building; the word “used” or occupied includes the words arranged, maintained, designed or intended to be used; the word “shall” or “must” is always mandatory and not merely directive, the word “may” is permissive and the word “should” is a preferred requirement.

2-2 SPECIFIC DEFINITIONS:

ABOVE GROUND COMBUSTIBLE LIQUID TANK(S): Any vessel containing more than 60 gallons (227L) of Class II liquids, Class III-A liquids, or Class III-B liquids as defined herein as “Combustible Liquid”; (e.g. diesel). Above ground combustible liquids do not include LPG (propane). The use of any above ground combustible liquid tank is prohibited except where listed as a conditional use. Home heating fuel for personal use is exempt from this definition.

ABOVE GROUND COMBUSTIBLE LIQUID TANK(S): Any vessel containing more than 60 gallons (227L) of Class I-A liquids, Class I-B liquids, or Class I-C liquids as defined herein as “Flammable Liquid”; (e.g. gasoline). Above ground combustible liquids do not include LPG (propane). The use of any above ground flammable liquid tank is prohibited except where listed as a conditional use. Home heating fuel for personal use is exempt from this definition.

ACCESSORY BUILDING: The term “Accessory building” shall mean a building or a structure that is subordinate to and incidental to the principle building on the same lot and serving a purpose customarily incidental to the use of the primary building, but does not include any building containing a dwelling unit as hereinafter defined. Accessory buildings are subject to required setbacks.

- a. Attached Accessory Structure is any structure which is not part of the principal structure but which is located within 3’ or attached to the principal structure.

- b. Detached Accessory Structure is any structure located more than 3' from the principal structure.

ACCESSORY USE: The term "Accessory Use" shall mean a use incidental and subordinate to the principle use of the same premises.

ADMINISTRATOR: The term "Administrator" shall mean an official of the City who is authorized by the Council to administer this ordinance.

AFFECTED PERSON(S): The term "Affected Person(s)" shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing a development.

AGRICULTURE OR AGRICULTURAL ACTIVITIES: The words "Agriculture and Agricultural Activities" shall mean tilling of soil, horticulture, raising crops, livestock, dairying, farming, animal and poultry husbandry and pasturage including all uses customarily accessory and incidental thereto; but excluding slaughter houses and commercial feed lots.

AIRPORT: The word "Airport" shall mean any area of land or water designed or used either publicly, privately or commercially by any person for all landing and taking off of aircraft including the necessary accessory structures or facilities located thereon.

ALLEY: The word "Alley" shall mean a public right-of-way not over 30 feet wide that affords, generally, a secondary means of access to abutting lots, not intended for general use.

ALTERATION: Alteration shall mean any change in size, shape, character, occupancy or use of a building or structure.

ANIMAL HOSPITAL: The term "Animal Hospital" shall mean any building or portion thereof designed or used for the care or treatment of cats, dogs, or other animals.

APPLICANT: The owner or owner's representative.

APARTMENT: The word "Apartment" shall mean a room or suit of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit and has complete kitchen and sanitary facilities permanently installed. As a minimum, the dwelling units shall be attached by common walls equal to 50% of the length of the longest unit in the complex.

ARTISAN SHOP: A use in a building which an artist or craftsman produces products and sells those same products to the public.

AUTOMOTIVE REPAIR: The term “Automotive Repair” shall mean the repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOBILE SALES LOT: The term “Automobile Sales Lots” shall mean the premises on which new or used passenger automobiles, trailers, farm implements, or trucks in operating condition are displayed in the open for sale or trade, and where no repair or service work is done.

AUTOMOBILE SERVICE STATION: The term “Automobile Service Station” shall mean the premises used primarily for the retail sale and delivery to the vehicle of motor vehicle fuel and of lubricating oils, tires and incidental vehicular accessories, and providing vehicular lubrication and related services, including minor motor vehicle repairs.

AUTOMOBILE WRECKING YARD: The term “Automobile Wrecking Yard” shall mean any use of premises, excluding fully enclosed buildings, on which two (2) or more motor vehicles not in operating condition are standing more than thirty (3) days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

BASEMENT: Any floor level below the first story in a building provided such basement floor level is more than six (6') feet below grade for more than 50% of the perimeter.

BASE FLOOD ELEVATION (BFE): The height of the base flood, usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report and periodic addendums and future LOMAs, or depth of the base flood, usually in feet, above the ground surface.

BED AND BREAKFAST: An owner-occupied building which has no more than eight (8) sleeping rooms available for rent for short term (less than fifteen (15) days) residential occupancy, that is served through a main entrance.

BLOCK: The word “Block” shall mean the space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right-of-way, waterway or other similar barrier, whichever is lesser.

BOARDING AND ROOMING HOUSE: The term “Boarding / Rooming House” shall mean a building other than a hotel or restaurant where meals and overnight accommodations are provided for compensation to three (3) or more persons, but not more than twelve (12) persons who are not members of the householder’s family where the proprietor resides within the building.

BUFFER: For the purposes of this ordinance, the term “buffer” includes, but is not limited to, a landscape strip, berming, solid fence, or solid wall designed to lessen the negative impacts one land use may have on another.

BUILDING: The word “Building” shall mean any structure with substantial walls and roof securely affixed to the land, mobile, or demountable and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows or opening, that is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

BUILDING, DETACHED: The term “Building, Detached” shall mean a building surrounded by open space on the same lot.

BUILDING FOOTPRINT: The area of the lot or parcel which is within the perimeter created by a vertical extension to the ground of the exterior walls of all enclosed portions of a building, including attached garages, carports, decks, bay windows, porches, solariums and similarly enclosed extensions, attachments and accessory annexes. Not included in the footprint are non-roofed or unenclosed portions or extensions of buildings, including, but not limited to, decks, porches, eaves and roof overhangs.

BUILDING, HEIGHT: The term “Building, Height” shall mean the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

BUILDING LINE: The term “Building Line” shall mean a line established by this ordinance to govern the placement of building with respect to highways, streets and alleys. The front property line shall be the front line as shown upon official plats of the property in all subdivision platted.

BUILDING, NONCONFORMING: The term “Building, Nonconforming” shall mean a building or structure or portion thereof lawfully existing or being lawfully constructed at the time this ordinance becomes effective, which was designed, erected or structurally altered for a use or to dimensional standards that do not conform to the requirements for structures and/or uses as outlined by this ordinance.

BUILDING, PUBLIC (GOVERNMENT): The term “Public Building” shall mean a building owned or used by the Federal, State, County or City government, or any political subdivision, agency or instrumentality thereof.

BUILDING, PRINCIPAL: The term “Building, Principal” shall mean a building in which is conducted the main or principal use of the lot on which the said building is situated.

BULK PLANT: The term “Bulk Plant” shall mean an establishment where flammable liquids are received by tank, vessel, pipe lines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container.

BULKY RETAIL: Retail sales of bulky items, including but not limited to, farm equipment, manufactured homes, farm and garden supplies.

BUSINESS OR COMMERCE: The words “Business or Commerce” shall mean the purchase, sale, exchange or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreation or amusement enterprise or the maintenance and use of offices or professions and trades rendering services.

CATERING SERVICES: A facility for the preparation and storage of food and food utensils for off-premise consumption and service.

CERTIFICATE OF OWNERSHIP: The term “Certificate of Ownership” shall mean the certification of a reputable Title Insurance Company licensed under the laws of the State of Idaho as to the ownership of property and of any interest shown therein of record.

CEMETERY: The word “Cemetery” shall mean land dedicated for burial purposes, including mortuary, crematory, and mausoleum, when operated within the boundary of the cemetery.

CHANNEL: A natural or artificial watercourse with definite bed and banks to confine and conduct continuously flowing water, and which, in the absence of evidence to the contrary, shall be presumed to consist of the area between the boundaries of vegetation on either side of the watercourse.

CITY: The word “City” shall mean the City of New Meadows, Idaho.

CITY CLERK: The word “city clerk” shall mean the City Clerk of the City.

CLINIC: The word “Clinic” means a building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for out-patients only.

COMBUSTIBLE LIQUID: A liquid having a flash point at or above 100 degrees F. Combustible liquids are subdivided as follows. The category of combustible liquids does not include compressed gases or cryogenic fluids.

Class II liquids are those having closed cup flash points at or above 100 degrees F and below 140 degrees F.

Class III-A liquids are those having closed cup flash points at or above 140 degrees F and below 200 degrees F.

Class III-B liquids are those having closed cup flash points at or above 200 degrees F.

COMMERCIAL USE: An occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, professional office, entertainment service, recreational area, restaurant, light manufacturing or assembly work, or any combination of any of these uses with any other use. This definition shall not include residential rentals, churches, public schools, hospitals, public civic centers or public recreational facilities or other facilities owned by, or operated strictly for the benefit of the public.

COMMISSION: The word "Commission" shall mean the Planning and Zoning Commission of the city. The Planning Commission is declared to be also the Zoning Commission of the city. (Idaho State Code Section 50-406)

COMPREHENSIVE PLAN: The term "Comprehensive Plan" shall mean the Comprehensive Plan for the city officially adopted by the Council as such.

CONDITIONAL USE: The term "Conditional Use" shall mean a use or occupancy of a structure, or use of land, permitted only upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein.

CONDOMINIUM: Condominium means the ownership of a single unit in a multiunit project, together with an undivided interest in common in the common areas and facilities of the property.

CONDOMINIUM PROJECT: Condominium project means a real estate condominium project; a plan or project whereby two or more units in a single building, whether contained in existing or proposed apartments, commercial or industrial buildings, or structure or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property when the context so requires.

CONDOMINIUM UNIT: Condominium unit means a unit, together with the undivided interest in common areas and facilities appertaining to that unit. Any

reference in this section to a condominium unit includes both a physical unit, together with its appurtenant and undivided interest in common areas and facilities.

CONVENIENCE STORE: A small-scale grocery operation that may provide self-serve gasoline.

COUNCIL: The word "Council" shall mean the City Council of the City.

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

- a. Day Care Center: A day care operation providing care for thirteen or more children.
- b. Day Care Facility: A day care operation providing care for no more than twelve children.
- c. Day Care Home: A day care operation providing care for six or fewer children at any one time, having not more than three employees, and operating between the hours of 7:00 am and 6:00 pm.
- d. Child: Any person under 12 years of age.
- e. Employee: Any person working for compensation in any day care operation.

DECIBEL: The term “Decibel” shall mean a unit of measurement of the intensity (loudness) of sound weighted to the A-scale (dBA).

DECIBEL LEVELS OF COMMON NOISE SOURCES AND PERCEPTIONS		
Decibels	Source	Perception
0	Threshold of hearing	
10	Rustle of leaves	
20	A soft whisper	
30	Inside a suburban home	
40	A quiet office	
50	Ambient noise of a normal kitchen	Interferes with sustained conversation
60	Level of ordinary conversation	Noise becomes intrusive
70	50 mph auto at 50 ft.	Difficult to talk on telephone
80	Busy city street	Noise is clearly annoying
90	Noisy kitchen	Some possibility of hearing damage if there is long exposure
100	Power lawn mower	Danger of hearing loss
110	Jack hammer; close thunder	
120	Amplified music	
130	Jet airplane at 100 ft.	
135	Threshold of pain	
Source: <u>Site Planning</u> , Kevin Lynch, pg. 413		

DECK: An unenclosed flat floored area, whether roofless or covered, whether on one level or multiple levels, adjoining or used in conjunction with a residential dwelling; including porches and patios. A fully enclosed porch is considered a room of the dwelling. A “deck” is subject to the setback requirements of this ordinance but not included in the total coverage area unless it is to be roofed or covered.

DENSITY: The term “Density” is a measurement of the number of dwelling units per acre of land.

- a) Gross density - the number of dwelling units per acre of total land to be developed including right-of-way.
- b) Net density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, excluding public right-of-way.

DENSITY PROVISIONS: The term “Density Provisions” shall mean the requirements for each land use district to encourage, protect and preserve the health, safety, general welfare, and property values of the area, through standards that include yards, height, bulk, lot area, lot coverage, and occupancy limitations.

DISTRICT OR ZONE: The terms “District” or “Zone” shall mean a section or district of the city within which the standards governing the use of buildings and premises are uniform. These districts or zones are delineated on the Official Zoning Map of the City.

DRIVE-IN ESTABLISHMENT: The term “Drive-In Establishment” shall mean an establishment, other than an automobile service station, that is designed to accommodate the motor vehicles of patrons in such a manner as to permit the occupants of such vehicles, while remaining in the vehicle, to make purchases or receive services.

DUPLEX: The word “Duplex” shall mean a detached building designed for and occupied exclusively by two (2) families living independently of each other with the two dwelling units sharing a common wall that is a minimum of fifty percent (50%) of the depth of the building.

DWELLING: The term “Dwelling” shall mean a building, or a portion of a building, containing one or more dwelling units. The term dwelling does not include any trailer, motel, or boarding house as defined by the section.

DWELLING, SINGLE-FAMILY: The term “Dwelling, Single-Family” shall mean a detached building designed for and occupied exclusively by one (1) family. For purposes of this ordinance the classification of “Dwelling, Single-Family” shall include Group Homes, and Manufactured Homes as herein defined.

DWELLING UNIT: The term “Dwelling Unit” shall mean one or more rooms designed for, or used as a residence for not more than one family, including all necessary household employees of such family, and constituting a separate and independent housekeeping unit, with a single kitchen, bathroom facility and sleeping room permanently installed. The term does not imply or include such types of occupancy as a lodging or boarding house, club, sorority, fraternity or hotel. A dwelling unit shall contain no less than 800 square feet.

EASEMENT: The term “Easement” shall mean authorization by a property owner for the use by another, and for a specified purpose, on any designated part of his property.

ERECTED: Includes built, constructed, reconstructed, moved upon, or any other physical operations on the premises required for building or development.

Excavations, fill, drainage and like operations shall be considered a part of erection.

FAMILY: The term "Family" shall mean a person living alone, or two or more persons customarily living together as a single household or housekeeping unit and using common cooking, bathroom and sleeping facilities.

FENCE: A natural or artificial barrier intended to be an enclosure or to delineate a boundary between properties.

FLAMMABLE LIQUID: A liquid having a closed cup flash point below 100 degrees F. The category of flammable liquids does not include compressed or cryogenic fluids. Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:

Class I-A liquids include those having a flash point below 73 degrees F. and having a boiling point below 100 degrees F.

Class I-B liquids include those having a flash point below 73 degrees F. and having a boiling point at or above 100 degrees F.

Class I-C liquids include those having a flash point at or above 73 degrees F.

FLOOD: The temporary condition of partial or complete inundation of normally dry lands from the overflow of inland waters and or the unusual and rapid accumulation of runoff and surface water from any source.

FLOOD PLAIN: The term "Flood Plain" shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

- a. One Hundred (100) Year Flood: Flood probability having an indicated average frequency of occurrence once in one hundred years, although the flood may occur in any year, as provided by the Federal Emergency Management Administration.
- b. One Hundred (100) Year Elevation: The maximum high water elevation of the one hundred (100) year flood at any given point of the floodplain, as provided by the Federal Emergency Management Administration.

FLOODPLAIN: That portion of the flood hazard area that includes the channel and the portion of the adjacent area which conveys the major portion of the flow for the one hundred (100) year flood, as indicated by the Federal Emergency Management Administration.

FLOOR AREA, GROSS: The term “Floor Area, Gross” shall mean the sum of the gross horizontal areas of the several floors including the exterior walls of a building or portion thereof.

FLOOR AREA, NET: The term “Floor Area, Net” shall mean that portion of the gross floor area of the building occupied by the listed use or uses and shall include hallways, storage and packaging space, dressing or rest rooms and laboratory or work rooms, provided however, that floor space within the building reserved for parking or loading of vehicles, and basement space used only for building maintenance and utilities shall be excluded.

FRONTAGE: The term “Frontage” shall mean the portion of a lot, site, tract or parcel of land adjoining a public or private right-of-way and measured as a length along said road.

GARAGE: A building or portion thereof in which a motor vehicle containing flammable or combustible liquid or gas in its tank is or intended to be stored, repaired or kept.

GROUP HOME: The term “Group Home” shall mean, in accordance with Section 67-6530-32 of Idaho Code, a home established for the care of eight (8) or less mentally retarded or elderly persons.

HEIGHT; FENCE: The vertical distance measured from the existing grade, prior to construction, to the top of the fence. The average height of the fence along any unbroken run may be used provided the height at any point is not more than 10% greater than that permitted by this ordinance.

HEIGHT; BUILDINGS: The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples and spires.

HOME OCCUPATION: The term “Home Occupation” shall mean any gainful occupation conducted entirely within a dwelling which is incidental and secondary to the residential use and does not negatively impact the neighborhood. The occupation engaged in by an occupant of a dwelling unit may include, but not limited to, handicrafts, dressmaking, millinery, laundering, preserving, office of clergyman, teaching of music, dancing and other instruction when limited to attendance of one pupil at a time and other like occupancies that meet the condition specified by Section 15-8 of this Ordinance.

HOSPITAL: The term “Hospital” shall mean 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 the State of Idaho to

provide facilities and services in surgery, obstetrics, and general medical practices.

HOTEL: The word “Hotel” shall mean a building in which short-term lodging is provided and offered to the public for compensation and which is open to transient guests. Access to all sleeping rooms is through a main entrance and food and entertainment may be available.

HYBRID PRODUCTION FACILITY: A use in a building over three thousand (3,000) square feet wherein finished consumer goods are manufactured or produced and those same goods are offered for sale to the general public. Hybrid production facilities must be similar in size, scale and scope of operation with adjacent or nearby uses.

INDIRECT ILLUMINATION: The source of light is separate from the object being lit.

JUNK: The word “Junk” shall mean old iron, chain, brass, copper, tin, lead, or other base metals, old rope, old bags, rags, waste paper, paper clippings, scraps of cloth, rubber, glass, empty bottles, and all articles discarded and no longer used as a manufactured article composed of one or more of said materials.

JUNK YARD: The term “Junk Yard” shall mean an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used building materials and places or yards for storage of salvaged building and structural steel materials and equipment; excluding yards or establishments for the sale, purchase or storage of said cars or machinery in operable condition, and the processing of used, discarded or salvaged materials as part of a permitted manufacturing operation on the same premises.

KENNEL, COMMERCIAL: The term “Kennel, Commercial” shall mean a kennel where the owner or keeper of more than three (3) dogs sells, boards, breeds, trains, treats or handles dogs for monetary consideration, provided however any clinic or veterinarian operation licensed under state law shall not be considered a commercial kennel.

KITCHEN: A room or area for the storage, preparation and cooking of food.

LIGHT MANUFACTURING: The warehousing, manufacturing, and/or processing of goods and materials which do not emit odor, dust, smoke, glare, gas, light, noise or vibration which cannot be confined to the site itself. Wholesaling is permitted as a light industrial use only if the items are manufactured on-site and are not for sale as retail merchandise to the general public.

LIQUEFIED PETROLEUM GAS (LP-gas): A material which is composed predominantly of the following hydrocarbons or mixtures of them; propane, propylene, butane (normal butane or isobutene) and butylenes.

LOADING AND UNLOADING SPACE, OFF-STREET: The term “Loading and Unloading Space, Off-Street” shall mean an open off-street area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys.

LOT: Plot, parcel, or tract of land with fixed boundaries of sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or an approved private street and may consist of a single lot of record or a combination of completed lots of record or portions of lots of record.

LOT AREA: The term “Lot, Area” shall mean the area of a lot as computed exclusive of any portion of the public right-of-way.

LOT, CORNER: A lot located at the intersection of two (2) or more streets.

LOT COVERAGE: The term “Lot Coverage” shall mean the area of a lot occupied by the principal building or buildings and all accessory buildings.

LOT, DEPTH: The term “Lot, Depth” shall mean the horizontal distance between the front and rear lot lines.

LOT LINE: The term “Lot Line” shall mean the boundary property line encompassing a lot. The front lot line is the boundary line which abuts a public street. For a corner lot, the owner may select either street line as the front lot line by placement of the front or primary entrance to the building. The rear lot line is the lot line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.

LOT, TYPES: The term “Lot, Types” shall mean the terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows:

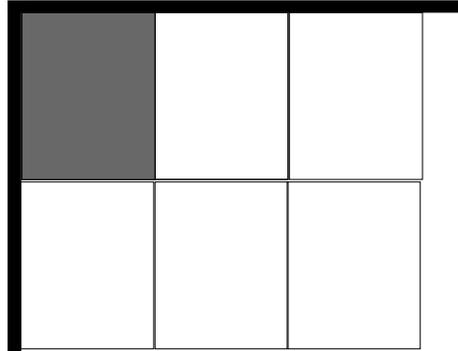
- a) Corner lot - a lot located at the intersection of two (2) or more streets;
 - b) Interior lot - a lot with only one (1) frontage on a street; and
- Through lot - a lot other than a corner lot with frontage on more than (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots; and
- c) Reversed Frontage lot - a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT, WIDTH: The term “Lot, Width” shall mean the horizontal distance between side lot lines measured at right angles to the depth at a point midway between the front and rear lot lines.

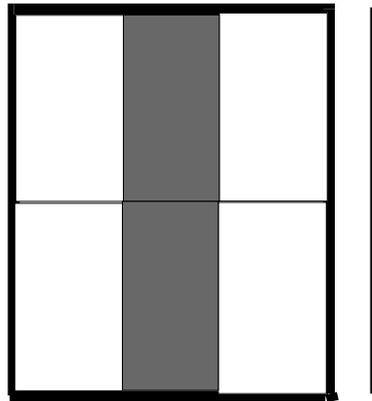
LOWEST FLOOR: The lowest floor, including the infrastructure attached underneath the floor, of the lowest area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Flood Hazard Overlay.

MAJOR ADDITION: Any extension or addition having a floor area of two hundred (200) square feet or greater, to an existing building.

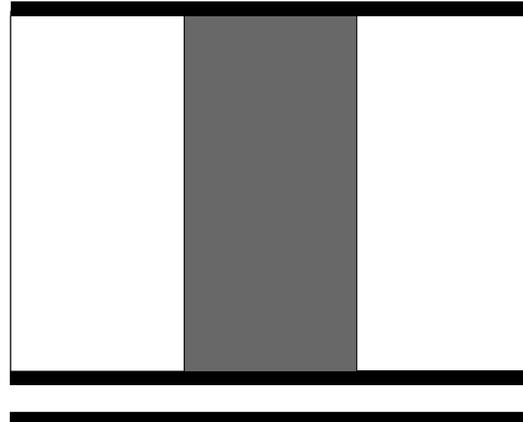
Corner Lot



Interior Lot



Through Lot

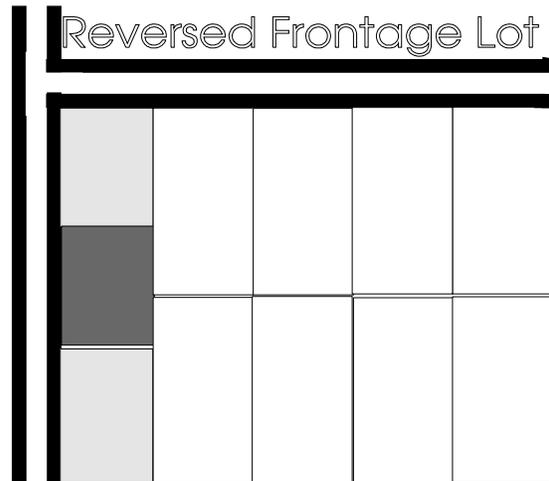


MANUFACTURED HOME: The term “Manufactured Home” shall mean a detached single-family dwelling unit that has each of the following characteristics:

- A) The dwelling unit is multi-sectional and encloses a space of not less than one thousand (1,000) square feet;
- B) The dwelling unit has a pitched roof of a minimum slope of two (2) feet in height for each twelve (12) feet in width.
- C) The dwelling unit is placed upon an excavated and backfilled foundation and enclosed at the perimeter such that the home is not located more than twelve (12) inches above grade.

MOBILE HOME: The term “Mobile Home” shall mean a detached single-family dwelling unit with all the following characteristics:

- A) Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections for attachments to outside systems.
- B) Designed to be transported after fabrication on its own wheels or on flat bed or other trailers or detachable wheels.
- C) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connection to facilities.
- D) Does not meet the definition of a manufactured home in Section 2.
- E) Pre - 1976 Mobile homes that do not meet HUD/FHA construction standards must comply with State of Idaho improvement regulations before entering the city limits of New Meadows for placement and use.



MEAN HIGH WATER MARK: The mark on all watercourses, where the presence and action of waters is so common and continued in all ordinary years as to mark upon the soil a character distinct from that of abutting upland, in respect to vegetation and destroy its value for agricultural purposes. In areas where riprap bank stabilization has occurred, the measurement shall begin on the landward side of such stabilization work.

MOBILE HOME PARK: The term “Mobile Home Park” shall mean a parcel of land under single ownership which is utilized for the placement of two or more mobile homes or manufactured homes for dwelling or sleeping purposes.

MODULAR HOME: The term “Modular Home” shall mean any factory -built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation.

MOTEL: The word “Motel” shall mean a building, or group of buildings on the same premises whether detached or in connected rows, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodge, tourist courts or by any other title or sign intended to identify them as providing short-term lodging to motorists.

MULTI-FAMILY DWELLING: A building containing two (2) or more dwelling units, including duplexes, tri-plexes, apartments, townhouses and condominiums.

MUNICIPAL USE: Uses for a public purpose by a governing agency.

NET AREA: The term “Net Area” shall mean the total usable area exclusive of space dedicated to such things as streets and easements.

NONCONFORMING LOT: The term “Nonconforming Lot” shall mean a lot of record which lawfully existed at the effective date of the provisions of this ordinance, but which, because of the application of this ordinance to it, no longer conforms to lot area or width requirements prescribed in this ordinance for the district in which it is situated.

NONCONFORMING USE: The term “Nonconforming Use” shall mean any use lawfully occupying a building, structure or land at the effective date of this Title, or of subsequent amendments thereto, which does not conform to the regulations for the district in which it is located.

NURSING HOME, CONVALESCENT HOME: The terms “Nursing Home, Convalescent Home” shall mean a building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two (2) or more individuals suffering from illness, disease, injury, deformity, or requiring care because of old age.

OFF-STREET PARKING: The term “Off-Street Parking” shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room; but, shall be located totally outside of any street or alley right-of-way.

OPEN SPACE: The term “Open Space” shall mean any open area free from structures, including but not limited to parks, yards, playgrounds, beaches, waterways, and streets.

OUTDOOR ADVERTISING DISPLAY: The term “OUTDOOR ADVERTISING DISPLAY” shall mean a free standing structure of any kind or character erected or maintained for directing attention, or for outdoor advertising purpose which exceed two hundred fifty-six (256) square feet of gross sign area.

OUTDOOR LIGHT FIXTURES: The term “Outdoor Light Fixtures” shall include but is not limited to lighting for billboards, street lights, shopping center parking area lights, externally or internally illuminated on-site business advertising signs and area-type lighting.

OUTPATIENT ANIMAL SERVICES: The examination, care, treatment and grooming of domestic animals, excluding livestock, within an outpatient facility, but does not include a purpose other than specified.

PARKING LOT: The term “Parking Lot” shall mean an open, graded and surfaced area, other than a street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

PARKING SPACE: The term “ Parking Space” shall mean usable space within a public or private parking area or a building, exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle. A standard space shall be a minimum of one hundred and eighty square feet (180 sq. ft.) or nine (9) feet by twenty (20) feet and a compact space shall be a minimum of one hundred twenty-eight (128) feet or (8) feet by sixteen (16) feet. Compact parking spaces shall use no more than twenty-five (25%) percent of the total useable parking space within the public or private parking area or building.

PERSONAL SERVICE: Any enterprise conducted for pecuniary gain which offers services to the general public such as but not limited to shoe repair, watch repair, barber shops, beauty parlors, fitness and wellness facilities and similar activities.

PERSONAL WIRELESS SERVICE FACILITY (PWSF): A facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter and a mount.

PERSONAL WIRELESS SERVICES: Any personal wireless service defined in the Federal Communications Act which includes Federal Communications

Commission (FCC) licensed commercial wireless telecommunications services. They include with limitation, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (EMSR), paging as well as unlicensed wire services and common carrier wireless exchange access services.

PLANNED UNIT DEVELOPMENT: A project controlled by one (1) owner, partnership, or corporation, and characterized by an integrated site design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations of the district is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in the Planned Unit Development Ordinance. A planned unit development may contain the development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and aesthetics and / or the conversion of development of desirable amenities not possible by typical development standards and / or the creation of areas for multiple use that are of benefit to the neighborhood.

PLAT: The term “Plat” shall mean a map or representation of a parcel, subdivision or division of land into lots, blocks, and roads to be filed as a public document.

PRINCIPAL USE: The term “Principal Use” shall mean the specific purpose for which a lot is arranged, intended, designed, occupied or maintained.

PROFESSIONAL OFFICE: An office for the conduct of the following types of uses; accountant, architect, attorney, chiropractor, optometrist, engineer, surveyor, drafting service, designer, dentist, surgeon, and other similar activities.

PUBLIC NUISANCE: The term “Public Nuisance” shall mean any violation of the provisions of the ordinance. Any violation of this Ordinance shall be subject to prevention or abatement in an action at equity to the same extent as are other public nuisances.

PUBLIC SERVICE FACILITY: A facility established for the protection and service to the welfare of the surrounding neighborhood including, but not limited to, police station, fire station, ambulance center or city administrative services.

PUBLIC USE: Use for a public purpose by a city, school district, county, state or any other public agency or public entity.

PUBLIC UTILITY FACILITY: The term “PUBLIC UTILITY FACILITY” shall mean a public utility facility involving construction of facilities of a complex nature, including, but not limited to station houses or grounds, pumping stations, power

substations, dam structures, telephone transmission stations, sewage disposal or storage stations, railroad transportation lines or spurs, railroad classification yards, high voltage or high pressure transmission lines, or structure principally used in interstate transmission of electricity, natural gas, or fuel.

RECORD GRADE: The natural grade existing prior to any site preparation, grading or filling unless a new record grade is approved at the time of subdivision approval and noted on the filed final plat.

RECREATIONAL VEHICLE: See "Travel Trailer."

RESEARCH AND DEVELOPMENT: Specialized non-polluting activities with emphasis on investigation, experimentation, testing, engineering, inventing and conceptually designing prototypes and new technologies or associated light manufacturing. These technologies may include electronics, computer and data systems, medical and precision instruments, machine components, communications systems and equipment and other technological instruments, equipment and systems.

RESTAURANT: The word "Restaurant" shall mean any land, building or part thereof, other than a boarding house or bed and breakfast, where meals are provided for compensation, including, among others, such uses as cafe, cafeteria, coffee shop, lunch room, tea room and dining room.

REST HOME, ELDERLY HOUSING: The Terms "Rest Home, Elderly Housing" shall mean rest homes and elderly housing complexes where medical care is not administered.

RETAIL: The word "Retail" shall mean the selling of goods to ultimate consumers for personal or household consumption.

RIGHT-OF-WAY, PRIVATE: The term "Right-of-way, Private" shall mean every way, lane, road, street and every way or place, not including private driveways serving only the owner of the property where situated, which is in private ownership inside the limits of incorporated city, and is used, or subject to being used, for travel by the owner or owners or those persons having express or implied permission from the owner or owners, but not by other persons.

RIGHT-OF-WAY, PUBLIC: The term "Right-of-Way, Public" shall mean every way, lane, road, street, boulevard and every way or place in the city open or subject to being open, as a matter of right to public vehicular travel inside the limits of incorporated city.

RIPARIAN SETBACKS: The distance measured at right angles from the mean high water mark of a waterway between the mean high water mark and an imaginary line parallel to the mean high water mark, defining an area between

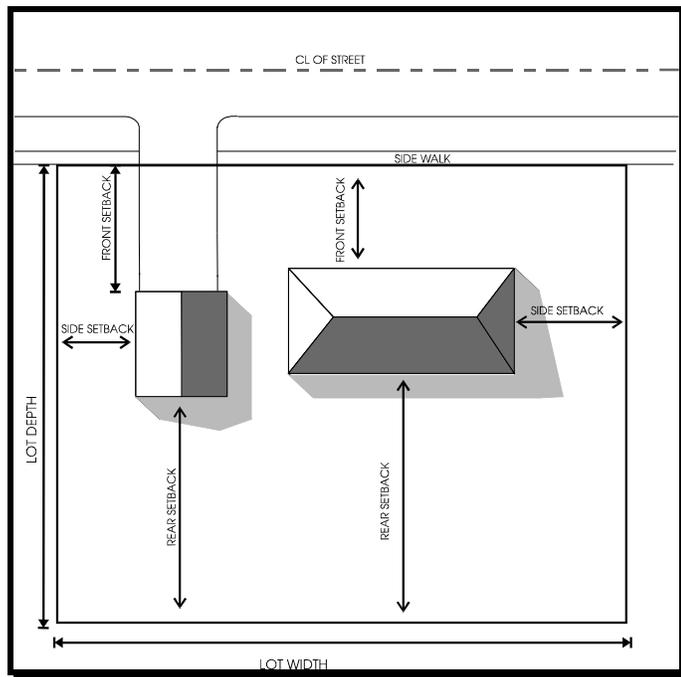
such lines within which no building or other applicable structure may be placed, and whereby any existing vegetation shall remain undisturbed.

SCHOOL, ACADEMIC: The term “School, Academic” shall mean an accredited school specializing in the instruction of students in Kindergarten through 12th grade.

SCHOOL: The term “School” shall mean an organization specializing in the instruction of students.

SERVICE STATION: The term “Service Station” shall mean a place providing maintenance service, parts, and supplies for mechanical equipment and vehicles, and selling gasoline, diesel, oil and other supplies for motor vehicles including propane gas sales for retail only and not for wholesale.

SETBACK AREA: The term “Setback Area” shall mean the space between the property lot line and a building roof’s vertical drip line on a lot required to be left open and unoccupied by buildings or structures, either by the front, side or rear yard requirements of this Title, or by delineation on a recorded subdivision map.



SHORT TERM OCCUPANCY: The rental or use of any unity of structure, or portion thereof, for a period of not more than thirty (30) days.

SIDEWALKS: Sidewalks shall be constructed of concrete with the proper base to ensure long life under severe temperature fluctuations and exposure to salt as specified in the latest edition of the Idaho Standards for Public Works Construction book of standards.

SIGHT-OBSCURING: The term “Sight-Obscuring” shall mean a year-around screen that blocks at least seventy-five (75) percent of the visibility between abutting structures or uses.

SIGN: The word “Sign” shall mean any structure or natural object, such as a tree, rock, bush, and the ground itself, or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any

object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of this definition, the word “sign” does not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

SINGLE FAMILY DWELLING: A detached building, including attached or detached carports and garages, containing living facilities including provisions for sleeping, eating, cooking and sanitation activities for not more than one (1) family.

SOLAR ENERGY SYSTEMS: Any devices, structures or mechanisms which use solar radiation as an energy source for heating, cooling or electrical energy.

- a. Active: An indirect thermal system in which solar heat is collected and stored in devices separated from the building space to be conditioned using conventional energy systems (fans, pumps, etc.)
- b. Passive: The collection and storage of solar radiation for heating or cooling by non-mechanical means.
- c. A system that employs aspects of both active and passive designs.

SPECIALIZED MOBILE RADIO (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

STORY: The word “Story” shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor elevation directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

STREAM ALTERATION: To obstruct, diminish, destroy, alter, modify, relocate or change the existing shape of the natural channel within or below the mean high water mark. It includes removal of material or structures in the stream channel.

STREET: The term “Street” shall mean a public right-of-way which provides vehicular and pedestrian access to adjacent properties, acceptance or grant of which has been officially approved by the council. The term “Street” includes the terms highway, thoroughfare, road, avenue, boulevard, lane, place and other such terms.

STRUCTURE: The word “Structure” shall mean anything constructed or erected, which requires permanent location on the ground or is attached to something having location on the ground.

SUBDIVISION: The term “Subdivision” shall mean the division of land into lots, parcels, tracts, or sites for purposes of sale or lease whether immediate or future, and shall include a re-division of land or future divisions.

TANK: A vessel capable of containing more than 60 gallons.

TAVERN OR LOUNGE: The word “Tavern” or “Lounge” shall mean a building where alcoholic beverages are sold for consumption on the premises not including restaurants where the principle business is serving food.

TOWNHOUSE DEVELOPMENT: A planned project of two or more townhouse units constructed as a single building containing two or more townhouse units. Each unit within the development shall be separated from the adjoining unit or units by fire walls as required by the International Building Code as amended, each unit having its own access to the outside and no unit located over another unit in part or whole. All townhouse developments shall be platted under the procedures as contained in the subdivision section of New Meadows.

TOWNHOUSE SUBLLOT: The lot resulting from platting a residential townhouse development.

TOWNHOUSE UNIT: One or more rooms, including a minimum of one bathroom, a single kitchen and sleeping facilities, designed for or occupied as a unit by one family for living and cooking purposes, located in a townhouse development on a platted townhouse sub lot and meeting the efficiency dwelling unit standards established in the International Building Code, as amended.

TRAILER: The word “Trailer” shall mean any vehicle designed to be towed or transported by another vehicle. The term “trailer” does not include mobile homes that exceed ten (10) feet by fifty (50) feet (10'x50').

TRAILER PARK: The term “Trailer Park” shall mean a mobile home park (see mobile home park).

TRAVEL TRAILER: A vehicle or structure constructed with or without wheels for use on the public highways, which has sleeping, cooking and plumbing facilities, is intended for human occupancy, and is being used for recreational purposes. The term “travel trailer” does not apply to any prefabricated section of a factory-built house to which wheels may be attached for the purpose of moving it to a permanent location where it becomes affixed to real property.

USABLE OPEN SPACE: An area not encumbered with any roadway, parking area, easement or substantial structure maintained for either informal or structured recreational uses.

USE: The word “Use” shall mean an activity or purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is occupied or maintained, let or leased. Uses include but are not limited to residential, commercial, industrial and agricultural.

VARIANCE: The word “Variance” shall mean a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. A variance shall not include a modification of allowed uses.

VICINITY: The term “Vicinity” shall mean the area surrounding a use in which such use produces a discernible influence by aesthetic appearance, traffic, noise, glare, smoke, or similar influences.

WIDTH: The word “Width” shall mean the measurement taken at right angles to the length which is longer or longest dimension.

WIRELESS COMMUNICATIONS FACILITY (WCF): Those facilities that are non-personal wireless service facilities (PWSFs), by definition of the Telecommunications Act of 1996, but that are also subject to Article XX due to their height above ground level. Any antenna, including mount and/or equipment support structure over thirty-five (35) feet above ground level that is not a PWSF shall be considered a WCF and regulated by this Article.

WRECKING YARD: See Automobile Wrecking Yard.

YARD: The word “Yard” shall mean an open space on the same lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the lot is located.

YARD, FRONT: The term “Yard, Front” shall mean the yard extending across the full width of the lot adjacent to the front street line.

YARD, REAR: The term “Yard, Rear” shall mean the yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: The term “Yard, Side” shall mean the yard lying between the nearest wall of the principal building, accessory building and side lot line, and extending from the front yard or the front lot line to the rear yard.

ZONING: The word “Zoning” shall mean the regulation of the use of private lands, or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. Such regulation shall also govern those public, quasi-public, and semi-public land uses and buildings which provide for the proprietary type service for the community’s benefit as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious development.

ZONING COMMISSION: The term “Zoning Commission” shall mean the Planning and Zoning Commission (See Commission).