

ORDINANCE NO. 2006-101

AN ORDINANCE OF THE CITY OF KUNA, IDAHO AMENDING TITLE 5, ZONING REGULATIONS, CHAPTER 1, SECTION 5-1-6-2, "MEANINGS OF TERMS OR WORDS" OF THE KUNA CITY CODE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, discussions have been held by the Kuna City Council; and

WHEREAS, this amendment complies with the Kuna Comprehensive Plan;
and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Chapter 1 of Title 5 by amending Section 5-1-6-2 of said Chapter.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO that:

Section 1: **TITLE 5, CHAPTER 1, SECTION 5-1-6-2: MEANINGS OF TERMS OR WORDS** is hereby amended as described in Exhibit A attached hereto and incorporated herein by reference.

Section 2. This ordinance shall become effective after its adoption and publication as required by law.

ADOPTED this 19th day of December, 2006.

CITY COUNCIL OF THE CITY OF KUNA
Ada County, Idaho

O. Dean O Bray, Mayor

ATTEST:

Lynda Burgess, City Clerk

5-1-6-2: **MEANINGS OF TERMS OR WORDS:**

ACCESSORY DWELLING UNIT: A temporary dwelling unit that is incidental and subordinate to the principal use of the premises, and does not alter the essential characteristic of the use.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

AGRICULTURE: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that:

A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.

B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred feet (100') of any residential zoning district. Agriculture does not include the operation or maintenance of a commercial stockyard or feed yard where large numbers of livestock are fed concentrated feeds particularly for the purpose of fattening for market.

AIRPORT: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie down areas, hangars and other necessary buildings.

ALLEY: A public way with an improved driving surface providing the secondary means of access, with a minimum width of twenty feet (20'), at the back or side of a property otherwise abutting a street. It is not intended as a traffic thoroughfare or as street frontage.

ALTER: To change; make or become different.

APPLIANCE REPAIR: The reconditioning of inoperable household appliances, including refrigerators, washing machines, dishwashers, or similar appliances.

AQUARIUM: A facility where aquatic exhibits are displayed.

ARBORETUM: A place where many kinds of trees and shrubs are grown for exhibition or study.

AREA OF CITY IMPACT: The Kuna area of impact is defined as that unincorporated land mass which lies contiguous to the city of Kuna, having as its closest boundary to the city, the city limits of Kuna, as they now exist or as they may be altered by future annexation of land to the city of Kuna.

ART GALLERY: An establishment that conducts the display and/or retail sale of artwork and may include studio facilities for creation of artistic works.

ART STUDIO: An artist's workroom and is limited to the creation of artistic works, but not including the use of a blast furnace or kiln larger than one hundred and twenty (120) volts.

ASPHALT PLANT: A facility where paving asphalt is prepared. (See "Batch Plant")

ASSISTED/INDEPENDENT LIVING FACILITIES: Any commercial building or building complex used or maintained to provide living quarters, and which may also provide nursing, dietary and other personal services, to handicapped or elderly persons who, without the assistance of any other person, may be physically or mentally capable of moving himself/herself from the room in which he/she sleeps to outside the facility in for (4) minutes or less.

AUCTION SALES: The sale of items to the highest bidder.

AUTOMOBILE DETAILING: A building or premises used for the following:

- A. Wash Related: Shampooing of carpets, hand washing, cleaning, polishing (may not include minor touch up paint).
- B. Accessories Related: Addition of special parts or equipment such as window tint, running boards, bicycle racks, exterior lights, appliques, sound systems or similar treatments.

AUTOMOBILE MAINTENANCE: Any commercial establishment designed or used for the maintenance of automobiles only. Maintenance shall be limited to tune-ups, oil changes, lubrication, smog check, brake and muffler repair and maintenance, the sale and repair of tire, or other similar routine maintenance functions. Automobile maintenance does not include brake, muffler, and/or tire repair as principal uses.

AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER AND FARM IMPLEMENT REPAIR: The repair, rebuilding or reconditioning of motor vehicles, manufactured homes, travel trailers and farm implements or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE, MANUFACTURED HOME, TRAVEL TRAILER AND FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

AUTOMOBILE PAINT/BODY SHOP: A facility for collision repair services including body, frame or fender straightening or repair, and painting of vehicles in an appropriate paint booth. See also "Minor Auto Paint/Body Shop."

AUTOMOBILE RENTAL: A facility where the rental or short-term lease of automobiles is conducted.

AUTOMOBILE REPAIR SHOP: A location designed or used for the repair of automobiles, including mechanical repair, maintenance, engine or transmission replacement or overhaul, and upholstery, but not paint nor bodywork. Automobile repair (including engine or transmission repair) may be performed by the owner of one (1) automobile only at the residence (not to be parked within a street) when the vehicle, parts and equipment are enclosed, or screened from the view of any street with a weatherproof cover while repair is not being performed.

AUTOMOTIVE WRECKING: The dismantling or wrecking of two (2) or more used motor vehicles, manufactured homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BABYSITTING: The act of caring for children for consideration while the parents or usual guardians are absent. If it is performed in the child's own home or all the children are brothers and sisters of each other, this definition shall not be restricted as to the number of children. If it is performed in the babysitter's home for children who are not all brothers and sisters, this definition of baby sitting shall be restricted to three (3) children, not any of whom are related as brothers or sisters. Babysitting is further defined as being performed on a sporadic basis and not on an every weekday basis. It is not to be confused with the definition of a "daycare facility".

BANQUET FACILITY: An establishment, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include:

- A. Kitchen facilities for the preparation or catering of food;
- B. The sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and
- C. Outdoor gardens or reception facilities.

BASEMENT: A dwelling unit all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

BATCH PLANT: A manufacturing facility for the production of concrete or asphalt.

BEAUTY PARLOR: A facility, which offers personal service and hygienic treatment including massage, manicure, hair styling, facials and other day spa activities. See also "Personal Services."

BED AND BREAKFAST FACILITY: A type of hotel providing overnight accommodations and breakfast food service. If designed to accommodate twelve (12) or fewer guests, it shall be considered a type of boarding or rooming house rather than a hotel.

BEVERAGE PLANT: A facility in which nonalcoholic beverages are bottled and distributed to retailers or wholesalers for resale on or off the premises, including the mechanized assembly line production of such goods. The term does not include a brewery or any other facility for the bottling of alcoholic beverages.

BLOCK: A group of lots, tracts or parcels within well defined boundaries, usually streets.

BOARDING HOUSE: A house where meals or room and meals, can be had for pay.

BUILDING MATERIAL, SALES AND SERVICES: See "Home Improvement Center"

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, HEIGHT: 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, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SETBACK LINE: An imaginary line established by the zoning regulations of this title that requires all buildings to be set back a certain distance from lot lines.

BUILDING SITE: An area proposed or provided and improved by grading, filling, excavation or other means for erecting pads for buildings.

CAMPGROUND: A premises upon which two (2) or more parking sites are located, established or maintained for occupancy for a tent, or other shelter arrangements or devices, recreational vehicle space or a seasonal cabin.

CARNIVAL/CIRCUS: A temporary outdoor amusement activity at which amusement systems are placed in addition to food and other entertainment.

CATERER: A business that provides for the preparation, storage and delivery of food and food utensils for off-premises consumption.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CHANGE OF USE: Whenever a use on a property or structure is expanded or enlarged, or substantial refurbishment of a parking lot.

CITY: City of Kuna, Ada County, Idaho.

CITY AUTHORITY: The legally designated city authority of the city of Kuna, Ada County, Idaho, or its authorized representative or the city council.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room or regular hospital care and services.

CLUB: A building or portion thereof or premises owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests but still not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

COMMERCIAL ENTERTAINMENT FACILITY: Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges and similar entertainment activities.

COMMISSION: The city planning and zoning commission.

COMPREHENSIVE DIAGRAM: A diagram showing the present and future land use designation.

COMPREHENSIVE PLAN: A plan, or any portion thereof, adopted by the council including such things as the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major transportation, parks, schools and other community facilities.

CONDOMINIUM: A type of multi-family housing in which individuals own the dwelling units. They also own in common the halls, stairways, grounds and other areas that are used by all of the residents. Units may be connected vertically, horizontally or in combination.

Each dwelling unit shall be treated as a separate entity for the purposes of sewer and water connection fees.

CONTIGUOUS HOUSING: Two (2) or more dwelling units designed for individual ownership with the dwelling units combined into a single structure. Structures which rest on land that is deeded with the dwelling unit are generally defined as townhouses or row houses. Structures which contain two (2) or more dwelling units but whose ownership consists of only the space inside, with the remainder of the structure being undivided common interest, are generally defined as condominiums.

CONTRACTOR'S STORAGE YARD: A facility where a contractor stores materials and equipment.

COPY CENTER: A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, but not including offset printing.

COUNCIL: The city council ¹.

COUNTY RECORDER: The office of Ada County recorder.

COVENANT: A written promise or pledge.

CULVERT: A drain that channels water under a bridge, street, road or driveway.

DAIRY PRODUCTS PROCESSING: A facility for processing raw milk into dairy consumer products.

DAYCARE FACILITIES: Any home, structure, or place where non-medical care, protection or supervision is regularly provided to children under twelve (12) years of age, for periods less than twenty four (24) hours per day, while the parents or guardians are not on the premises. Any facility providing daycare is required to have a special use permit and a state of Idaho basic daycare license. There are three (3) types of childcare facilities:

- A. Family childcare home: A childcare facility which provides care for six (6) or fewer children throughout the day.
- B. Group childcare home: A childcare facility which provides care for seven (7) to twelve (12) children throughout the day.
- C. Childcare center: A childcare facility which provides care for more than twelve (12) children throughout the day. It should be noted that, in determining the type of childcare facility that is being operated, the total number of children cared for during

the day and not the number of children at the facility at any one time is determinative.

DEDICATION: The voluntary setting apart of land or interest in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the city.

DENSITY: A unit of measurement. 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 public 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.

DEVELOPER: Authorized agent(s) of a subdivider or the subdivider himself.

DISTRIBUTION CENTER: A warehouse, or a complex of warehouses, with each building containing a minimum of 72,000 square feet, having a minimum overhead clearance of twenty-four feet within the building, with dock high loading doors either in a depressed dock well or at a flat truck apron, and with no drop ceiling constructed within the building outside of accessory office area.

DIRECTOR: The planning and zoning director.

DISABLED VEHICLE: Any motor vehicle not in an operative condition or not currently licensed, parked on any street or alley, or motor vehicle parts and accessories left on a street or alley for a period of two (2) consecutive weeks.

DRIVEWAY: A minor private way used by vehicles and pedestrians or used for common access to multi-family dwelling facilities.

DRY CLEANER: A facility where fabrics are cleaned with substantially nonaqueous organic solvents and where the floor area utilized for dry-cleaning equipment or dry-cleaning processes shall not exceed one thousand eight hundred (1,800) square foot limitation shall not include public areas, office space or space devoted to clothing storage racks and devices.

DRY CLEANING PLANT: An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents or by conventional washing, Also, where fabric may be dyed.

DUPLEX: A building designed to be or which is occupied by two (2) independent family units and shall include a single-family residence in which an apartment or separate living facility has been provided.

DUSTLESS MATERIALS: Hard surfaces used for driveways, loading and parking including but not limited to concrete, asphalt, pavers, and bricks.

DWELLING, MULTI-FAMILY: A dwelling consisting of three (3) or more dwelling units including townhouses and condominiums with varying arrangements of entrances and party walls.

DWELLING, ROOMING HOUSE (BOARDING HOUSE, LODGING HOUSE, DORMITORY): A dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

DWELLING, SINGLE-FAMILY: A dwelling consisting of a single dwelling unit only separated from other dwelling units by open space.

DWELLING, TWO-FAMILY: A dwelling consisting of two (2) dwelling units which may be either attached side by side or one above the other.

DWELLING UNIT: Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the property.

EMERGENCY CARE FACILITY: Medical or dental offices which provide professional services more than eighty-four (84) hours per week, or which have designated facilities for providing emergency medical care to the general public without appointment. An "Emergency Care Facility," in contrast to a "Hospital," does not provide overnight care or boarding of patients.

ENGINEER: Any person who is licensed in the state to practice professional engineering.

EQUIPMENT SALES/RENTAL/SERVICE: The sale, rental or service of equipment with a gross unloaded weight of 3,000 pounds or more and vehicles with gross unloaded weight of 8,500 pounds or more. Construction or heavy such as front end loader, dump trucks and other commercial vehicles.

EXHIBITION HALL: A facility to display items of interest to the public.

FAIRGROUNDS: The ground upon which fairs or exhibitions are held.

FAMILY: A person living alone or two (2) or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FARMER'S MARKET: A building or open area in which stalls or sales areas are set aside, rented, or otherwise provided for use by individuals, tenants, or businesses engaged in the sale of vegetables, fruits, or other agricultural products.

FEEDLOT: A lot or parcel on which livestock are fed intensively in order to fatten for market. This definition does not include short-term holding pens for auction facilities or meatpacking establishments.

FEED STORE: A retail sales facility where grain and other foodstuffs for animals and livestock is sold, including other implements and goods related to agricultural processes, but not including farm machinery.

FINANCIAL SERVICE: Any business whose primary service is the exchange of currency, including banks, credit unions, but excluding retail sales and offices.

FOOD PROCESSING: A facility in which food for human consumption is produced in its final form, such as candy, baked goods, dairy products and/or ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include beverage processing which uses any mechanized assembly line production, the killing or processing of animals and animal waste, nor a restaurant preparing food for consumption by patrons on the premises or for takeout or delivery.

FREIGHT TERMINAL: An area and building(s) where cargo is stored and where railroad cars, aircraft, and/or trucks, (including tractors and trailer units), load and unload cargo for transshipment or distribution on a regular basis, and which may include facilities for the temporary storage of loads prior to shipment and facilities for the maintenance of transport vehicles.

FRATERNITY, DORMITORY, SORORITY: Living facilities for students of educational institutions.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, propane, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

- A. Sales and service of spark plugs, batteries and distributor parts.
- B. Tire servicing and repair, but not recapping or regrooving.
- C. Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like.
- D. Radiator cleaning and flushing.

- E. Washing, polishing and sale of washing and polishing materials.
- F. Greasing and lubrication.
- G. Providing and repairing fuel pumps, oil pumps and lines.
- H. Minor servicing and repair of carburetors.
- I. Adjusting and repairing brakes.
- J. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
- K. Sales of convenience goods for service station customers, as accessory and incidental to principal operations.
- L. Provisions of road maps and other informational material to customers; provisions of restroom facilities.
- M. Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and bodywork, straightening of body parts, painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop.

GOVERNING BODY: The city council of the city of Kuna, Idaho.

GROUP CARE HOME: A home for persons requiring minimal assistance with their daily living tasks.

GROCERY STORE: A business located in a building or in a portion of a building which is segregated physically or spatially from the rest of the building or other retail sales departments, which sells or displays food and other goods for retail sales and has over six thousand (6,000) square feet of floor space, exclusive of warehouse, restrooms, and office areas.

HANDICRAFT: The production of personal or household items from materials, such as cloth, lace, wool, wood, glass, metal, leather, and similar materials, but not food items, which are either made to order or which involve considerable handwork. The term does not include cabinet making, cabinet assembly or the use of mechanized assembly line production.

HEALTH AUTHORITY: The local district health department or the state department of health and welfare that has jurisdictional authority.

HIGHWAY: A street designated as a highway by an appropriate state or federal agency.

HOME FOR THE AGED: A home, facility or residence for elderly persons.

HOME IMPROVEMENT CENTER: A facility for the sale of home, lawn and garden supplies, tools, and construction materials such as brick, lumber and other similar materials, and includes small equipment rental.

HOME OCCUPATION: An activity, profession, or craft carried on entirely within a residence by the occupants, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term, so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for a nameplate as permitted, and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

HOTEL OR MOTEL AND APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, rooming house, lodging house or dormitory which is herein separately defined.

IMPOUND YARD: A lot or parcel where vehicles are held or stored on a temporary basis.

IMPROVEMENT: Any alteration to the land or other physical construction associated with subdivision and building site developments.

INCINERATION OF GARBAGE, DEAD ANIMALS OR REFUSE: A facility which burns garbage, dead animals or refuse to ashes.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK: Any old rags, sacks, bottles, cans, papers, metals, automobiles, trucks, machinery or bicycles which are collected, bought, sold, or otherwise dealt in, after being dismantled or taken apart, or other articles commonly known as "junk".

JUNK BUILDINGS, JUNK SHOPS, JUNKYARDS: Any land, property, structure, building or combination of the same, on which junk is stored or processed.

JUNK COLLECTOR: Means and includes a person having a fixed place of business in the city but who, personally or by representation, goes from house to house, or from place to place gathering, collecting, buying, selling, or otherwise dealing in, any old rags, sacks, bottles, cans, papers, metals, automobiles, trucks, machinery or bicycles which are collected, bought, sold or otherwise dealt in, after being dismantled or taken apart, or other articles commonly known as "junk".

JUNK DEALER: Means and includes a person having a fixed place of business in the city, and engaged in the business of buying, selling or otherwise dealing in, either wholesale or retail, any rags, sacks, bottles, cans, papers, metals, automobiles, trucks, machinery or bicycles which are collected, bought, sold, or otherwise dealt in, after being dismantled or taken apart, or other articles commonly known as "junk".

KENNEL, DOG; COMMERCIAL: Any place of business for the care of dogs, including, but not limited to, the boarding, grooming, breeding, training or selling of dogs.

KENNEL, DOG; NONCOMMERCIAL: An establishment or premises on which three (3) or more dogs more than four (4) months of age are kept.

KITCHEN: Any room principally used intended or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

LARGE SCALE DEVELOPMENT: A subdivision, the size of which consists of fifty (50) or more lots or dwelling units.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way ².

LODGING HOUSE: See definition of Dwelling, Rooming House (Boarding House, Lodging House, and Dormitory).

LOT: For the purpose of this title, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot must meet current zoning frontage requirements on an improved public street, and consists of:

Lot Area: The area of any lot shall be determined exclusive of streets, highways, alleys, roads, irrigation easements or other rights of way.

Lot Coverage: The area of a zoning lot which is occupied by the principal building, buildings or accessory buildings and the horizontally projected area of the lot. The ratio is expressed as a percentage. This includes the total area of the lot covered by the roof of any enclosed or unenclosed building, including eaves and overhangs.

Lot Depth: The mean horizontal distance between the front and the rear lot lines. Where the lot is irregular and the lot lines converge, the rear lot line shall be deemed to be a line at a point where the side lot lines are not less than ten feet (10') apart.

Lot Frontage: The front of a lot shall be construed to be 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" in this section.

LOT, FLAG: A lot in the shape of a flag on a pole or similar design. A flag lot shall have a minimum frontage of thirty feet (30') on a public street and structure placed on a flag lot shall have the house facing the street frontage.

LOT, INTERIOR: A lot with only one frontage on a street.

LOT LINES: Property lines bounding the lot.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT SPLIT: The dividing of the original tract of land to create no more than three (3) parcels.

LOT TYPES: Terminology used in this title with reference to 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 frontage on a street.
- C. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- D. 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.

MANUFACTURED HOME: A structure constructed according to HUD manufactured home construction and safety standards, transportable in one or more sections, which: a) in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length; or b) when erected on site, is one thousand (1,000) or more square feet in size; and c) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and d) includes the plumbing, heating, air conditioning, and electrical systems contained therein; provided, however, that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401.

MANUFACTURED HOME LOT OR MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park designated for the accommodation of one single manufactured home and for the exclusive use of its occupants.

MANUFACTURED HOME PARK: Any site or tract of land under single ownership, upon which two (2) or more manufactured home dwellings are parked, including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

MANUFACTURED HOME STAND PAD: That part of an individual lot which has been reserved for the placement of one manufactured home unit.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

MARINE SALES/RENTAL: Display and sale or rental of new or used boats, jet skis, wave runners or other marine vessels and trailers, and incidental uses to marine activities.

MEAT MARKET: The commercial establishment which retails or wholesales meat products.

MEATPACKING PLANT: A facility which processes and prepares the meat of animals for market.

MINOR PAINT/BODY SHOP: A facility designed and used for the restoration or refurbishing of automobiles for small dents and body work including but not limited to airbrush touch up, surface scratch, color sanding and buffing, small spot repair, bumper repair, paint less dent repair, and upholstery work. This does not include structural repair, nor repair where damage exceeds more than 10% of the surface area of the automobile.

MONUMENT: Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in section 50-1303, Idaho Code.

MORTUARY: A place where dead bodies are kept prior to burial or cremation.

MOTEL: A building or group of buildings on the same premises, either detached or in connected rows, containing sleeping or dwelling units, but without kitchen facilities in the individual units which are designed for or occupied by travelers. A motel with a commercial building on the same premises, both of which are served through one service connection, will be considered as a commercial building.

MOTOR HOME, RECREATIONAL VEHICLE, TRAVEL TRAILER OR CAMPER: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as temporary living quarters for recreation or vacation purposes, so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets and propelled or drawn by its own or other motor power.

MOTOR HOME, TRAVEL TRAILER, CAMPER OR CAMPGROUND PARK: A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles, tents, other shelter arrangements or devices, or cabins for a temporary recreation or vacation usage for revenue.

NONCONFORMING USE: A building, structure or use of land existing at the time of the effective date hereof, and which does not conform to the regulations of the district in which it is situated as of December 1977.

NURSERY, DAYCARE CENTER FOR CHILDREN: See definition of Daycare Facilities.

NURSERY, PLANT MATERIALS: Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

NURSING OR REST HOME: A residence providing care for the infirm, chronically ill, disabled, etc.

OFFICE: The business of administrative, professional or clerical operations, including administrative governmental functions or mortgage companies. Uses incidental, such as medical and dental testing and diagnostic services, are permitted in conjunction with medical and dental offices.

OFFICE, TEMPORARY REAL ESTATE SUBDIVISION SALES: Temporary sales office within a subdivision to market the homes for sale. Must not exceed 2 years.

OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the planning and zoning commission deems permissible. Streets, parking areas, structures for habitation and the like shall not be included.

ORIGINAL LOT, TRACT OR PARCEL OF LAND: A lot or tract as recorded on any plat or record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one ownership and of record at the effective date hereof.

OWNERSHIP: The individual, firm, association, syndicate, partnership or corporation having any interest in the land to be subdivided.

PARK MANAGEMENT: The person or persons who owns or has charge, care or control of the manufactured home park.

PARK STREET: The street which affords principal means of access to individual manufactured home lots or auxiliary buildings.

PARKING SPACE: A usable space within a public or private parking area or a building of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.

PARKING SPACE, OFF STREET: For the purpose of this title, an off street parking space 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 way³.

PAWNSHOPS AND MOTOR VEHICLE PAWNSHOPS: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This does not include federal/state licensed lending institutions.

PEDESTRIAN PATHWAY: A pathway which is not adjacent to a public street and improved for the use of pedestrian traffic.

PERFORMANCE BOND OR SURETY BOND: A financial guarantee by a subdivider or developer with the city in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

PERMIT OR LICENSE: A written permit issued by the city authority permitting the manufactured home park to operate under this title, and shall include extensions, alterations and constructions within the manufactured home park.

PERSON: The definition of "person" is set forth in section 1-3-2 of this code and such definition shall apply to this title.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors and similar activities.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of residential, commercial and industrial uses under single ownership or control is developed for the purpose of selling individual lots or estates and are accommodated in a preplanned environment with more flexible standards, such as lot sizes and setbacks ⁴.

PLAT: The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions and approvals:

- A. Preliminary Plat: The first formal presentation by drawings of a proposed subdivision; and
- B. Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one copy of which is filed with the county clerk and recorder.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects and engineers, and similar professions.

PUBLIC SERVICE FACILITY: Buildings, power plants and substations, water treatment plants and pumping stations, sewage disposal and pumping plants, and other structures, except public utility structures erected, constructed, altered, operated by privately owned, and municipal or other governmental agency, for the purpose of furnishing electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC UTILITY STRUCTURES: Any underground public utility facility; any utility poles, wires, anchors, guys and other supporting devices, including appurtenant electrical equipment and hardware.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or nonprofit nature.

RECREATIONAL VEHICLE, MOTOR HOME, and TRAVEL TRAILER OR CAMPER: See definition of Motor Home, Recreational Vehicle, Travel Trailer or Camper.

RECREATIONAL VEHICLE PARK: A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes.

RENDERING PLANT: A facility where the process of deriving lard from animal carcass is conducted.

RENTAL STORE: A facility for the rental of general merchandises to the general public and not specifically listed as a different use elsewhere. Typical general merchandise includes clothing and other apparel, electronics, videos, gardening tools (excluding power tools and commercial vehicles), furniture and other household appliances, special occasion or seasonal items and similar consumer goods.

RESEARCH ACTIVITIES: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering.

RESERVE STRIP: A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.

RETAIL SALES AND SERVICE: The sale, service and on-premises incidental production or assembly of general merchandise to the general public for direct use or consumption, but not including the sale to another business for resale purposes.

RIGHT OF WAY: A strip of land dedicated for use as a public way. In addition to the roadway, it normally includes streets, sidewalks, irrigation, curbs, lawn strips, lighting, drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, bridges and other public utilities or service areas.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural and related products, the majority of which have been grown on adjacent land.

SALES, WHOLESALE: The sale of products, to anyone other than the end user of the products, for resale.

SEAT: For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) linear inches of benches, pews or space for loose chairs.

SERVICE BUILDING: A building housing toilet facilities for men and women, with slop water closet and laundry facilities and with separate bath or shower accommodations and such other facilities as may be required under this title.

SETBACK LINE: A line established by these zoning regulations, generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located aboveground, except as may be provided in said regulations.

SEWER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the manufactured home, residences, commercial or industrial buildings to the corresponding sewer main line tee of the sewage system serving the manufactured home park, residential, commercial or industrial buildings.

SEWER RISER PIPE: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured home lot.

SHELTER OR TEMPORARY HOME: A facility that provides temporary housing.

SHOP FOR BUILDING CONTRACTOR: Shop facilities for a person or entity engaged in the construction business.

SIDEWALK: That portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

A. Sign, On Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

B. Sign, Off Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

C. Sign, Illuminated: Any sign illuminated by electricity, gas or other artificial light including reflecting or phosphorescent light.

D. Sign, Lighting Device: Any light, string of lights or group of lights located or arranged so as to cast illumination on a sign.

E. Sign, Projecting: Any sign which projects from the exterior of a building.

SINGLE-FAMILY RESIDENCE: A building designed for and used exclusively for residence purposes by one family. This definition shall include a single trailer not located in a trailer court.

SLAUGHTERHOUSE: See definition of Meatpacking Plant.

SPECIAL USE: A special use permitted within a district, other than a principally permitted use, requiring a special use permit and approval of the planning and zoning commission. Special uses permitted in each district are listed in the official schedule of district regulations 5.

SPORTS ARENA: A place or building for contests or shows.

STANDARD: Shall be the specifications as specified in this title or as officially adopted by the city.

STATE: The state of Idaho.

STORY: That part of a building between the surface of a floor and the ceiling immediately above it.

STREET: A right of way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, place and other such terms.

A. Alley: A minor street providing secondary access at the back or side of a property otherwise abutting a street.

B. Minor: A street which has the primary purpose of providing access to abutting properties.

C. Collector: A street designated on the comprehensive diagram for the purpose of carrying traffic from minor streets to other collector streets and/or arterial streets.

D. Arterial: A street designated on the comprehensive diagram for the purpose of carrying fast and/or heavy traffic.

E. Private: A street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.

F. Loop: A minor street with both terminal points on the same street of origin.

G. Cul-De-Sac: A street connected to another street at one end only and provided with a turnaround space at its terminus.

H. Frontage: A minor street, parallel to and adjacent to an arterial street to provide access to abutting properties.

I. Partial: A dedicated right of way providing only a portion of the required street width, usually along the edge of a subdivision or tract of land.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences and billboards.

STUDIO; DANCE, MUSIC, VOICE: A facility where persons study the performing arts.

SUBDIVIDER: A subdivider shall be deemed to be the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates proceedings for the subdivision of land in accordance with the provisions of this code. The subdivider need not be the owner of the property; however, he shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION: The result of an act of dividing an original lot, tract or parcel of land into more than three (3) parts for the purpose of transfer of ownership or development; which shall also include the dedication of a public street and the addition to, or creation of, a cemetery. However, this code shall not apply to any of the following:

A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat;

B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property;

C. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Idaho Code;

- D. Widening of existing streets to conform to the comprehensive plan;
- E. The acquisition of the street rights of way by a public agency in conformance with the comprehensive plan; and
- F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, street supplies, coal, heavy equipment, feed and grain, and similar goods.

SURVEYOR: Any person who is licensed in the state as a public land surveyor to do professional surveying.

SWAP MEET: Also known as a flea market, means a building or open area in which stalls or sales areas are set aside, rented or otherwise provided for use by individuals, tenants or businesses engaged in retail trade. The sale of merchandise may include secondhand items, specialty items, hand crafted items and homegrown products.

TAVERN/BAR/LOUNGE: A place where the sale and service of alcoholic beverages are sold by the drink, where meals are not required.

TAXIDERMY: A facility where the art of stuffing the skins of animals to appear lifelike is practiced.

TOWNHOUSE OR ROW HOUSE: Two (2) or more contiguous dwelling units designed to be independently owned and occupied which are connected by a lot line wall or party wall, each unit having separate water, sewer, electricity, heating and communication supplies.

TRAILER COURT: Any area or site of land upon which two (2) or more trailers are placed and maintained for dwelling purposes only, either on a permanent or semi permanent basis.

TRIPLEX: A building designed for or occupied by three (3) family units living independently.

TRUCK MAINTENANCE: Any commercial establishment designed or used for the maintenance of trucks. Maintenance shall be limited to tune-ups, oil changes, lubrication, smog check, wheel alignments, detailing and minor warranty work, minimal waste disposal, brake repair (but not as a principal use), or other similar routine maintenance functions.

TRUCK STOP: A service station for commercial vehicles.

TRUCK WASH: A facility for washing commercial vehicles.

USE: The purpose, for which land or a building is designated, arranged or intended or for which it is occupied or maintained, let or leased.

UTILITIES: Installations for conducting water, sewage, gas, electricity, television, irrigation, storm water and similar facilities providing service to and used by the public.

VARIANCE: A variance is a modification of the requirements of the zoning regulations as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provisions affecting the size or shape of a structure 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 a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest ⁶.

VEHICLE: Shall include, but not be limited to, automobile, truck, motorcycle, recreational vehicle, personal recreation item or as otherwise defined in Idaho Code section 49-123 which includes every device in, upon, or by which any person or property is or may be transported or drawn (e.g., travel trailers) upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VEHICLE, COMMERCIAL: Any currently licensed and operable motor vehicle with a gross vehicle weight rating over twenty six thousand (26,000) pounds and as defined by Idaho Code section 49-123.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

VICINITY MAP: A 300-scale drawing which sets forth by dimensions or other means the relationship of the proposed development to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four feet (4') or more in width, for pedestrian use only, whether or not along the side of a road.

WAREHOUSE: An enclosed structure for the storage of goods for distribution or transfer to another location.

WATER CONNECTION: The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the manufactured home.

WATER RISER PIPE: That portion of the water supply system serving the manufactured home park which extends vertically to the ground elevation and terminates at a designated point at each manufactured home lot.

WRECKING YARD: Any premises used for the storage, dismantling or sale of either used motor vehicles, trailers or machinery.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

A. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

B. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of principal buildings.

C. Yard, Interior Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

D. Yard, Street Side: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.

ZONING PERMIT: A document issued by the director authorizing the uses of land and structures, and the characteristics of the uses. (Ord. 230, 12-7-1977; amd. 1985 Code; Ord. 330, 8-1-1989; Ord. 360, 9-3-1991; Ord. 438, 2-20-1996; Ord. 470, 3-18-1997; Ord. 495, 4-23-1998; Ord. 554, 12-11-2000; Ord. 548, 6-11-2001; Ord. 570, 6-11-2001; Ord. 614, 6-19-2002; Ord. 681, 6-1-2004; Ord. 682, 8-3-2004; Ord. 684, 8-3-2004; Ord. 694, 8-17-2004; Ord. 697, 10-19-2004)