

ORDINANCE NO. ____
CASE NO. ORA17-0006
AN AMENDMENT TO THE
KOOTENAI COUNTY LAND USE AND DEVELOPMENT CODE

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; PROVIDING THAT THE MAXIMUM DENSITY IN CONSERVATION SUBDIVISIONS TO BE LOCATED IN MORE THAN ONE ZONE SHALL BE DETERMINED BY AGGREGATING THE MAXIMUM DENSITIES IN EACH ZONE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SURVIVAL AND NON-WAIVER OF ENFORCEMENT ACTIONS UNDER PREVIOUSLY ADOPTED ORDINANCES AND CODES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 8.2.105, Kootenai County Code, be, and the same is hereby amended as follows:

8.6.602: DENSITY:

A. The maximum density allowed within a conservation subdivision shall be calculated by dividing the total acreage in the proposed subdivision by the minimum lot size permitted in the underlying zone. For example, the maximum density allowed within a two hundred (200) acre subdivision in the Rural zone would be forty (40) lots ($200 \div 5 = 40$).

B. If a conservation subdivision is to be located in more than one zone, the allowable density for the land in each zone shall be calculated separately and then added together to yield the maximum density allowed within the subdivision. In such cases, the distribution of lots within the subdivision need not conform to existing zone boundaries.

C. The minimum lot size for a building lot in a conservation subdivision shall be 8,250 sq. ft.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

SECTION 4. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

ADOPTED this _____ day of _____, 20__.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Marc Eberlein, Chairman

Chris Fillios, Commissioner

Bob Bingham, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Deputy Clerk

Publication Date: _____

C: Community Development, Prosecuting Attorney (Civil Division), Sheriff, Sterling Codifiers, Ordinance File