

KOOTENAI COUNTY ZONING ORDINANCE NO. 401
CASE NO. OA-133-06 (Ordinance Text Amendments)
Title 9, Kootenai County Code

TABLE OF CONTENTS

CHAPTER 1	TITLE, AUTHORITY, PURPOSE AND APPLICABILITY OF ZONING ORDINANCE
CHAPTER 2	RULES AND DEFINITIONS
CHAPTER 3	ESTABLISHMENT OF ZONES AND ZONING DISTRICT PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP
CHAPTER 4	ZONE BOUNDARIES
CHAPTER 5	APPLICATION OF ZONING DISTRICT REGULATIONS
CHAPTER 6	AGRICULTURAL ZONE (A)
CHAPTER 7	AGRICULTURAL SUBURBAN ZONE (AS)
CHAPTER 8	RESTRICTED RESIDENTIAL ZONE (RR)
CHAPTER 9	COMMERCIAL ZONE (C)
CHAPTER 10	LIGHT INDUSTRIAL ZONE (LI)
CHAPTER 11	INDUSTRIAL ZONE (I)
CHAPTER 12	MINING ZONE (M)
CHAPTER 13	RURAL ZONE (R)
CHAPTER 14	HIGH-DENSITY RESIDENTIAL ZONE (HDR)
CHAPTER 15	PLANNED UNIT DEVELOPMENT
CHAPTER 16	AIRPORT DISTRICT (Overlay District)
CHAPTER 17	DESIGN STANDARDS
CHAPTER 18	HIGHWAY 41 OVERLAY ACCESS MANAGEMENT
CHAPTER 19	SUPPLEMENTARY REGULATIONS
CHAPTER 20	NONCONFORMING PARCELS, STRUCTURES AND USES
CHAPTER 21	AMENDMENTS
CHAPTER 22	ADMINISTRATION AND ENFORCEMENT
CHAPTER 23	CONDITIONAL USE, VARIANCE AND SPECIAL NOTICE PROCEDURES
CHAPTER 24	CONDITIONAL USE AND SPECIAL NOTICE PERMIT STANDARDS

Amending the following Chapters and Sections of Title 9, Kootenai County Code, as amended: Chapter 1, adding Title, Authority and Applicability; Chapter 2, Section 9-2-2, Corrections to formatting, Accessory Living Unit requirements, clarifying the numbering of each requirement, clarifying requirements for measuring the square feet of the accessory living unit, amending the site plan size for accessory living unit applications from 11 x 17 to 8½ x 11, amending the definition of roof sign; Chapter 6, Section 9-6-5, adding personal storage buildings as an allowed use on property less than five acres; Chapter 13, Section 9-13-4, adding personal storage buildings as an allowed use on property less than five acres, adding farming as an allowed use on property less than five acres; Section 9-13-5, adding subdivisions as defined in the Kootenai County Subdivision Ordinance, providing severability; repealing conflicting Ordinances; and providing an effective date.

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

SECTION 1. That Kootenai County Ordinance No. 348, enacted on February 3, 2005, as amended by Ordinance No. 348, enacted on February 8, 2005, Ordinance No. 375, enacted on December 8, 2005, and Ordinance No. 388, enacted on August 31, 2006, be, and the same are hereby designated as Title 9, Kootenai County Code, and are hereby amended to read as follows:

CHAPTER 1
TITLE, AUTHORITY, PURPOSE AND APPLICABILITY OF ZONING ORDINANCE

9-1-1: TITLE: This title shall be known as the *Zoning Ordinance of Kootenai County, Idaho*.

9-1-2: AUTHORITY: In addition to the general authorities set out in section 1-1-2 of this code, the provisions of this title are authorized under Title 67, Chapter 65, *Idaho Code*, as amended or subsequently codified.

9-1-3: PURPOSE:

- A. Promote the health, safety and the general welfare of Kootenai County;
- B. Carry out the intent and purposes of the "Local Land Use Planning Act," *Idaho Code* § 67-6501 et seq., as amended;
- C. Carry out the policies of the applicable comprehensive plan by classifying and regulating the uses of property and structures within the unincorporated areas of Kootenai County;
- D. Establish zoning districts within Kootenai County in accord with the adopted applicable comprehensive plan in conformance with *Idaho Code* § 67-6511;
- E. Provide standards for the orderly growth and development of Kootenai County and to avoid undue concentration of population and overcrowding of land. As required by *Idaho Code* § 67-6511, such standards include but are not limited to, those regulating:
 - 1. The height, number of stories, size, construction, reconstruction, alteration, repair or location of structures.
 - 2. Percentage of coverage, size of required yards, and density of residential dwellings.
 - 3. The use of structures and property.
- F. Ensure the most appropriate use of properties;
- G. Protect property rights and enhance property values; and
- H. Provide a method of administration and prescribe penalties for the violations of regulations hereafter described as authorized by the constitution and laws of the State of Idaho.

9-1-4: APPLICABILITY: The provisions of this title shall apply to all property located within the unincorporated areas of Kootenai County, Idaho.

CHAPTER 2 RULES AND DEFINITIONS

9-2-1: GENERAL: The rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates:

- A. Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural the singular.
- B. The word "shall" shall be mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the word "piece" and "parcel"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "maintained for," and "occupied for."

9-2-2: DEFINITIONS:

ACCESS ROADWAY/DRIVEWAY STANDARDS FOR RESIDENTIAL PROPERTIES -

- A. Road/Driveway shall have an all weather driving surface. Design shall consist of removing all topsoil and duff, putting down 8 inches of compacted ballast (pit run material), then a minimum of 4 inches of compacted base material (crushed aggregate). Road/Driveway shall be maintained by plowing, grading, and re-graveling.
- B. Minimum common driveway and private road width of twenty (20) feet; minimum driveway width of fourteen (14) feet.
- C. A minimum turning radius for all corners shall be twenty (20) feet, as measured to the inside of the corner.
- D. A minimum distance between switchbacks shall be seventy-five (75) feet, as measured along the centerline between curves.
- E. Turnarounds with a minimum radius of fifty (50) feet at the end of any roadway or driveway longer than 150 feet, or as approved by the applicable fire district.
- F. Minimum unobstructed overhead clearance shall be fourteen (14) feet.
- G. No private road or driveway shall have greater than 12% grade. Grades of 10% or greater shall not exceed one-hundred (100) feet in length.
- H. All private roadways shall enter public roadways at a right angle and meet the radius requirements listed above; all driveways shall enter public or private roads at a right angle and meet the radius requirements listed above.
- I. Bridge and culvert crossings with a travel distance less than ten (10) feet in length must support a minimum of 34,000 pounds. Crossings with travel distances ten (10) feet or greater must support a minimum of 60,000 pounds.

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

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

Additional standards for accessory living units are as follows:

- A. The accessory living unit shall not be a rental unit.
- B. The square footage of the accessory living unit shall not exceed 1,000 square feet of habitable space. New structures that will be used solely for accessory living units shall be measured from the exterior walls. Existing structures that will add habitable space will be measured from interior dimensions of the habitable space. Only one accessory living unit shall be allowed on a parcel.
- C. Water, telephone, electric, and gas services shall be extended from the primary dwelling and shall not be billed separate from the primary dwelling. Sewer systems shall be as approved by Panhandle Health District and/or Division of Environmental Quality.
- D. The accessory living unit shall not receive mail delivery.
- E. No new approach from a public or private road shall be permitted. Existing ingress/egress used by the principal dwelling shall also serve as the ingress/egress for the accessory living unit.
- F. Open space and setback requirements of the underlying zone shall be met.
- G. The application form delineates the application requirements for the Planning Department. The application package shall include but is not limited to: detailed site plan, drawn to scale on 8 ½ x 11" paper, which includes, but shall not be limited to, the following: man-made structures, ingress/egress, setback lines of existing structures, the proposed accessory living unit, and natural features. The application shall also include a floor plan, drawn to scale, of the accessory living unit, and the foot print of the primary dwelling. If applicable, the floor plan shall delineate the area of an attached garage.
- H. The accessory living unit shall meet all International Building Code requirements for this type of use, and an occupancy permit shall be made a condition of approval.
- I. Must meet all requirements of Panhandle Health District.
- J. Conditions of approval shall include compliance with all applicable County ordinances.

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

ADMINISTRATOR - An official having knowledge in the principles and the practices of administration of this title, who is appointed by the Board of County Commissioners to administer the provisions of this title and the *Kootenai*

County Subdivision Ordinances. Said Administrator may select a designee or designees to assist in the administration of the provisions and procedures of said ordinances.

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

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

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

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

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

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

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

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

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

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

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

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

AUTOMOBILE WRECKING YARD - Any area, lot, land, or parcel, excluding automotive hobby, and excluding completely enclosed buildings, whereon more than two (2) motor vehicles without current registration, or where more than two (2) inoperable or dismantled motor vehicles, or any combination of more than two (2) unregistered, inoperable, or dismantled motor vehicles, not in operating condition are standing more than thirty (30) days, or on which such used motor vehicles or parts thereof, are dismantled or stored. For purposes of this definition, the term

"inoperable" means the motor vehicle cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho.

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

- A. No commercial, retail, or wholesale sales of automotive parts or supplies shall be conducted upon a site, which is used for automotive hobby.
- B. Automotive restoration may be conducted as a hobby.
- C. No commercial restoration, repair, or maintenance of motor vehicles shall be conducted upon a site used for automotive hobby.
- D. The site for an automotive hobby shall be maintained in an orderly manner so as to prevent the creation of a public nuisance or a health hazard.
- E. Not more than two (2) inoperable, dismantled, or unregistered motor vehicles may be visible from ground level on any adjacent property. All other inoperable, dismantled, or unregistered motor vehicles shall be covered, or stored behind a 100% sight-obscuring fence or hedge which is not less than six (6) feet in height; or, within a completely enclosed building.
- F. All inoperable, dismantled, or unregistered motor vehicles being maintained on the site for an automotive hobby shall be necessary and wanted. Once the need and/or want for the inoperable, dismantled, or unregistered automobile has passed, the automobile shall be removed from the site for proper disposal.

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

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

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

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

BOARDING KENNELS – SEE KENNELS, BOARDING

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

BUILDING - See "STRUCTURE."

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

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

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

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

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

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

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

COLLOCATION - The placement of additional antennas on an existing transmission tower or structure. Such antennas shall be placed and colored to blend into the architectural detail and coloring of the host structure. The placement of an antenna on an existing tower or structure does not require a conditional use permit unless otherwise required by this title. Collocation shall be a permitted, accessory use.

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

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

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

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

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

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

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

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

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

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

DEPARTMENT - The Kootenai County Building and Planning Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- B. There shall be no more than one (1) individual employed at the site who does not live in the dwelling on the site.
- C. The home occupation may be conducted in an accessory building on the site, although no home occupation shall be allowed on sites without a dwelling.
- D. The home occupation shall be of a nature that does not generate retail business or have customer traffic on a regular basis. Equipment storage facilities where more than one employee arrives at the site to pick up equipment, then leaves to work off-site, shall not be considered home occupations.
- E. Storage of equipment, inventory, or work-related items other than vehicles, shall be within the residence or a permitted accessory building. Outside storage or storage within a cargo container or trailer is prohibited.
- F. A Home Occupation Permit is required. The application shall be on forms provided by the department and shall contain a site plan, a narrative and an affidavit attesting to the validity of the information provided. Upon review of the information, the Planning Director shall determine if the minimum requirements have been met and either approve or deny the permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT MEASUREMENTS:

- A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines in the foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

LOT TYPES:

- A. "Corner Lot" defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of a lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- B. "Interior Lot" defined as a lot other than a corner lot with only one (1) frontage on a street.
- C. "Through Lot" defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- D. "Reversed Frontage Lot" defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.
- E. "Water Front Lot" defined as a lot that adjoins or abuts the high water mark of a lake, river, or stream.

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

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

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

- A. The home has a minimum living space of one thousand (1,000) square feet.
- B. The home shall have a pitched roof, except that no standards shall require a slope of greater than one (1) foot in height for each four (4) feet in width.
- C. The exterior siding of the home consists of wood, hardboard, or aluminum comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction. Carports or garages shall be constructed of like materials.
- D. The home is placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade.
- E. The tongue, axles, transporting lights, and removable towing apparatus are removed from the home after placement on the lot and before occupancy.

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

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

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

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

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

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

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

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

NONCONFORMING USE - The use of a lot, parcel or structure that was lawfully established prior to the adoption of this title or previous applicable ordinances, and which was in compliance with land development regulations then in effect, but which no longer conforms to the regulations for the zone in which it is located. Examples include residing in a second home on a parcel which has not been approved as an Accessory Living Unit, using a parcel in a manner that does not meet landscaping, parking or lighting requirements, and using a parcel or structure for a business that is no longer allowed, or that is allowed contingent upon requirements that are not being met.

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

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

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

NUISANCE - Anything which is injurious to health or morals, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, stream, canal or basin, or any public park, square, street or highway, is a nuisance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECREATIONAL VEHICLE - A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, fifth-wheel camper, and motor home.

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

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

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

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

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

ROAD OR STREET, PUBLICLY DEDICATED AND MAINTAINED - That portion of a public right-of-way prescriptive easement which is improved, dedicated, and maintained by a local Highway District and intended for use by vehicles to provide traffic circulation and primary access to abutting properties.

ROOF SIGN - A sign erected upon the roof of a building or the top of a structure.

Sign - Any device, structure, fixture, display, painting or visual image using words, graphics, symbols, numbers, letters or lights to convey information or attract attention. Signs include their structure and component parts, and typically identify a residence or place of business, provide information, or direct attention to a subject matter, product, service, event, place, activity, institution, or organization.

RUNWAY - A defined rectangular area on an airport prepared for the landing and takeoff of aircraft.

SANITARIUM - A residence for the care of children, the elderly, infirm, incurable or convalescent of any age in which persons are provided with food, lodging and medical care, but not including hospitals, clinics or group homes.

SCHOOL, PRESCHOOL OR NURSERY - A school or organized program for the care and instruction of preschool age children under the age of six (6) years whether public or private and whether or not operated for profit.

SCHOOL, PUBLIC OR PRIVATE – Any land, building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

SENSITIVE AREAS - Sensitive areas are defined as a) land in, or within 300 feet of wetlands, streams, or lakes, b) areas where the water table is within 6 feet of ground surface at any time of the year, c) areas with slopes $\geq 25\%$ or that exhibit signs of instability, d) habitat for rare, threatened or endangered plants or animals, e) areas where the ground surface is within 50 feet of an unconsolidated, sand or gravel aquifer, and f) areas of special flood hazard (flood zones).

SETBACK LINE - A line established by these regulations or by other ordinances to govern the placement of buildings or other structures with respect to lot lines, streets, taxi-ways, or flanking roadways.

SIGN - Any device, structure, fixture, display, painting or visual image using words, graphics, symbols, numbers, letters or lights to convey information or attract attention. Signs include their structure and component parts, and typically identify a residence or place of business, provide information, or direct attention to a subject matter, product, service, event, place, activity, institution, or organization.

SIGN FACE - The surface of a sign on which an advertising message is displayed.

SITING AREA - That portion of a lot that contains the transmission tower, related buildings, and/or equipment required for the operation of a wireless communication facility.

SLOPE - An incline, described by the vertical change in elevation that occurs in 100 feet of horizontal distance (rise divided by run), expressed in percent (%). Slope is measured perpendicular to the contour of the land, and is the maximum incline for a given area.

SOUND LEVEL METER - An instrument standardized by the American Standards Association for measurement of intensity of sound.

SPECIAL EVENTS - Special events shall include, but not be limited to, outdoor musical concerts, festivals, fairs, carnivals, or any other outdoor public assembly in which persons are gathered together for commercial, civic, or social functions, recreation or for food or drink consumption, which may be expected to have or have 500 or more people at any one time. The provisions contained within this title which apply to special events shall not apply to the Kootenai County Fairgrounds. Special events as applied in this title shall not apply to any marine event conducted on the waters of Kootenai County which is regulated under *Idaho Code* §67-7030.

SPECIAL EVENTS LOCATION - A site that has been specifically approved through the Conditional Use Permit process to hold Special Events. The Kootenai County Fairgrounds and marine events conducted on the waters of Kootenai County are exempt from these requirements. No other sites or facilities in the unincorporated area of Kootenai County are considered “grandfathered” or exempt from the Conditional Use Permit requirement for Special Events.

STEALTH DESIGN - Constructed or modified in such a way as to best blend in with the surrounding environment and, in some circumstances, may not be readily recognized as a wireless communication facility.

STORAGE UNIT - A non-habitable building or portion of a building used for storage of equipment or materials associated with the principal or accessory use of the site. Storage units are typically distinguished from habitable space by having a door at least 8 feet in width to access the storage area.

STORY - That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall be counted as a story for the purpose of this title when more than one-half (1/2) of such basement height is above the established curb level or above the finished lot grade level where curb level has not been established.

STREAM - A natural water course of perceptible extent, with definite beds and banks, which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky bottom which results from the scouring action of water flow.

Class I - A stream used for domestic water supply, or which is important for the spawning, rearing or migration of fish. Such waters will be considered to be class I upstream from the point of domestic diversion for a minimum distance of 1,320 feet.

Class II - Usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, streams shall be considered class II where the total upstream watershed is less than two hundred forty (240) acres. The principal value of class II streams lies in their influence on water quality and quantity in class I streams.

STREET - A public right-of-way which affords a primary means of access to abutting property.

STRUCTURAL ALTERATION - Any change other than incidental repairs, which would prolong the life of the supporting members of a building, such as the bearing walls, beams, or girders.

STRUCTURE - That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner.

SUBSTANTIAL CHANGE – Any change that will likely cause a material or directly relevant bearing on the decision making process or the public's, or an agency's, reasonable expectation of information provided at the time of application.

SURFACE MINE - An area where minerals are extracted by removing the overburden above and adjacent to natural deposits of minerals, and mining the deposits thereby exposed.

SURFACE MINING - Activities performed on a surface mine in the process of extracting minerals from the ground, including the excavation of pits, removal of materials, disposal of overburden, and the construction of haulage roads. Extraction of rock or fill material, or the processing of rock or other road materials, by a Kootenai County highway district shall not be considered surface mining activity for purposes of this title when the activity is carried on within a public right-of-way, or immediately adjoining property during temporary construction activity associated with publicly maintained roadways.

TAXIWAY - A defined path, from one part of an airport to another, selected or prepared for the taxiing of aircraft.

TEMPORARY HARDSHIP USE - A temporary use which is used as living quarters for a dependent relative when the temporary use is located on the same parcel as the dwelling of the owner of the property, and when the temporary use is accessory to the dwelling of the owner of the property and shall not be considered as a use to be transferred when the owner's property is sold or leased.

TEMPORARY SIGN - An easily removable sign, constructed of plywood or other non-durable material, displayed for a short period of time.

TOP SOIL - The darker colored, more friable upper position of the soil, down to such restrictions as claypans, hardpans, coarse sand and gravel, or rock.

TOXIC MATERIALS - Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

TRANSMISSION TOWER - A tower, including, but not limited to, a self-supporting lattice or monopole structure, which elevates a wireless communication antenna and may include accessory transmission and receiving equipment.

TREE - A woody perennial plant, typically large and with a single, well-defined stem.

USE - The purpose or activity for which the land, or building thereon, is designed or intended, or for which is occupied or maintained, and shall include any manner or performance of such activity with respect to the performance standards of this title.

USES, PROHIBITED - Those uses not specifically enumerated as permitted uses. Prohibited uses are listed in this title for purposes of clarity and emphasis only. Prohibited uses mentioned include, but are not limited to, enumerated prohibited uses.

VARIANCE - As defined by *Idaho Code* §67-6516, "A variance is a modification of the bulk and placement 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 a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest."

VISUAL CLUTTER - A crowded, confused, disorderly collection of things that is visible to neighbors or the public.

WALL (OR BUILDING MOUNTED) SIGN - A sign painted on, applied to, or attached to the exterior surface of a building or structure, with the exposed face of the sign in a plane parallel to the plane of the wall, and where no part of the sign structure extends more than 16 inches out from that surface.

WETLAND - Those areas that are inundated or saturated by surface or ground water, at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marches, bogs and similar areas.

WETLAND SPECIALIST - A specialist in the field of wetlands delineation and assessment. A wetlands specialist has the ability to delineate wetlands, assess the function and value of particular wetlands, and provides assistance with wetland regulations and permits including the completion of application and permit forms, and provide technical advice about avoidance, minimization and compensatory mitigation of effects to wetlands. A wetlands specialist shall have at a minimum of a Bachelors of Science degree from an accredited university in biology, botany, ecology or a similar related field and a minimum of two years full time field experience as a wetlands professional or additional education that includes completion of a wetland-specific training program. This field experience may be in the form of certification from the Society of Wetlands Specialists or a list of accepted and approved plans from the U.S. Army Corps of Engineers or other applicable local, state or federal agencies. Any additional education or training shall include comprehensive information on wetland hydrology, hydric soils and hydrophytic vegetation. Experience in wetland delineation should include delineating wetlands using state or federal regulatory manuals, preparing wetlands delineation reports as outlined by state or federal regulations, conducting wetland function and value assessments, and developing and implementing mitigation plans.

WIRELESS COMMUNICATION FACILITY (WCF) - Any facility designed and used for the purpose of transmitting, receiving, or relaying voice and data signals. Facilities include siting areas, transmission towers and antennas. This definition includes previously approved cell phone towers. Amateur radio, broadcast radio and television facilities, towers less than 20 feet in height that are mounted upon another structure and facilities with towers less than 40 feet in height above natural ground level are excluded from this definition. Minor modifications of WCFs are permitted. However, substantial changes to current WCFs (as determined by the Director), including, but not limited to, the physical expansion of a siting area or the extension of a transmission tower beyond 20 feet from its original height shall require a new or modified conditional use permit.

YARD - An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title .

YARD, FRONT - A yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR - A yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE - A yard extending along a side lot line from the front yard to the rear yard.

ZONE OR DISTRICT - The words "Zone" and "District" are interchangeable in this title . "Zone" or "District" means all land or water areas within a stated boundary.

ZOO - A collection of living mammals, birds, and/or reptiles located and housed for public display.

CHAPTER 3
ESTABLISHMENT OF ZONES AND ZONING DISTRICT
PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP

9-3-1: OFFICIAL ZONING DISTRICT MAP: The County is hereby divided into zones, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this title .

The Official Zoning Map shall be identified by the signature of the Chairman of the Board, attested by the County Clerk:

"This is to verify that this is the Official Zoning District Map referred to in Title 9 of the County Code of Kootenai County, Idaho."

Changes in boundaries of zones shall be made by ordinance after duly-noticed public hearing as prescribed by *Idaho Code* and Chapter 21 of this title . Upon adoption and publication of such amendment ordinance, said changes shall be made on the Official Zoning Map of Kootenai County, along with a notation of the date, file number(s), and initials of the person making the changes.

Regardless of the existence of purported copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map, which shall be located in the Office of the Building and Planning Department, shall be final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

9-3-2: REPLACEMENT OF OFFICIAL ZONING DISTRICT MAP: In the event that the Official Zoning District Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions, the Board may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such correction shall have the effect of amending the original Official Zoning District Map or any subsequent amendment thereof. The new Official Zoning District Map shall be identified by the signature of the Chairman of the Board, and attested by the County Clerk:

"This is to verify that this Official Zoning District Map supersedes and replaces the Official Zoning District Map adopted (date of Adoption of map being replaced) as part of Title 9 of the County Code of Kootenai County, Idaho."

Unless the prior Official Zoning District Map has been lost, or has been totally destroyed, the prior Map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

CHAPTER 4
ZONE BOUNDARIES

9-4-1: RULES AND INTERPRETATION : Where uncertainty exists as to the boundaries of zone, as shown on the Official Zoning District Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and legally established meander lines. In the event of change in the shoreline, it shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections "A" through "E" above, shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the Map;
- G. Boundaries indicated as following Section or Township lines shall be construed as following such Section or Township lines;
- H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning District Map, or in other circumstances not covered by subsections "A" through "G" above, the Board of Adjustment/Hearing Examiner shall interpret the zone boundaries.
- I. Where a zone boundary line divides a lot which was in single ownership at the time of passage of this title, the Board may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the zone line into the remaining portion of the lot.

CHAPTER 5
APPLICATION OF ZONING DISTRICT REGULATIONS

9-5-1: MINIMUM AND UNIFORM: The regulations set by this title within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land use.

9-5-2: COMPLIANCE WITH ZONING REGULATIONS REQUIRED: No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all of the regulations herein specified for the zone in which it is located.

9-5-3: ERECTION AND ALTERATION OF BUILDINGS: No building or other structure shall hereafter be erected or altered:

- A. To exceed the height regulations;
- B. To accommodate or house a greater number of families;
- C. To occupy a greater percentage of lot area;
- D. To have narrower or smaller rear yards, front yards, side yards, or other open space than herein required; or in any other manner contrary to the provisions of this title .

9-5-4: INCLUSION OF OPEN SPACE: No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other building.

9-5-5: YARD AND LOT SIZES: No yard or lot existing as of the effective date of Kootenai County Zoning Ordinance No. 348, February 8, 2005, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after January 3, 1973, or in the Rural Zone, September 1, 1978, shall meet at least the minimum requirements.

In zones with a five (5.00) acre or larger minimum lot size, the size of the lots may be figured using gross acreage (including ½ of the adjacent right-of-way), provided the net lot size (excluding right-of-way) is no more than 10% smaller than the minimum lot size listed for the zone (4.50 acres net for a 5.00 acre minimum lot size). In zones with minimum lot sizes smaller than 5.00 acres, the size of the lots shall be figured using net acreage.

CHAPTER 6
AGRICULTURAL ZONE (A)

SECTIONS:

- 9-6-1 AGRICULTURAL ZONE DEFINED
- 9-6-2 RESTRICTIONS
- 9-6-3 LOT SIZE AND SITE AREA
- 9-6-4 EXISTING CEMETERIES
- 9-6-5 USES PERMITTED - EXISTING PROPERTY OF LESS THAN 5.00 ACRES
- 9-6-6 USES PERMITTED - 5.00 ACRES OR MORE
- 9-6-7 USES PERMITTED - STORAGE
- 9-6-8 USES PROHIBITED
- 9-6-9 FRONT, SIDE, AND REAR YARDS
- 9-6-10 OFF-STREET PARKING
- 9-6-11 CONDITIONAL USES
- 9-6-12 USES REQUIRING SPECIAL NOTICE

9-6-1: AGRICULTURAL ZONE DEFINED: The "Agricultural zone" is a land use classification for a district suitable for farming and agricultural pursuits, tree farms, and all uses that come under the title of forestry uses.

9-6-2: RESTRICTIONS: In the Agricultural zone, no building or premises shall be used, nor shall any building or structure hereafter erected or altered (unless provided in this title), except for one or more of the following uses in accordance with the following standards; provided, however, that those standards shall not be in conflict with *Idaho Code* § 67-6529, which reads in part: "No power granted hereby shall be construed to empower a board of county commissioners to enact any ordinance or resolution which deprives any owner of full and complete use of agricultural land for production of any agricultural product." For purposes of this title, agricultural land is defined as a tract of land containing not less than five (5.00) acres, including canal and railroad rights-of-way, used exclusively for agricultural purposes.

9-6-3: LOT SIZE AND SITE AREA: After January 3, 1973, the minimum lot size in the Agricultural zone, shall be five (5.00) acres. The following uses are permitted, provided sixty-five percent (65%) of the lot is left as open space free from structures.

9-6-4: EXISTING CEMETERIES: Any existing cemetery shall not be restricted in any manner, except that expansion of existing property shall conform with the laws of Idaho.

9-6-5: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 5.00 ACRES: On lots created prior to January 3, 1973, which are less than 5.00 acres in size, only the following uses are permitted:

- A. General farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- B. One single-family dwelling, including Class A and B manufactured homes, with accessory buildings.
- C. Prior to the establishment of a principal use, one personal storage building not to exceed 3,000 square feet, however, a special notice permit shall be required for personal storage buildings on lots or parcels under two (2.00) acres in size where the principal building or use has not yet been established, and shall not exceed 2,000 square feet in size..

9-6-6: USES PERMITTED – 5.00 ACRES OR MORE: On lots, as defined by this title, that are a minimum of five (5.00) acres, the following uses are permitted:

- A. General Farming.

- B. Roadside stands of not more than three hundred (300) square feet used for sale of agricultural products on the premises.
- C. One single-family dwelling, including Class A and B manufactured homes, with accessory buildings.
- D. Home occupation, as defined in this title.
- E. Publicly-owned parks, playgrounds, recreational facilities.
- F. Bed and Breakfast, subject to the following provisions:
 - 1. Maximum of five (5) rooms for lodging of paying guests.
 - 2. Must provide off-street automobile parking space for each guest room.
 - 3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.
- G. One two-family dwelling or duplex.
- H. Processing plants, feed mills, packing plants, and warehouses for the purpose of processing, packing, and storage of agricultural products, employing regularly not more than ten (10) persons, but excluding meat, poultry, slaughterhouses, and commercial fertilizer manufacturing.
- I. Dairy products manufacture.
- J. Cemeteries, provided that they meet all standards of the *Idaho Code* and approved by the Panhandle Health District.
- K. Temporary Hardship Use, subject to the standards of this title.
- L. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:
 - 1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
 - 2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
 - 3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
 - 4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
 - 5. The RV shall not be used as a rental property.

6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance*.

M. Prior to the establishment of the principal use, one (1) personal storage building not to exceed 3,000 square feet.

N. Accessory Living Unit. See definitions for additional standards.

9-6-7: USES PERMITTED – STORAGE: Except as allowed with a Conditional Use Permit, no property in the Agricultural zone shall be used as a storage area for any purpose other than storage of material used in connection with the operation of the above uses.

9-6-8: USES PROHIBITED: Prohibited uses in the Agricultural zone include, but are not limited to, the following:

A. General commercial uses, except as specifically permitted.

B. General manufacturing uses, except as specifically permitted.

C. Subdivisions, as defined in the *Kootenai County Subdivision Ordinance*.

9-6-9: FRONT, SIDE, AND REAR YARDS: The following front, side, and rear yard requirements shall apply in the Agricultural zone:

A. Residential Structures:

1. Front Yard..... 25 feet
2. Side yard 10 feet
 With an alley 6 feet
3. Rear yard 25 feet
4. Flanking street 15 feet

B. Accessory buildings, Personal Storage buildings:

1. Front yard 25 feet
2. Side yard 10 feet
 With an alley 6 feet
3. Rear yard 15 feet
4. Flanking street 15 feet

C. All other allowed structures:

1. Front yard 30 feet
2. Side yard 30 feet
3. Rear yard 30 feet
4. Flanking street 25 feet

9-6-10: OFF-STREET PARKING: Off-street parking for vehicles is required as follows:

A. Residence - One (1) off-street parking space for each dwelling. Two (2) off-street parking spaces are required for a two-family dwelling or duplex.

9-6-11: CONDITIONAL USES:

A. Gun Clubs, Rifle Ranges, and Archery Ranges.

B. Slaughterhouses and Rendering Plant.

- C. Golf Course and Driving Range.
- D. Commercial Fur Farms.
- E. Commercial Resort.
- F. Agricultural Products Sales Store.
- G. Rental Warehouse.
- H. Clinics or Hospital – Animal or Veterinary.
- I. Automobile Wrecking Yards, Junk Yards.
- J. Sawmills, Shingle or Planing Mill, or Woodworking Plant.
- K. Retirement, Convalescent, and Nursing Homes.
- L. Radio and Television Towers.
- M. Airports and Airstrips.
- N. Race Tracks.
- O. Feed Lots.
- P. Private Resort (Nonprofit).
- Q. Public Utility Complex Facility.
- R. Wholesale Greenhouses.
- S. Restricted Surface Mining.
- T. Day Care Center, Group Day Care Facility.
- U. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- V. Churches, grange halls, lodges, and other nonprofit public or private community facility.
- W. Mini-Storage.
- X. Fish hatchery or fish farm.
- Y. Public and private schools.
- Z. Hospitals and sanitariums.
- AA. Residential Care Facility.

BB. Special Events Location.

CC. Wireless Communication Facility (WCF).

DD. Kennels, Boarding.

EE. Commercial Riding Arena or Equine Training Center or Facility.

9-6-12: USES REQUIRING SPECIAL NOTICE:

A. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of an allowed railroad or trucking business.

CHAPTER 7
AGRICULTURAL SUBURBAN ZONE (AS)

SECTIONS:

- 9-7-1 AGRICULTURAL SUBURBAN ZONE DEFINED
- 9-7-2 RESTRICTIONS
- 9-7-3 LOT SIZE, DENSITY AND SITE AREA
- 9-7-4 USES PERMITTED - EXISTING PROPERTY LESS THAN 8,250 SQUARE FEET
- 9-7-5 USES PERMITTED - LOTS MEETING MINIMUM SIZE REQUIREMENTS
- 9-7-6 USES PERMITTED - STORAGE
- 9-7-7 USES PROHIBITED
- 9-7-8 FRONT, SIDE, AND REAR YARDS
- 9-7-9 OFF-STREET PARKING
- 9-7-10 CONDITIONAL USES
- 9-7-11 USES REQUIRING SPECIAL NOTICE

9-7-1: AGRICULTURAL SUBURBAN ZONE DEFINED: The "Agricultural Suburban zone" is a land use classification for a district suitable for residential and agricultural uses.

9-7-2: RESTRICTIONS: In the Agricultural Suburban zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one (1) or more of the following used in accordance with the following standards.

9-7-3: LOT SIZE, DENSITY AND SITE AREA: Minimum lot sizes in the Agricultural Suburban Zone are as follows:

Lots legally created by a deed or plat recorded prior to February 8, 2005:	8,250 sq. ft.
Lots in Conservation Design Subdivisions:	14,520 sq. ft.
All other lots:	2.00 acres

The maximum base density in conservation design subdivisions shall be one (1) lot per two (2.00) acres. The following uses are permitted, provided sixty-five (65) percent of the area of the lot is left in open space free from structures.

9-7-4: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 8,250 SQUARE FEET: On lots created prior to January 3, 1973, which are less than 8,250 square feet in size, the uses shall be limited to one (1) single-family dwelling, including Class A manufactured homes, with accessory buildings.

9-7-5: USES PERMITTED - LOTS MEETING MINIMUM SIZE REQUIREMENTS: On lots, as defined by this title , created after January 1, 1973 that meet the minimum size requirements, the following uses are permitted:

- A. General farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- B. Temporary office for the sale of real estate for a period not to exceed two (2) years.
- C. One (1) single-family dwelling, including Class A manufactured homes, with accessory buildings.
- D. Home occupations, as defined in this title.
- E. Subdivisions as defined in the *Kootenai County Subdivision Ordinance*.
- F. Temporary Hardship Use, subject to the standards of this title.

- G. Bed and Breakfast, subject to the following provisions:
 - 1. Maximum of five (5) rooms for lodging of paying guests.
 - 2. Must provide off-street automobile parking space for each guest room, as well as all vehicles owned by permanent residents.
 - 3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.
- H. Publicly-owned parks, playgrounds, and recreational facilities.
- I. Continued operation of airports or airstrips that were in existence at the time of adoption of Kootenai County Zoning Ordinance No. 11, January 3, 1973, and which have been used continuously (at least once every 6 months) since that date.
- J. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:
 - 1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can to be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
 - 2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
 - 3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
 - 4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
 - 5. The RV shall not be used as a rental property.
 - 6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance*.
- K. One (1) two-family dwelling or duplex.
- L. Prior to establishment of the principal use, one (1) personal storage building not to exceed 2,000 square feet on lots or parcels two (2.00) acres or more in size.
- M. Accessory Living Unit. See definitions for additional standards.

9-7-6: USES PERMITTED – STORAGE: No property in the Agricultural Suburban zone shall be used as a storage area for any purpose other than storage of material used in connection with the above permitted uses, or with an approved conditional use or special notice permit.

9-7-7: USES PROHIBITED: Prohibited uses in the Agricultural Suburban zone include, but are not limited to, the following:

- A. Commercial uses.

B. Manufacturing uses.

9-7-8: FRONT, SIDE, AND REAR YARDS: The following front, side, and rear yard requirements shall apply in the Agricultural Suburban zone:

- A. Residential structures:
 - 1. Front yard25 feet
 - 2. Side yard10 feet
 - With an alley.....6 feet
 - 3. Rear yard.....25 feet
 - 4. Flanking street.....15 feet

- B. Accessory buildings, Personal Storage buildings:
 - 1. Front yard25 feet
 - 2. Side yard.....10 feet
 - With an alley.....6 feet
 - 3. Rear yard15 feet
 - 4. Flanking street15 feet

- C. All other allowed structures:
 - 1. Front yard30 feet
 - 2. Side yard.....30 feet
 - 3. Rear yard30 feet
 - 4. Flanking street25 feet

9-7-9: OFF-STREET PARKING: Off-street parking for vehicles is required as follows:

- A. Residence - One (1) off-street parking space for each dwelling. Two (2) off-street parking spaces are required for a two-family dwelling or duplex.

9-7-10: CONDITIONAL USES:

- A. Golf Courses and Driving Ranges.
- B. Commercial Resort.
- C. Retirement, Convalescent, and Nursing Homes.
- D. Private Resort (non-profit).
- E. Privately-owned recreational facilities which are open to public use (with or without a membership or fee), such as Tennis Courts, Racquet Clubs, Softball Fields, Baseball Fields, and Soccer Fields.
- F. Public Utility Complex Facility.
- G. Wholesale Greenhouses.
- H. Day Care Center, Group Day Care Facility.
- I. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- J. Churches, grange halls, or lodges.
- K. Mini-Storage.

- L. Cemeteries.
- M. Medical and Dental Clinics.
- N. Public and private schools.
- O. Hospitals and Sanitariums.
- P. Residential Care Facility.
- Q. Kennel, Boarding.
- R. Clinic or Hospital, Animal or Veterinary.

9-7-11: USES REQUIRING SPECIAL NOTICE:

- A. Class B Manufactured Home.
- B. Multiple-family dwelling.
- C. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of an allowed railroad or trucking business.
- D. On lots or parcels under two (2.00) acres in size, personal storage buildings where the principal building or use has not yet been established. Personal storage buildings shall not exceed 2,000 square feet.

**CHAPTER 8
RESTRICTED RESIDENTIAL ZONE (RR)**

SECTIONS:

- 9-8-1 RESTRICTED RESIDENTIAL ZONE DEFINED
- 9-8-2 RESTRICTIONS
- 9-8-3 LOT SIZE AND SITE AREA
- 9-8-4 USES PERMITTED - PROPERTY LESS THAN 8,250 SQUARE FEET
- 9-8-5 USES PERMITTED - PROPERTY OF 8,250 SQUARE FEET
- 9-8-6 USES PERMITTED - 9,900 SQUARE FEET
- 9-8-7 USES PERMITTED - 5.00 ACRES OR MORE
- 9-8-8 USES PERMITTED - STORAGE
- 9-8-9 USES PROHIBITED
- 9-8-10 FRONT, SIDE, AND REAR YARDS
- 9-8-11 OFF-STREET PARKING
- 9-8-12 CONDITIONAL USES
- 9-8-13 USES REQUIRING SPECIAL NOTICE

9-8-1: RESTRICTED RESIDENTIAL ZONE DEFINED: The "Restricted Residential zone" is a land use classification for a district suitable for residential use which is, or will become, a one- or two-family unit living area. Uses are generally limited to residential uses.

9-8-2: RESTRICTIONS: In the Restricted Residential zone, no building or premises shall be used nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one (1) or more of the following uses in accordance with the following standards. Within the boundaries of Area of City Impact of the City of Hayden Lake, the density shall be limited to no more than one single-family dwelling per acre.

9-8-3: LOT SIZE AND SITE AREA: The minimum lot size in the Restricted Residential Zone shall be 8,250 square feet. The following uses are permitted, provided sixty-five (65) percent of the area of the lot is left in open space free from structures.

9-8-4: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 8,250 SQUARE FEET: On lots created prior to January 3, 1973, which are less than 8,250 square feet in size, the uses shall be limited to one (1) single-family dwelling, including Class A manufactured homes, with accessory buildings.

9-8-5: USES PERMITTED - PROPERTY OF 8,250 SQUARE FEET: On lots, as defined by this title, that are a minimum of eight thousand two hundred fifty (8,250) square feet, the following uses are permitted:

- A. One (1) single-family dwelling, including Class A manufactured homes, with accessory buildings.
- B. Home occupations, as defined in this title.
- C. Publicly-owned parks, playgrounds, recreational facilities.
- D. Subdivisions, as defined in the *Kootenai County Subdivision Ordinance*.
- E. Temporary Hardship Use, subject to the standards of this title.
- F. Bed and Breakfast, subject to the following provisions:
 - 1. Maximum of five (5) rooms for lodging of paying guests.

2. Must provide off-street automobile parking space for each guest room, as well as all vehicles owned by permanent residents.
3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.

G. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:

1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
5. The RV shall not be used as a rental property.
6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance*.

H. Accessory Living Unit. See definitions for additional standards.

9-8-6: USES PERMITTED - 9,900 SQUARE FEET: On lots, as defined by this title, that are a minimum of nine thousand nine hundred (9,900) square feet, the following uses are permitted:

- A. Any of the uses listed in section 9-8-5 of this chapter.
- B. One (1) two-family dwelling or duplex.
- C. Accessory Living Unit. See definitions for additional standards.

9-8-7: USES PERMITTED - FIVE (5.00) ACRES OR MORE: On property of not less than five (5.00) acres, the following uses are permitted:

- A. Any of the uses listed in section 9-8-6 of this chapter.
- B. The keeping of livestock subject to the following limitations:
 1. Livestock limited to three (3) animals per every five (5) acres.
 2. No commercial breeding programs allowed.
 3. Livestock limited to recreation, hobby, or community/school projects.

- 4. Livestock must be confined to enclosed areas:
 - a. At least 300 feet from permanent or intermittent water bodies, or drainage ways.
 - b. At least 100 feet from residential property line or at least 200 feet from neighboring residential dwellings, whichever is greater.
- 5. Livestock care and animal waste management must meet all applicable Health District regulations.

C. Accessory Living Units. See definitions for additional standards.

9-8-8: USES PERMITTED – STORAGE: No property in the Restricted Residential zone shall be used as a storage area for any purpose other than storage of material used in connection with the above permitted uses, or with an approved conditional use.

9-8-9: USES PROHIBITED: Prohibited uses in the Restricted Residential Zone, include, but are not limited to the following:

- A. General Commercial uses.
- B. General Manufacturing uses.

9-8-10: FRONT, SIDE, AND REAR YARDS: The following front, side, and rear yard requirements shall apply for all permitted structures in the Restricted Residential zone:

- A. Front yard 25 feet
- B. Side yard 10 feet
 - With an alley 6 feet
- C. Rear yard 25 feet
- D. Flanking street 15 feet

9-8-11: OFF-STREET PARKING: Off-street parking for vehicles is required as follows:

- A. Residence – One (1) off-street parking space for each dwelling. Two (2) off-street parking spaces are required for a two-family dwelling or duplex.

9-8-12: CONDITIONAL USES:

- A. Golf Courses and Driving Ranges.
- B. Commercial Resort.
- C. Private Resort (non-profit).
- D. Public Utility Complex Facility.
- E. Retirement, Convalescent, and Nursing Homes.
- F. Day Care Center and Group Day Care Facility.

- G. Privately-owned recreational facilities which are open to public use (with or without a membership or fee) such as Tennis Courts, Racquet Clubs, Softball Fields, Baseball Fields, and Soccer Fields.
- H. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- I. Church.
- J. Residential Care Facility.

9-8-13: USES REQUIRING SPECIAL NOTICE:

- A. Class B Manufactured Home.
- B. Personal storage building, located on a lot where the principal building or use has not yet been established. Personal storage buildings shall not exceed 2,000 square feet.

CHAPTER 9 COMMERCIAL ZONE (C)

SECTIONS:

- 9-9-1 GENERAL COMMERCIAL ZONE DEFINED
- 9-9-2 9.01 PERFORMANCE STANDARDS
- 9-9-3 9.02 SITE AREAS
- 9-9-4 9.03 USES PERMITTED
- 9-9-5 9.04 FRONT, SIDE, AND REAR YARDS
- 9-9-6 9.05 USES PERMITTED - STORAGE
- 9-9-7 9.06 USES PROHIBITED
- 9-9-8 9.07 CONDITIONAL USES
- 9-9-9 9.08 RECREATIONAL VEHICLE PARK PERFORMANCE STANDARDS
- 9-9-10 9.09 SPECIAL NOTICE PERMITS

9-9-1: GENERAL COMMERCIAL ZONE DEFINED: The "General Commercial zone" is a land use classification for a district suitable for wholesale and retail sales and services.

9-9-2: PERFORMANCE STANDARDS: In the Commercial zone, no building or premises shall be used, nor any building or structure be hereafter erected or altered, unless otherwise provided in this title, except for one (1) or more of the following uses in accordance with the following standards. A Commercial lot shall have direct access from a public road.

All uses shall meet the following standards:

- A. Requirements of Chapter 17 of this title, Design Standards
- B. Requirements of Chapter 19 of this title, Supplementary Regulations
- C. Anticipated traffic impacts will be determined for all commercial uses using the most current edition of the "Trip Generation Manual." A Special Notice Permit shall be required for commercial uses or buildings that are anticipated to generate traffic impacts in excess of the following thresholds:
 - 1. For sites which access directly onto a State or Federal Highway- 25 cars per hour, or 250 vehicles per day.
 - 2. For sites which access onto other public roads - 50 cars per day.
- D. Uses on all lots or parcels in the Commercial zone which front on a state or federal highway shall require a Special Notice Permit.
- E. Requirements of the applicable Highway District and Idaho Transportation Department or if the site is within an area of city impact, the city's standards for access, approaches, and street design, whichever is the higher standard.
- F. If an existing community water system within 1,000 feet of the site is willing and able to provide water service to the use, connection to that system shall be required.
- G. Requirements of the Panhandle Health District for sanitary sewage disposal.
- H. Requirements of the Panhandle Health District's Critical Materials Regulation.

I. All uses shall be in a structural Fire Protection District and meet all applicable District regulations; or absent a structural Fire Protection District, shall incorporate fire protection measures recommended by the State Fire Marshall.

J. No uses shall generate sound pressure levels greater than 80 dBA as measured at the property line.

9-9-3: SITE AREAS: Fifty percent (50%) of the area of all sites must be left in open spaces free from structures.

9-9-4: USES PERMITTED:

A. Parks, playgrounds, and golf courses.

B. Community facilities, including fire stations, public utility installations, etc.

C. Public or non-profit recreational buildings.

D. Any wholesale, retail or service business.

E. Public or private office buildings.

F. Any eating or drinking establishment, or other entertainment facility.

G. Hospitality businesses, such as hotels and motels, and meeting and convention facilities.

H. Transfer, storage, and warehouse facilities, except outside storage must be within a sight-obscuring fence.

I. Single family, two-family or multi-family dwellings are allowed provided they are on the second and/or third floors of a commercial building, or in a separate structure provided it is accessory to the commercial use of the site. Residential uses are subject to the density requirements of the High Density Residential (HDR) zone.

J. Recreational vehicle park.

K. General farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.

L. Vocational, trade, or private instructional schools, providing a specialized or single-item curriculum.

M. Churches.

9-9-5: FRONT, SIDE, AND REAR YARDS: The following front, side, and rear yard setback requirements shall apply in the Commercial zone.

All Buildings:

A. Front yard.....35 feet

B. Side yard.....none

C. Flanking street.....20 feet

D. Rear yard.....15 feet

9-9-6: USES PERMITTED – STORAGE: No premises in the Commercial zone shall be used as a storage area for any purpose other than storage of materials required in connection with the enumerated permitted uses in the Commercial zone.

Storage areas must conform to the minimum setback regulations of the zone. Automobiles and other machinery normally displayed for sales purposes on an open lot may be so displayed.

9-9-7: USES PROHIBITED:

- A. Automobile wrecking yards and junk yards.
- B. Processing and manufacturing are prohibited, unless they are part of the operation of a business or service specifically permitted in the Commercial zone. Such processing and manufacturing uses must be clearly incidental to the permitted use on the site.

9-9-8: CONDITIONAL USES:

- A. Outdoor Theaters.
- B. Public Utility Complex Facility.
- C. Zoos.
- D. Radio and Television Towers.
- E. Special Events Location (Note: See the definitions of Special Events and Special Events Location in Section 9-2-2 of this Title).
- F. Wireless Communication Facility (WCF).

9-9-9: RECREATIONAL VEHICLE PARK PERFORMANCE STANDARDS:

- A. Intent - The intent of these standards is for temporary living quarters and not permanent or year-round housing.
- B. Accessory Uses - Management headquarters, recreational facilities, toilets, dumping stations, coin-operated laundry facilities, and other convenience establishments are permitted as accessory uses incidental to the operation of the recreational vehicle park.
- C. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structures, such as attached awnings or carports, shall, for the purpose of this separation requirement, be considered to be part of the recreational vehicle.
- D. Each recreational vehicle lot/space shall contain a stabilized vehicular parking pad composed of paving, compacted crushed gravel, or other all-weather material.
- E. Interior drives in recreational vehicle parks which enter and exit onto a public road must be approved by the applicable Highway District or the Idaho Transportation Department.
- F. Yards, fences, walls, or vegetative screening shall be provided at the property lines of a recreational vehicle park where the park adjoins adjacent lands that are zoned or used for residential purposes. In particular, extensive off-street parking areas and service areas for loading and unloading purposes other than for passenger uses and areas for storage and collection of refuse shall be screened.
- G. If it is determined by the applicable Highway District or Idaho Transportation Department that traffic control devices or other traffic regulation improvements are required as a result of development of a recreational vehicle park, the Sponsor shall be responsible for the cost of installation or construction of said improvements.

- H. Internal roads and parking service areas shall provide safe and convenient access for service and emergency vehicles and to amenities within the recreational vehicle park. Internal roads shall not be designed to encourage use by outside traffic to traverse the recreational vehicle park to adjoining developed areas.
- I. Each recreational vehicle lot shall have one (1) off-street vehicle parking space.
- J. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair or to attach the recreational vehicle to the grounds for stabilizing purposes is prohibited.
- K. Occupancy of a recreational vehicle park space by a particular recreational vehicle shall be limited each year to only those days between Memorial Day and October 1, and/or a maximum of thirty (30) consecutive days during the remaining months of the calendar year.
- L. A site plan shall be submitted upon application for a building permit with a North arrow and date of drawing, showing uses and structures which are proposed. Said plan shall include adequate information to clearly depict existing and proposed structures and their uses, existing and proposed roads, easements, points of access, recreational vehicle lot dimensions, number of acres in site, dimensions of property lines, property line setbacks, reserved or dedicated open space, major landscape features (both natural and man-made), locations of existing and proposed utility lines, accessory off-street parking and loading facilities, parking space areas, wastewater drainfield area, traffic circulation patterns, refuse and service areas, signs, outdoor storage, and fences, yards, or wall or vegetative screening.

9-9-10: SPECIAL NOTICE PERMITS:

- A. Outdoor Lighting of Permitted Recreational Uses.
- B. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.
- C. As required by section 9-9-2 of this chapter.

**CHAPTER 10
LIGHT INDUSTRIAL ZONE (LI)**

SECTIONS:

9-10-1	LIGHT INDUSTRIAL ZONE DEFINED
9-10-2	RESTRICTIONS
9-10-3	USES PERMITTED - AGRICULTURAL, COMMERCIAL AND LIGHT INDUSTRIAL
9-10-4	USES PERMITTED - STORAGE
9-10-5	USES PROHIBITED
9-10-6	FRONT, SIDE, AND REAR YARD SETBACKS
9-10-7	BUILDING LINE VARIATIONS
9-10-8	BUILDING HEIGHT
9-10-9	CONDITIONAL USES
9-10-10	USES REQUIRING SPECIAL NOTICE

9-10-1: LIGHT INDUSTRIAL ZONE DEFINED: The "Light Industrial zone" is a land use classification for a district suitable for manufacturing and processing of a non-nuisance character. The purpose of the Light Industrial zone is to encourage the development of manufacturing and wholesale business that is clean, quiet, and free of noise, odor, dust, and smoke.

9-10-2: RESTRICTIONS: In the Light Industrial zone, no building or premises shall be used nor any building or structure be hereafter erected, altered, or occupied except in compliance with all provisions of this title. A Light Industrial lot shall have direct access from a public road, or the frontage road or interior road serving more than one Light Industrial lot shall have direct access from a public road.

9-10-3: USES PERMITTED:

- A. General Farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.
- B. Public Parks.
- C. Light Industrial uses that meet the following requirements:
 - 1. Are carried on in such a manner and with such precautions against fire and explosion hazards as provided by the International Building Code.
 - 2. Screen or store all raw materials, finished products, machinery, and equipment, including company-owned or operated trucks, within a building, a fence, or vegetative barrier as required by this Article.
 - 3. Emit no obnoxious odors of any kind.
 - 4. Exhaust no waste or dust created by business operation into the air.
 - 5. Discharge no treated or untreated sewage or waste into any reservoir or lake. Discharge and disposal of untreated sewage or industrial waste shall comply with the standards approved by the State Department of Health.
 - 6. Be conducted so that direct and indirect illumination shall not exceed 0.2 foot candle across lot lines of the subject property.

7. Conduct no mining, extraction, filling, or soil-stripping operations.
8. Use only oil, gas, or electricity as industrial fuel.
9. Emit noise causing sound pressure levels greater than those listed in section 9-11-10 of this title.

9-10-4: USES PERMITTED – STORAGE: On any property of whatever size with frontage on a public street the following uses are permitted:

- A. Storage of materials and machinery - Storage areas must conform to the minimum setback regulations of the zone.
- B. Storage of up to five-thousand (5,000) gallons of petroleum products, in conformance with the Kootenai County *Best Management Practices for Containing Critical Materials During Above Ground Storage and Handling* and section 9-11-10 of this title .

9-10-5: USES PROHIBITED: Prohibited uses in the Light Industrial zone include, but are not limited to, the following:

- A. General Residential Uses.
- B. Public and private schools, general hospitals, sanatoriums, churches, and cemeteries.
- C. Stockyards, soap manufacture, glue manufacture, tannery, paper manufacture, wool scouring and cleaning, cotton textile sizing, scouring, leaching, dyeing, and similar uses; varnish manufacture; creosote; and products manufacture.
- D. The production of corrosive and noxious chemicals, including, but not limited to, acids, acetylene gas, ammonia, chlorine, and bleaching compounds.
- E. The production and process of coal and coal tar, the processing of petroleum and petroleum products, and petroleum refining.
- F. The extraction, preparation, and processing of dust-producing mineral products including, but not limited to, abrasive, cement, lime, fertilizer, plaster, crushed stone, mining of sand, gravel, topsoil.
- G. The smelting and reduction of metallic ores including, but not limited to, blast furnaces, open hearth, and electric furnaces, bessemer converters, and non-ferrous metal smelters.
- H. The manufacture and storage of explosive products, including, but not limited to, dynamite, commercial explosives, T.N.T., military explosives, and fireworks.

9-10-6: FRONT, SIDE, AND REAR YARD SETBACKS:

- A. Public and Semi-Public Uses:
 1. Front Yard.....35 feet
 2. Side Yard.....No requirement, except when the use abuts any Residential zone; then the side yard shall be five (5) feet for each story of the building.
 3. Flanking Street.....20 feet
 4. Rear Yard.....35 feet
- B. Commercial and Industrial Buildings:
 1. Front Yard.....35 feet

2. Side Yard.....No requirement except when a commercial or industrial building abuts any Residential zone then the side yard shall be five (5) feet for each story of the building.
3. Flanking Street.....20 feet
4. Rear Yard.....15 feet

9-10-7: BUILDING LINE VARIATIONS: Where there is an established building line in a Light Industrial zone, a commercial or industrial building may be built on the established building line. The established building line shall be determined by sixty-five (65) percent of the existing buildings within two hundred (200) feet from each side of the lot.

9-10-9: BUILDING HEIGHT: No building hereafter created or structurally altered in a Light Industrial zone shall exceed three (3) stories or a maximum height of thirty-five (35) feet.

9-10-10: CONDITIONAL USES:

- A. Slaughterhouse and Rendering Plant.
- B. Automobile Wrecking Yard, Junk Yard.
- C. Above-ground storage of over five-thousand (5,000) gallons (per site) of petroleum products.
- D. Public Utility Complex Facility.
- E. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- F. Radio and Television Towers.
- G. Special Events Location.
- H. Any wholesale, retail or service business.
- I. Public or private office buildings.
- K. Wireless Communication Facility (WCF).

9-10-11: USES REQUIRING SPECIAL NOTICE:

- A. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.

**CHAPTER 11
INDUSTRIAL ZONE (I)**

SECTIONS:

9-11-1	INDUSTRIAL ZONE DEFINED
9-11-2	RESTRICTIONS
9-11-3	SITE AREA
9-11-4	USES PERMITTED - GENERAL
9-11-5	USES PROHIBITED
9-11-6	SMOKE AND PARTICULATE MATTER
9-11-7	ODOROUS MATTER
9-11-8	TOXIC MATTER
9-11-9	RADIOACTIVE MATERIALS
9-11-10	EXPLOSIVE AND FLAMMABLE MATERIALS
9-11-11	NOISE
9-11-12	VIBRATION
9-11-13	GLARE
9-11-14	WASTES AND SURFACE DRAINAGE
9-11-15	PROPERTY CONTROL
9-11-16	CONDITIONAL USES
9-11-17	USES REQUIRING SPECIAL NOTICE

9-11-1: INDUSTRIAL ZONE DEFINED: The "Industrial zone" is a land use classification for a district suitable for manufacturing and processing of all types.

9-11-2: RESTRICTIONS: In the Industrial zone, no building or premises shall be used nor shall any building or structure be hereafter erected or altered unless otherwise provided in this Title, except for one or more of the following uses in accordance with the following standards. An Industrial lot shall have direct access from a public road, or the frontage road or interior road serving more than one Industrial lot shall have direct access from a public road.

9-11-3: SITE AREA: Twenty (20) percent of the area of the site must be left in open space free from structure.

9-11-4: USES PERMITTED – GENERAL:

- A. Any trade, industry, or processing facility of any type, provided the performance standards of this chapter are met and, in addition, all applicable legislation and official regulation promulgated by a public agency having jurisdiction.
- B. Public or non-profit recreational buildings.
- C. Parks, golf courses, and driving ranges.
- D. Storage of up to five-thousand (5,000) gallons of petroleum products in conformance with the Kootenai County *Best Management Practices for Containing Critical Materials During Above Ground Storage and Handling* and section 9-11-10 of this chapter .

9-11-5: USES PROHIBITED:

- A. General residential and commercial uses, except those specifically permitted in section 9-11-4 of this chapter.

B. Public and private schools, hospitals, sanatoriums, churches, cemeteries.

9-11-6: SMOKE AND PARTICULATE MATTER: Emissions of dustfall, smoke, and suspended matter shall meet the requirements of the State of Idaho Air Pollution Control Commission.

9-11-7: ODOROUS MATTER: Odorous matter is defined as any material, gaseous, liquid, or solid, that produces a response in the normal human nose. The release of odorous material from any plant shall be controlled so as not to become a nuisance or source of unreasonable discomfort at any point beyond the plant property line.

9-11-8: TOXIC MATTER: The discharge of toxic matters shall meet the requirements of the State of Idaho Air Pollution Control Commission.

9-11-9: RADIOACTIVE MATERIALS: The manufacture, utilization, and storage of radioactive materials shall comply with the regulations established by the Nuclear Regulatory Commission, the Idaho Department of Health, and other authorities having jurisdiction.

9-11-10: EXPLOSIVE AND FLAMMABLE MATERIALS:

A. The manufacture, transportation, storage, and use of materials or products which decompose by detonation shall be conducted in accordance with the National Fire Protection Association Standard No. 495, "Code for Manufacture, Transportation, Storage and Use of Explosives and Blasting Agents," and the rules and regulations governing explosives promulgated by the State of Idaho and other authorities having jurisdiction. Explosive materials not covered by these standards and regulations shall be manufactured, stored, or utilized no closer than one hundred (100) feet from a plant property line or two hundred (200) feet from the boundary line separating it from a residential or commercial area.

B. The manufacture, transportation, utilization, and storage of flammable materials shall be conducted in accordance with accepted standards for safety and fire prevention. Such standards shall include the National Fire Codes, and the appropriate standards of the American Petroleum Institute, the Manufacturing Chemists' Association, and other organizations that promulgate standards of good practice. The storage, utilization, or manufacture of flammable gases or liquids having a flash point below one hundred ten (110) degrees F shall not be permitted within two hundred (200) feet of the boundary line separating a site from any area within Kootenai County except when stored underground or in containers of five thousand (5,000) gallons or less above ground. (When flammable gases are stored in the gaseous phase, the above limit in gallons shall be multiplied by thirty (30) to obtain the limit in cubic feet at 14.7 pounds per square inch absolute and sixty (60) degrees F.)

C. Flammable liquids, which may get into the waste system, shall be trapped and contained at a point within the plant boundaries. No flammable liquids shall be permitted in the central waste collection and treatment system.

9-11-11: NOISE:

A. Definitions

1. Impact Noise - A short duration or rapidly changing sound which causes fluctuations of the sound level meter needle in excess of plus or minus two (2) decibels and is, therefore, incapable of being accurately measured on a sound level meter.
2. Octave Band - A prescribed interval of sound frequencies which permits classifying sound according to its pitch. Octave bands specified are those adopted by the American Standards Association as, "Preferred Frequencies for Acoustical Measurements," S1.6-1960.

3. Sound Level Meter - An instrument, including a microphone, amplifier, output meter, and frequency weighing network, for the measurement of noise and sound levels in a specified manner.
 4. Sound Pressure Level - The intensity of sound measured in decibels as recorded or indicated on a sound level meter.
- B. Sound levels shall be measured with a sound level meter and an associated octave band analyzer, both manufactured in accordance with standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impact noises shall be measured with an impact noise analyzer.
- C. Noise emissions from any site shall not cause sound pressure levels greater than those listed in Column Three (3) below, measured at any point beyond the plant property line, either at ground level or at a habitable elevation, whichever is more restrictive.

Sound Pressure Level (decibels, re: 0.0002 Microbar)

Octave Band Center Frequency (cycles per second)	COL.(1)	COL.(2)	COL.(3)
31.5	97	90	83
63	87	77	68
125	78	68	58
250	73	63	52
500	69	58	47
1000	65	55	44
2000	63	50	39
4000	60	48	37
8000	57	46	35
Impact Noise (Overall)	97	90	83

For the convenience of those who may wish to use sound level meters calibrated in accordance with the American Standard Z 24.10-1953, the following table shall be considered equivalent to the table listed above:

Sound Pressure Level (decibels, re: 0.0002 Microbar)

Octave Band Center Frequency (cycles per second)	COL.(1)	COL.(2)	COL.(3)
37.5-75	89	82	75
75-150	81	71	62
150-300	74	64	54
300-600	69	59	48
600-1200	66	55	44
1200-2400	63	53	42
2400-4800	62	49	38
4800-9600	59	47	36

9-11-12: VIBRATION:

- A. Definitions:

1. Amplitude - The vibration intensity measured in inches of earth borne vibration. The amplitude is one-half (1/2) the total earth displacement, as measured with a three-component measuring system.
2. Earth borne Vibrations - A cyclic movement of the earth due to energy propagation.

B. The amplitude, in inches, of earth borne vibrations caused by the plant shall not exceed:

$$\frac{.0001K}{F}$$

F = The vibration frequency in cycles per second.

K = 15 for measurements made within an Industrial zone at any point on or beyond the plant property line.

K = 3 for measurements made in any residential area outside an Industrial zone.

Impact vibrations with less than one hundred (100) impulses per minute shall be permitted amplitudes of twice those computed above.

9-11-13: GLARE: Any operation or activity shall be conducted so that direct and indirect illumination shall not exceed 0.2 foot candle across lot lines of the subject property.

9-11-14: WASTES AND SURFACE DRAINAGE:

- A. Liquid Wastes - The volume, quality and point of discharge of industrial and domestic liquid wastes shall not exceed standards approved by the State Department of Health, or such other agency of the State of Idaho which may succeed to its authority.
- B. Surface Drainage - Storm drainage and surface runoff shall be segregated from industrial and domestic waste. To avoid contaminating surface drainage, all apparent sources of contamination, such as operating areas, loading or unloading areas, product transfer pump areas, and equipment cleaning and maintenance areas shall be curbed and drained to the waste system. Drainage from tankage area impoundments may be combined with storm drainage and surface runoff if approved by the State Department of Health.
- C. Solid Waste - Off-test and rejected products, by-products, spent catalysts, waste sludges, garbage, trash, scrap, rubble, refuse, and other such waste materials shall be temporarily stored or permanently disposed of in such a way as not to pollute the air or surface runoff nor cause odors or an unsightly appearance. If disposal is by incineration, care shall be taken to insure compliance with other parts of these standards covering air pollution. If disposal is by landfill, disposal procedures shall comply with the rules and regulations promulgated by the State Department of Health.

9-11-15: PROPERTY CONTROL:

- A. Setback of Structures - Fixed and permanent structures on plant sites shall have a minimum setback of fifty (50) feet from any plant property line. In the case of small plant sites where this setback would result in a clear area greater than twenty (20) percent of the total plant site area, the setback distance shall be reduced to not less than the following minimum distances, providing that the resulting clear area is not less than twenty (20) percent of the total plant site area:

	Minimum setback
Property line adjoining public thoroughfare	50 feet

Property line adjoining other plant site 25 feet

Property line adjoining easements of right-of-way (other than public thoroughfare)
having total width of W feet 50 feet

- B. Area Maintenance - Plant sites shall be maintained in accordance with good housekeeping principles and sound operating practices.
- C. Storage of Materials and Machinery - Storage areas must conform to the minimum setback regulations of the zone.

9-11-16: CONDITIONAL USES:

- A. Slaughterhouses and Rendering Plant.
- B. Automobile Wrecking Yard, Junk Yard.
- C. Cement, Gypsum, or Asphalt Plant.
- D. Explosive - Storage and Manufacturing.
- E. Above-ground storage of over five-thousand (5,000) gallons (per site) of petroleum products.
- F. Public Utility Complex Facility.
- G. Restricted Surface Mining.
- H. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- I. Gun Clubs, Rifle Ranges, Archery Ranges.
- J. Radio and Television Towers.
- K. Special Events Location.
- L. Wireless Communication Facility (WCF).

9-11-17: USES REQUIRING SPECIAL NOTICE:

- A. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.

**CHAPTER 12
MINING ZONE (M)**

SECTIONS:

9-12-1	MINING ZONE DEFINED
9-12-2	RESTRICTIONS
9-12-3	SITE AREA
9-12-4	PERMITTED USES
9-12-5	CONDITIONAL USES
9-12-6	USES REQUIRING SPECIAL NOTICE
9-12-7	PROHIBITED USES
9-12-8	GENERAL STANDARDS

9-12-1: MINING ZONE DEFINED: The "Mining zone" is a land use classification for a district of properties suitable for excavation and processing materials secured from the earth.

9-12-2: RESTRICTIONS: In the Mining zone, no building or premises shall be used nor shall any building or structure be hereafter erected or altered unless otherwise provided in this Title, except for one (1) or more of the following uses in accordance with the following standards or the rules and regulations promulgated by the State Inspector of Mines.

9-12-3: SITE AREA: No uses of land in the Mining zone shall be conducted on a parcel of land less than five (5) acres.

9-12-4: PERMITTED USES:

- A. All surface and subsurface mining operations are permitted including the processing of materials, necessary plants and offices, equipment, storage space, and facilities directly related to the mining operation.
- B. General Farming, except the minimum lot area for the keeping of livestock shall be 3/4 acre.

9-12-5: CONDITIONAL USES:

- A. Sanitary Landfills, provided all requirements of the State Department of Health are met.
- B. Custodial Quarters.
- C. Public Utility Complex Facility.
- D. Special Events Location.

9-12-6: USES REQUIRING SPECIAL NOTICE:

- A. Asphalt or Concrete Batch Plant.
- B. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.

9-12-7: PROHIBITED USES:

- A. All types of dwelling units.
- B. All types of commercial uses.

9-12-8: GENERAL STANDARDS:

- A. All mining operations must be setback one thousand (1000) feet from any Residential zone except a setback of not less than two hundred (200) feet may be allowed when a structural or vegetative buffer designed to adequately provide visual, noise and dust screening of mining operations has been incorporated in a Zoning Development Agreement.
- B. Excavations must be fifty (50) feet from any property line and seventy-five (75) feet from any public highway right-of-way. If the nature of materials and depth of excavation constitutes danger of caving and slumping, as determined by the County Engineer and other expert opinions acquired by the Commission, the greater distance from property lines and rights-of-way shall be required.
- C. Whenever use of a site has been terminated, the owner shall undertake measures to rehabilitate the area. Specific requirements in this regard shall be specifically defined in the permit authorizing the land use and a bond required to insure rehabilitation.
- D. There shall be no disposal of top soil as such soil shall be used in the rehabilitation of the mining operation.
- E. Fencing sufficient to exclude people, livestock, and animals, if it is necessary in the interest of the public health and safety, to be determined by the Board.
- F. Road approaches to a site shall meet the requirements of the appropriate road authority.
- G. Storage areas must conform to the minimum setback regulations of the zone.

**CHAPTER 13
RURAL ZONE (R)**

SECTIONS:

9-13-1	RURAL ZONE DEFINED
9-13-2	RESTRICTIONS
9-13-3	LOT SIZE, DENSITY AND SITE AREA
9-13-4	USES PERMITTED - EXISTING PROPERTY OF LESS THAN 5.00 ACRES
9-13-5	USES PERMITTED - LOTS MEETING MINIMUM SIZE REQUIREMENTS OF FIVE (5.00) ACRES OR MORE
9-13-6	USES PERMITTED - STORAGE
9-13-7	PROHIBITED USES
9-13-8	FRONT, SIDE, AND REAR YARD SETBACKS
9-13-9	CONDITIONAL USES
9-13-10	USES REQUIRING SPECIAL NOTICE

9-13-1: RURAL ZONE DEFINED: The "Rural zone" is a classification for a district suitable for rural uses, such as rural residential uses and agricultural pursuits, including farming and forestry.

9-13-2: RESTRICTIONS: In the Rural zone, no building or premises shall be used, nor shall any building or structure hereafter be erected or altered (unless provided in this title) except for one (1) or more of the following uses in accordance with the following standards.

9-13-3: LOT SIZE, DENSITY AND SITE AREA: The minimum lot size in the Rural zone, except in Conservation Design Subdivisions, shall be five (5.00) acres. The minimum lot size in Conservation Design Subdivisions shall be 14,520 sq.ft. The maximum base density in conservation design subdivisions shall be one (1) lot per 5.00 acres. Sixty-five (65) percent of the area of all lots shall be left in open space free from structures.

9-13-4: USES PERMITTED - EXISTING PROPERTY OF LESS THAN 5.00 ACRES: On lots created prior to the minimum lot size requirement in the Rural zone (September 1, 1978) that are less than 5.00 acres in size, the uses shall be limited to:

- A. One (1) single family dwelling, including Class A and Class B manufactured homes, with accessory buildings.
- B. Prior to the establishment of a principal use, one personal storage building not to exceed 3,000 square feet, however, a special notice permit shall be required for personal storage buildings on lots or parcels under two (2.00) acres in size where the principal building or use has not yet been established, and shall not exceed 2,000 square feet in size.
- C. General farming and agriculture uses except the minimum lot area for the keeping of livestock shall be 3/4 acre.

9-13-5: USES PERMITTED - LOTS MEETING MINIMUM SIZE REQUIREMENTS OF FIVE (5.00) ACRES OR MORE: On lots, as defined in section 9-2-2 of this title, that meet the minimum size requirements of five (5.00) acres or more, the following uses are permitted:

- A. General farming and agricultural uses.
- B. Home occupations as defined in this title.
- C. Publicly-owned parks, playgrounds, and recreational facilities.

- D. One (1) single-family dwelling, including a Class A or Class B manufactured home, or one duplex, accessory buildings.
- E. Roadside stands of not more than three hundred (300) square feet for the sale of agricultural products produced on the premises.
- F. Temporary Hardship Use, subject to the standards of this title.
- G. Bed and Breakfast, subject to the following provisions:
 - 1. Maximum of five (5) rooms for lodging of paying guests.
 - 2. Must provide off-street automobile parking space for each guest room as well as all vehicles owned by permanent residents.
 - 3. No other commercial uses are permitted in conjunction, for example: restaurant, meeting hall, etc.
- H. Continued operation of airports or airstrips that were in existence at the time of adoption of Kootenai County Zoning Ordinance No. 11, January 3, 1973, and which have been used continuously (at least once every 6 months) since that date.
- I. Temporary or intermittent recreational use of a Recreational Vehicle provided the following conditions are met:
 - 1. The Recreational Vehicle (RV) shall have current registration and shall be in serviceable condition so it can be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Idaho Motor Vehicle Laws of the State of Idaho. The RV shall not be set on blocks with the tires or running gear removed.
 - 2. No decks or additions shall be attached to the RV, nor shall the RV be skirted.
 - 3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as a dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. Upon completion of the residence or expiration of the building permit for the residence, the use of the RV shall revert to the temporary or intermittent use as allowed under this provision.
 - 4. The RV must be hooked into a sewage disposal system which meets the requirements of the Panhandle Health District, or shall be totally self-contained and removed from the site to empty holding tanks at an approved location.
 - 5. The RV shall not be used as a rental property.
 - 6. RV's located in flood plains must comply with the *Flood Damage Prevention Ordinance*.
- J. Prior to the establishment of the principal use, one (1) personal storage building not to exceed 3,000 square feet.
- K. Accessory Living Unit. See definitions for additional standards.
- L. Subdivisions, as defined in the *Kootenai County Subdivision Ordinance*

9-13-6: USES PERMITTED – STORAGE: Except as allowed with a Conditional Use Permit, no property in the Rural zone shall be used as a storage area for any purpose other than storage of material used in connection with the operation of household and agricultural activities associated with the normal operation of the above uses, except that property may be used for the storage of materials used in the construction of the buildings on the property, as long as there is an active building permit for the structures.

9-13-7: PROHIBITED USES:

- A. Industrial uses.
- B. Manufacturing uses.
- C. Commercial uses.

9-13-8: FRONT, SIDE, AND REAR YARD SETBACKS:

The following setbacks shall apply to all structures in the Rural zone:

- A. Front Yard.....25 feet
- B. Side Yard.....10 feet
- C. Rear yard 15 feet
- D. Flanking street.....15 feet

9-13-9: CONDITIONAL USES:

- A. Gun Clubs and Rifle Ranges.
- B. Commercial Fur Farms.
- C. Rental Warehouse.
- D. Clinics or Hospitals, Animal or Veterinary .
- E. Agricultural Products Sales Store.
- F. Outdoor Theaters.
- G. Automobile Wrecking Yards, Junk Yards.
- H. Sawmills, Shingle or Planing Mill, Woodworking Plant.
- I. Radio and Television Towers.
- J. Airports and Airstrips.
- K. Race Tracks.
- L. Explosive Storage and Manufacturing.
- M. Private Resort (non-profit).
- N. Cemeteries.

- O. Sanitary Landfills.
- P. Public Utility Complex Facility.
- Q. Wholesale Greenhouses.
- R. Restricted Surface Mining.
- S. Commercial Resort.
- T. Day Care Center, and Group Day Care Facility.
- U. Retirement, Convalescent, Shelter and Nursing Homes.
- V. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- W. Zoo.
- X. Public and private schools.
- Y. Churches, grange halls, lodges, and other non-profit public or private community facilities.
- Z. Mini-Storage.
- AA. Hospitals and Sanitariums.
- BB. Privately-owned recreational facilities which are open to public use (with or without a membership or fee) such as Tennis Courts, Racquet Clubs, Softball Fields, Baseball Fields, and Soccer Fields.
- CC. Residential Care Facility.
- DD. Asphalt or Concrete Batch Plant.
- EE. Special Events Location.
- FF. Wireless Communication Facility (WCF).
- GG. Kennel, Boarding.
- HH. Commercial riding arena or equine training center or facility (May include boarding stables).

9-13-10: USES REQUIRING SPECIAL NOTICE:

- A. Railroad car or truck cargo container/trailer used for storage or any other purpose not associated with the active operation of a railroad or trucking business.

CHAPTER 14
HIGH-DENSITY RESIDENTIAL ZONE (HDR)

SECTIONS:

- 9-14-1 HIGH-DENSITY RESIDENTIAL ZONE DEFINED
- 9-14-2 RESTRICTIONS
- 9-14-3 SITE AREA
- 9-14-4 DENSITY AND USES PERMITTED
- 9-14-5 USES PERMITTED - MULTIPLE-FAMILY UNITS
- 9-14-6 USES PERMITTED - MANUFACTURED HOME ON INDIVIDUAL LOTS
- 9-14-7 USES PROHIBITED
- 9-14-8 FRONT, SIDE, AND REAR YARD SETBACKS
- 9-14-9 CONDITIONAL USES

9-14-1: HIGH-DENSITY RESIDENTIAL ZONE DEFINED: The "High-Density Residential zone" is a classification for high-density residential uses including manufactured home units used as single-family residences on individual lots or, by conditional use in parks (courts). All such districts must have direct access to arterial thoroughfare. The predominant housing type will be manufactured homes, courts, and apartments.

9-14-2: RESTRICTIONS: No uses, other than those provided for in this title, are permitted.

9-14-3: DENSITY AND SITE AREA: Unless otherwise provided in this section, the maximum density in High Density Residential Zones shall be one (1) dwelling unit per 3,000 square feet. Sixty-five (65) percent of the area of all lots must be left in open space free from structures.

9-14-4: USES PERMITTED: Uses permitted within the Agricultural Suburban zone will also be permitted in the High-Density Residential zone, in accordance with the area and setback standards of the Agricultural Suburban zone.

9-14-5: USES PERMITTED - MULTIPLE-FAMILY UNITS: On property of not less than twelve thousand (12,000) square feet, with frontage on a public street, multiple-family residential uses will be permitted providing that sixty-five percent (65%) of the land is left in open space and that there is a ratio of not less than three thousand (3,000) square feet of land per living (apartment) unit.

9-14-6: USES PERMITTED - MANUFACTURED HOMES ON INDIVIDUAL LOTS: On property of not less than six thousand (6,000) square feet with frontage on a public street, one (1) manufactured home may be used as a single-family residence.

9-14-7: USES PROHIBITED:

- A. General commercial uses, except as specifically permitted in Manufactured Home Parks (see section 9-24-26 of this title).
- B. Industrial or manufacturing uses.
- C. Storage of materials not associated with the permitted use.

9-14-8: FRONT, SIDE, AND REAR YARD SETBACKS: The following front, side, and rear yard requirements shall apply in the High-Density Residential zone, except in Manufactured Home Parks:

- A. Front Yard..... 25 feet
- B. Side Yard..... 10 feet
- With an Alley..... 6 feet

- C. Flanking Street.....15 feet
- D. Rear Yard..... 25 feet

9-14-9: CONDITIONAL USES:

- A. Golf Courses and Driving Ranges.
- B. Commercial Resort.
- C. Retirement and Convalescent Home.
- D. Private Resort.
- E. Manufactured Home Parks (courts).
- F. Public Utility Complex Facility.
- G. Day Care Facility.
- H. Accessory building, structure, or use not located on the same zoning lot as the principal building or principal use served, provided that it is located on a lot within 200 feet of the lot housing the principal building or principal use served; or an accessory building, structure, or use located on a lot where the principal building or use has not yet been established.
- I. Lighting for any outdoor recreational facility, regardless of whether the use requesting such lighting is a permitted use or a conditional use.
- J. Residential Care Facility.

CHAPTER 15
PLANNED UNIT DEVELOPMENT

SECTION

9-15-1	PLANNED UNIT DEVELOPMENT
9-15-2	PURPOSE AND INTENT
9-15-3	COORDINATION WITH OTHER REGULATIONS
9-15-4	OWNERSHIP/ PROJECT CONTROL
9-15-5	PERMITTED USES
9-15-6	DENSITY
9-15-7	DESIGN REQUIREMENTS
9-15-8	APPLICATION REQUIREMENTS
9-15-9	APPROVAL PROCEDURE AND REQUIRED FINDINGS
9-15-10	PHASING REQUIREMENTS
9-15-11	PUD EXTENSIONS, AMENDMENTS AND MODIFICATIONS
9-15-12	CONDOMINIUMS
9-15-13	OPERATION AND MAINTENANCE REQUIRED

9-15-1: PLANNED UNIT DEVELOPMENT: A Planned Unit Development (PUD) is an integrated design for development of residential, commercial or industrial uses, or combinations of uses, under single ownership or control, in which the standards of this title may be varied. PUD's allow flexibility and creativity in site and building design and location, in accordance with an approved plan, and the goals and policies of this title and the *Comprehensive Plan*. Subdivisions may not be developed as a PUD unless they include at least 25 lots (however clustering of fewer than 25 lots may be accomplished through a Conservation Design Subdivision).

Applications for PUD permits are processed using procedures similar to those for Conditional Use Permits, including the notice and hearing requirements outlined in *Idaho Code* § 67-6512. Approval of a PUD does not change the underlying zoning district.

9-15-2: PURPOSE AND INTENT: The purpose of a Planned Unit Development is to allow diversification in the relationship of various uses and structures to their sites, and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to:

- A. Allow for and encourage a variety of housing types and environments;
- B. Allow for greater flexibility and a more creative and imaginative approach to the design of residential and commercial developments and open space, while ensuring substantial conformance with the intent of this title and the *Kootenai County Comprehensive Plan*.
- C. Encourage more functional, efficient and economical use of land, resulting in smaller networks of utilities, streets and other infrastructure features, and maximizing the allocation of fiscal and natural resources;
- D. Ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction;
- E. Encourage land development that, to the greatest extent possible, preserves valuable natural areas, respects natural topographic and geologic features, scenic vistas, vegetation and natural drainage patterns, and that creates more usable open space and recreational amenities;
- F. Encourage more convenience in the location of commercial and industrial uses and services.

9-15-3: COORDINATION WITH OTHER REGULATIONS: Approval of a PUD permit allows the typical standards of this title to be replaced with alternative standards unique to the PUD. For example, a mix of residential and commercial uses, with different property line setbacks, lot sizes, or building heights may be approved as a PUD. The PUD must, however, meet the requirements of other County ordinances, and those of other agencies.

If land is being divided in conjunction with a PUD, the development must also meet the requirements of the *Kootenai County Subdivision Ordinance*. If the objective is simply to create a subdivision with smaller, clustered lots, without mixed uses or other variations from the requirements of this title, that may be more easily accomplished through a "Conservation Design Subdivision," without a PUD. Currently, Conservation Design Subdivisions are allowed only in the Rural and Agricultural-Suburban Zoning Districts. PUD and subdivision applications may be combined into one request, providing the requirements for each application are met.

If there is a conflict or difference between the provisions of this chapter and other sections of this title, the provisions of this chapter shall prevail. Subjects not covered by this chapter shall be governed by the applicable provisions of this title.

9-15-4: OWNERSHIP/PROJECT CONTROL: The entire project developed under a PUD permit must be under single ownership or control. If components of the project will be under separate ownership, a cooperative corporation or similar organization must be established to provide oversight and control in perpetuity. The documents establishing the organization must be approved by the Director, and must include procedures allowing corporation officers to submit PUD amendment applications and take other action on behalf of the owners in the development.

9-15-5: PERMITTED USES:

- A. The primary uses in a PUD shall be those allowed or conditionally allowed in the applicable zoning district. Other uses may be considered, providing they are harmoniously incorporated into the design of the PUD, are compatible with the surrounding area, and meet the requirements of this chapter.
- B. Residential PUD's may include both single-family and multifamily dwelling units such as townhouses, garden apartments, and common wall, single-family and multi-family dwellings.

9-15-6: DENSITY: The overall density, or number of dwelling units in a PUD, shall conform to the requirements of the zoning district in which the PUD is located, however lot sizes may be varied. If a PUD is located in more than one zoning district, the allowable density for the land in each zone shall be calculated separately and then added together to yield the allowable density for the development. The distribution of dwellings within the PUD shall not be affected by zoning district boundaries.

9-15-7: DESIGN REQUIREMENTS: This section delineates the minimum, on site design requirements for PUD's. While off site improvements may also be required to mitigate negative effects of the development, these will be considered project by project.

A. General Design Requirements.

- 1. The proposed uses and design of a PUD must be compatible with existing homes, businesses, neighborhoods, and the natural characteristics of the area. PUD's shall minimize grading, road construction and disturbance of the terrain, vegetation, soils, and drainageways, and shall prevent soil erosion. To achieve this, the Board may require building envelopes, no-disturbance zones, height restrictions and planting or retention of vegetation.
- 2. The development must be planned as a cohesive, integrated whole, consistent with the intent and purpose of this title .

3. The plan must be compatible with the goals, policies and future land use map of the *Kootenai County Comprehensive Plan*.
4. Within the Airport District overlay zone, the proposal must be in conformance with the *Airport Master Plan* and an aviation easement, approved by the Airport Director, must be recorded.
5. Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient instrument for preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as common (for use by all home owners) or public (open to all members of the general public).

B. Utilities and Services

The development of a PUD must occur in conjunction with services and facilities that are appropriate and adequate for the proposed uses, with urban services provided for urban densities. Services and facilities necessary to serve the development must be feasible, available and adequate, and the proposal must include on and off site improvements to mitigate the negative effects of the development so that the existing quality of services is not compromised, and so there is no substantial increase in the cost of services to existing residents.

The following are minimum requirements. Other services and facilities may be required on a project by project basis.

1. A sewage disposal system or systems meeting the requirements of Panhandle Health District or DEQ (Idaho Department of Environmental Quality). Commercial and industrial areas must be served by a wastewater treatment plant approved by DEQ. No subsurface discharge of treated or untreated, non-domestic wastewater is permitted.
2. A water system, approved by DEQ, that can provide fire flows or water storage if required by the fire district. The new components of a water system and any necessary improvements to an existing system, must be designed and constructed in conformance with the requirements of DEQ, the *Idaho Division of Public Works - Idaho Standards for Public Works Construction*, the fire district, and if applicable, the water district, utility or corporation.
3. Electrical service.
4. Fire protection from a structural fire protection district. PUD's shall meet the requirements of the fire district, including those pertaining to roads, driveways, fire flows, hydrants, water storage and defensible space.

PUD's shall also minimize the hazards associated with wildfire, and when located in timbered areas, shall provide a Fire Mitigation Plan, developed by a professional forester, that is approved by the Director, the Fire District, or the Idaho Department of Lands. The plan must be implemented as part of the essential, required improvements for the PUD.

5. Roads and Trails.
 - a. The PUD must have direct access to a publicly maintained road. With the exception of common driveways approved by the Board and the highway district, roads in PUD's shall meet the *Highway Standards for the Associated Highway Districts, Kootenai County, Idaho*, including all provisions for variance, exception or other means of deviation from the *Standards*, as approved by the highway district. If a highway district approves a road with a variance, the road will be deemed to comply with the *Standards* and with the requirements of this title. Except for gated

communities approved by the Board, such roads shall be dedicated to the applicable highway district; in gated communities the highway district shall verify that the road meets their *Standards*, and the road shall be dedicated to the maintenance entity. If a road meeting highway district standards is required, it shall be constructed through the PUD, to the property line, unless topography or other factors make continuation of the road impossible. Roads shall not be constructed within stream protection zones for lakes, streams, drainageways, or wetlands, except for crossings in conformance with the *Kootenai County Site Disturbance Ordinance*.

The Board may approve a privately maintained, common driveway as the means of access to new lots, if it serves, or is used to access no more than four lots or parcels, and the highway district with jurisdiction makes the following findings:

- (a) A road through the land proposed for the PUD is not appropriate or necessary to provide access to private lands lying adjacent to or beyond the development; and
- (b) Access through the land is not now necessary, nor will it be necessary in the future, to provide continuity of public roads with functional grades and design; and
- (c) The lots being created will not be further subdivided, and no additional access to the driveway will be allowed, unless it is constructed in accordance with this title and the *Highway Standards for the Associated Highway Districts, Kootenai County, Idaho* (with or without variances). The Board may require the recordation of a public covenant in favor of the County and the highway district, to ensure compliance with this requirement.

Common driveways are a required infrastructure improvement, and shall be constructed prior to final approval of a PUD, unless a financial guarantee is provided, then they shall be constructed prior to issuance of non-infrastructure building permits. Common driveways must be constructed in accordance with the "Access Roadway/Driveway Standards for Residential Properties" contained in section 9-2-2 of this title.

- b. **Pedestrian/ Bicycle Access.** Off road trails, lanes or walkways may be required a) if shown on a bicycle facilities plan adopted by a road agency, b) along through streets in PUD's within 1.5 miles of a school, park, bicycle trail, recreational area, or community facility, or c) when necessary to ensure the safety of pedestrians and bicyclists. The trail shall be designed to serve the intended use, and except for bicycle lanes, shall be separated from the road by a vegetation strip at least five (5) feet wide. If there is no direct route through a PUD, or if cul-de-sacs are proposed, one or more trails may be required to provide short, direct routes for pedestrians. For safety, trails should be located in close proximity to and visible from homes, streets and businesses. If a trail or walkway is required, an easement or right of way must be dedicated to Kootenai County or to the entity that will provide maintenance as approved by the Board. When future access may be needed to adjacent parcels of land, trails and/or easements for trails shall extend to the property line of the PUD. The width of trail easements and rights-of-way shall be adequate for the intended use, and shall meet the requirements of the County or maintenance entity.
- c. **Connectivity.** Roads, trails and sidewalks in PUD's shall be designed to complement and enhance existing transportation systems, so as to create an integrated network that allows for the safe and efficient movement of people within the development, to adjacent developments, and to nearby commercial areas, schools, churches and other community facilities. Roads shall be designed with as many connections as possible, and with relatively direct routes in and out of the PUD, without running traffic through neighborhoods. Cul-de-sacs are discouraged but may be approved where natural or built features preclude connection to existing or future roads. When future access may be needed to adjacent parcels of land, road and trail rights-of-way shall extend to the property lines

of the PUD. Roads and trails shall be designed to minimize conflict between vehicles and pedestrians.

6. Garbage collection.
7. Underground Utilities. Unless utility providers determine that site conditions preclude such installation, all utilities shall be installed underground. The Board may, however, allow appurtenances to these systems to be installed above ground if they can be effectively screened in a manner that is visually appealing and compatible with the PUD.

C. Sensitive Area Requirements

1. Viewsheds. Mountain views and vistas are an important part of the character of Kootenai County, contributing to the visual quality of the area, increasing property values, attracting visitors, and enhancing the desirability and livability of the community. As such, it is in the public interest that land be developed in a manner that is visually unobtrusive, environmentally responsible, and is compatible with the character of the area.

PUD's must be designed to fit houses, structures and roads into and around hillsides in a manner that minimizes disturbance of the terrain, vegetation and drainageways, that will not result in soil erosion, and that is compatible with the natural characteristics of the area.

If the vertical height of any cut or fill slope, or any combination thereof, will exceed thirty (30) feet, effective measures must be taken to mitigate the visibility of the slope.

2. Hydrologic Protection Areas.

When a PUD abuts a lake, river, stream, wetland, or drainage way, a Hydrologic Protection Area must be reserved and shown on the plan. The purpose of this area is to protect downstream property owners and water resources from increased or decreased flows, to prevent sedimentation, to promote good water quality, and to protect fish and wildlife habitat. The area shall be labeled "Stream (lake or wetland, as applicable) Protection Area", and within this area native vegetation and large organic debris shall be protected or replanted to leave the area in the most natural condition possible. Any necessary maintenance must be in conformance with the *Kootenai County Site Disturbance Ordinance* and with applicable best management practices. Proposed road and utility crossings must be shown on the plan, must be kept to a minimum, and must take the shortest possible route across the area. Other than approved crossings, roads and utilities shall not be constructed within this area. Fences, walkways which do not exceed four (4) feet in width, stairway landings which do not exceed six (6) feet in length or width, and trams may be constructed in hydrologic protection areas, providing there is minimal disturbance of the ground and vegetation. The Board may require that this area be shown as an easement, including a conservation easement, or that ownership of the area be transferred to a homeowners association, highway district or other maintenance entity.

Hydrologic Protection Areas shall be as follows:

Lakes	45 feet from the ordinary high water mark
Spokane and Coeur d'Alene Rivers	45 feet from the ordinary high water mark
Class I Streams	75 feet from the ordinary high water mark
Class II Streams	30 feet from the ordinary high water mark
Drainageways	5 feet
Wetlands	Determined by the Board, based on the wetland analysis.

D. Zero Lot Line Development

PUD designs may include zero lot line development for single-family and multifamily dwellings, with each dwelling and lot independently owned, and lot lines along common walls providing:

1. The construction complies with all applicable building codes and regulations pertaining to common wall and/or zero lot line construction;
2. Common walls are adequately sound-proofed in accordance with *International Building Code* requirements.
3. Electrical, water, sewer, heating and air conditioning systems, and all other incorporated utility systems are separately installed for each dwelling unit. In no case shall such systems penetrate common walls unless otherwise approved by the Department.
4. Deeds and covenants pertaining to buildings must contain appropriate provisions to ensure harmonious maintenance of shared indoor or outdoor walls, and outdoor yard areas. Easements shall be recorded as necessary to assure access to shared outdoor walls and yards.

E. Common Open Space.

Common open space in PUD's shall meet the following requirements:

1. The amount and design of common open space in a PUD must be appropriate to the scale and character of the project, considering its size, density, expected population, topography, and the number and type of dwellings to be provided. A minimum of fifteen percent (15%) of the land within the PUD shall be developed into usable public or common open space, or recreational facilities for the residents or users of the development. If possible, the open space should be designed to connect with existing or planned open space on neighboring properties. Areas designated as open space shall be accessible to all residents of the development from a road or right-of-way. Utility, drainage and similar easements and rights-of-way are not acceptable for common open space unless such land is usable for a trail or similar purpose and is approved by the Board.
2. Common open space in a PUD shall either a) be held by owner(s) of the development, b) be dedicated to the public, or c) be conveyed to a cooperative corporation such as a homeowners association. The responsibility for maintenance of open space areas shall be specified by the developer in the application for final plan approval and must be approved by the Board.

F. Commercial and Industrial Uses.

PUD's that include commercial or industrial uses and structures must meet the following additional requirements:

1. Commercial and industrial areas must be developed with park-like surroundings utilizing landscaping and/or existing woodlands around structures, parking areas, roads, loading areas, and areas used for outdoor storage of raw materials or products.
2. If the PUD includes, or is located near residential zones or residential uses, commercial or industrial uses must be of a non-nuisance character, and must be clean, quiet and free of bright lighting, odor, dust or smoke.
3. Loading areas must be provided for delivery trucks.

4. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.
5. Lighting may not exceed .2 foot candles at the property line of any lots used for commercial or industrial purposes.

9-15-8: APPLICATION REQUIREMENTS:

A. Conceptual Plan Approval.

The PUD permit application contains the information that the hearing body and Board need to make a decision on the proposal. To gain approval, adequate information must be provided to demonstrate that the project can meet the requirements of the County and of other agencies.

For conceptual PUD plan approval, the applicant is required to submit one complete application packet to the County, plus additional packets for each agency/ organization reviewing the proposal. The Director determines which agencies will receive applications and the County will forward the application packets to those agencies. An applicant may request that an incomplete application be accepted by submitting a letter stating which items are missing, and giving a detailed explanation and rationale for the incomplete submission. If the Director determines that the information is not necessary to establish conformance with the required findings, he may approve the request, the application will be deemed to be complete, will be vested under current ordinances, and will be processed. If the Director denies the request, the application will not be processed or scheduled for public hearing until it is complete. This determination may be appealed in accordance with section 9-22-8 of this title. An application shall be governed by the rules and policies in effect on the day a complete application is submitted to the Department.

The following items constitute a complete application for conceptual PUD plan approval, with the required elements of agency packets identified by a ☆ symbol.

1. ☆ Application Form - completed application form with property owners' signatures or a notarized letter from the property owners' authorizing the applicant to file the application. Applications for amendments to existing PUD's may also be submitted by a cooperative corporation, or other organization with the authority to act on behalf of the property owners within a PUD.
2. Completed check list of application requirements.
3. Fees as adopted by Board resolution.
4. Legal description for the property.
5. Title report or similar document containing the legal description, ownership and easements for the property.
6. ☆ Large conceptual plan - must meet the requirements outlined in Table 15-1 (three copies for the County, two for highway district, one for other agencies).
7. Small conceptual plan - 11" x 17" copy of the plan.
8. Surrounding Area/ Adjoining Subdivisions Map - scale not less than 1"=400', showing the site of the proposed PUD; adjoining lots, parcels and subdivisions; street and lot layout sufficiently distant from the project to illustrate the relationship to proposed streets and lots; neighboring land owned by the same

applicant; and surrounding properties within ¼ mile or 2 parcels (whichever is greater) in every direction (four copies).

9. ☆Photos - at least six pictures of the site, taken at various angles, depicting the general character of the site, accompanied by a map showing the location and orientation of the photos.
10. ☆Narrative – describing a) the general character of the proposed development, including the design principles for buildings and streetscapes, b) the acreage, number of lots, and number and type of housing units in each area, c) nonresidential structures or uses that are proposed, d) existing uses, zoning districts, and the existing characteristics of the site, including vegetation, soils and wildlife, e) proposed changes to the standard requirements of this title, f) what is proposed for water, sewer, roads, trails, parking, landscaping and other improvements, g) plans for recreation facilities and common open space, h) proposed methods of ownership and/or control of the project, including proposed maintenance arrangements for common areas and shared infrastructure and improvements, i) a statement explaining the reasons the PUD will be in the public interest, and j) the proposed completion schedule including any phasing. Normally, conceptual PUD plan approval is valid for one year, and construction must be started within two years of final PUD plan approval, but the Board may approve phasing of the project, and/or an alternative completion schedule, if it is requested in the preliminary application. As part of the application narrative, a qualified professional engineer, land surveyor, biologist, wetlands specialist, or other qualified professional with expertise in the initial determination of wetlands, must provide a written statement regarding the presence or absence of wetlands on the property, and the applicant must identify sensitive areas, as defined in this title .
11. Groundwater quantity – adequate information must be provided to ensure that new or existing wells will provide sufficient water for the development, without negatively affecting nearby property owners. The PUD application must include a) DEQ written approval of an engineering report prepared by an Idaho licensed P.E. (professional engineer) or P.G. (professional geologist) demonstrating an adequate water supply is available to meet the estimated demand, or b) for developments served by connection to an existing public water system, a letter from the owner of the system indicating it has sufficient reserve production capacity to supply water to the PUD (two copies).
12. Conceptual Stormwater Plan – a plan, developed by a design professional, proposing suitable methods and locations for stormwater treatment systems. Proposed systems must conform to the *Kootenai County Site Disturbance Ordinance*, associated resolutions, and approved best management practices (BMP's). If slopes, soils, groundwater or other conditions may not meet the design parameters of proposed BMP's, the Director may require that test holes be evaluated to determine soil types in the vicinity of the stormwater systems. (four copies).
13. Conceptual Engineering Plan – When land disturbing activity is proposed in areas where the natural slope equals or exceeds 15%, the Director may require a conceptual engineering plan as part of a PUD application. The plan shall be developed by an Idaho licensed civil engineer, and shall depict proposed building sites, road and driveway grades, profiles and cross sections, and the slope and location of cuts and fills. The purpose of this plan is to demonstrate the feasibility of the proposed PUD plan and to illustrate the nature and extent of earth work required for site preparation and construction. (four copies).
14. Traffic Impact Study - when requested by a road agency or the Director. This study shall include: a) existing traffic counts and level of service on adjacent and nearby streets, b) vehicle trips that will be generated by the development, c) the effect the development will have on the level of service on affected streets, d) the effect added traffic will have on signals, turn lanes, or other transportation infrastructure, e) improvements needed to maintain adequate levels of service, and f) any other information required to evaluate impacts to the transportation system (four copies).

15. Geotechnical Analysis - for proposed building sites, roads, driveways or other development where the natural slope equals or exceeds 15%, where there is a high water table (within 6 feet of ground surface at any time of year), where soils are highly erodible, or where there are scarps, slumps, seeps or other geologic features that may be unstable, as determined by the Director. The geotechnical analysis shall be stamped and signed by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering. The geotechnical analysis shall explain the geologic and hydrologic features of the area, shall evaluate the suitability of the site for intended uses, shall identify potential problems relating to the geology and hydrology, shall summarize the data upon which conclusions are based, and shall propose mitigation measures (four copies).
16. Wetland Delineation and Analysis – If National Wetlands Inventory maps show wetlands on the site, or if soil survey maps indicate the presence of hydric soils, or if a qualified professional or the Director determine there may be wetlands on the site, a more detailed delineation and classification shall be provided and shown on the supplemental page of the plat. The wetlands delineation must be provided by a qualified professional, which includes but is not limited to professional engineer, landscape architect or wetlands specialist in accordance with the *Corps of Engineers Wetlands Delineation Manual* and the *Classification of Wetlands and Deepwater Habitats of the United States*, published by the U.S. Dept. of the Interior, Fish and Wildlife Service. In addition to delineating the boundaries and classifying the wetland, the professional must provide a report explaining the likely impacts of the project on the wetland, and recommend actions to mitigate the impacts and preserve the wetland plants and animals (three copies).
17. Pursuant to *Idaho Code 67-6512*, the Director, hearing body or Board may require additional studies of the social, economic, fiscal or environmental effects of the PUD.

B. Application Requirements – Final PUD Plan Approval

The following items constitute a complete application for final PUD plan approval. The applicant is required to submit one application packet. An application that is incomplete will not be processed.

1. Application Form - a completed application form with property owners' signature(s) or a notarized letter from the property owners' authorizing the applicant to file the application. Applications for amendments to existing PUD's may also be submitted by a cooperative corporation, or other organization with the authority to act on behalf of the property owners within a PUD.
2. Completed check list of application requirements.
3. Fees as adopted by Board resolution.
4. Large plan, prepared by an Idaho licensed surveyor, meeting the requirements of Table 15-1.
5. Small plan - 11" x 17" copy of the plan.
6. Narrative - explaining a) how conditions of approval were met (those required prior to application for final plan approval), b) any modifications from the original proposal, and c) the completion schedule for the project or phase.
7. Documentation demonstrating that the entire project is under single ownership or control. Control over the PUD may be achieved through a cooperative corporation or similar organization.
8. Preliminary building plans including floor plans and exterior elevations.

9. Preliminary landscaping plans for common areas which implement water wise landscaping principals.
10. Preliminary plans for signs including the height, dimensions and proposed lighting.
11. For PUD's in timbered areas, a wildfire mitigation plan, prepared by a professional forester, approved by the fire district, the Director, or Idaho Dept. of Lands.
12. Any documentation needed to show compliance with requirements or conditions of approval (those required prior to application for final plan approval), including approval letters from other agencies or departments.
13. Associated Documents - copies of any documents, such as deed restrictions, restrictive covenants, by-laws and homeowners association articles of incorporation, that are associated with the PUD or that will be used to control the use, development, operation or maintenance of the land and improvements. If components of the project will be under separate ownership, a cooperative corporation or other organization must be established to provide oversight and control in perpetuity. The documents establishing the organization must be approved by the Director, and must include procedures for submitting PUD amendment applications on behalf of the owners in the development.

**TABLE 15-1
FORM AND CONTENT OF PUD PLAN**

PLAN COMPONENT	CONC. PUD PLAN	FINAL PUD PLAN
1. Size and Format. Size 18" x 27". Plan must encompass all land included in the PUD, including open space that will not be used for building sites. Must also include north arrow, date, legend, vicinity map and scale. Scale must be suitable to ensure clarity, and between 1"=40' and 1"=100'.	X	X
2. PUD Name. If a previously approved PUD is being amended, the name must include the word "amended".	X	X
3. Location. Section, quarter section, township, range, meridian, county and state.	X	X
4. The proposed layout, showing the location, type and acreage of proposed uses; landscaping; signs; the approximate location, use, height, dimensions and proposed setbacks of structures; proposed number of dwelling units for each area; and adjacent parcels shown with dashed lines.	X	
5. The final, approved layout showing dimensions, lot lines and the exterior boundary of the PUD by distance and bearing; area of each lot in acres; the location and type of approved land uses, including landscaping, parks, residential, commercial and public uses; the approved location, use, height, dimensions and setbacks of structures and signs; and approved density and number of dwelling units for each area.		X
6. Roads, trails, parking and loading areas within and adjacent to the PUD.	X	X
7. Easements - the location, dimensions, and purpose of existing or proposed easements, with instrument numbers noted.	X	X
8. Hydrography – drainages, water courses, water bodies and wetlands and associated protection areas.	X	
9. Topographic Elevations – contours shown at vertical intervals of not more than 5 feet, at a scale between 1"=40' and 1"=100', and identifying the following slope zones: 0-14% 15-34% ≥35% Contours shall be generated from field survey or aerial photography, and may not be interpolated from USGS maps. Contours are not required for lots designated as open space that will not be used for roads, driveways or structures.	X	
10. Physical Features – the location of significant physical features such as ridges, rock outcrops or wooded areas.	X	
11. Flood Plain – the location of any areas of special flood hazard and the language required by the <i>County Flood Damage Prevention Ordinance</i> .	X	X
12. Existing built features including structures, wells, sewage systems and roads.	X	
13. Building envelopes if required by the Director or Hearing Body.		X
14. Sensitive areas, as defined in this title, if their location is known and can be shown on the plan.	X	

9-15-9: APPROVAL PROCEDURE AND REQUIRED FINDINGS:

A. Following is the approval procedure for a PUD permit application and associated construction:

1. Review and approval (or denial) of the conceptual PUD plan recommended by the hearing body, and decided by the Board of County Commissioners, in accordance with the hearing and notice procedures for Conditional Use Permits and the requirements of this chapter . The hearing body shall make a recommendation, and the Board shall make the final decision on the application. Upon granting or denying the application, the Board shall specify:
 - a. The ordinances, laws and standards used in evaluating the application.
 - b. The reasons for the approval or denial;
 - c. The actions, if any, the applicant could take to obtain a permit.

Approval of the conceptual PUD plan expires if a complete application for approval of the final PUD plan is not submitted within one (1) year from the date of conceptual approval. If phasing was approved, an application for final plan approval for the first phase must be submitted within one (1) year, and the plans for subsequent phases must be submitted in accordance with the schedule approved by the Board.

2. Review and approval (or denial) of the final PUD plan (for the entire project, or if phasing was approved, for the first phase of the project) by the Director and then the Board of County Commissioners. The Director shall make a recommendation, and the Board shall make the final decision on the application. If necessary, supplementary conditions may be attached to the approval. Upon granting or denying the application, the Board shall specify:
 - a. The ordinances, laws and standards used in evaluating the application.
 - b. The reasons for the approval or denial;
 - c. The actions, if any, the applicant could take to obtain a permit.

The Order of Decision approving the final PUD plan is the "PUD Permit."

3. Approval of infrastructure plans by the agencies with jurisdiction, and issuance of associated construction permits, including a County Site Disturbance Permit.
4. Construction of required infrastructure and improvements serving the PUD. If additional lots are being created within the PUD, infrastructure must be completed, or financial guarantees provided, in accordance with the requirements of the *Kootenai County Subdivision Ordinance*. If additional lots are not being created, the Board may require an acceptable financial guarantee to assure completion of improvements within two (2) years from the date of final PUD plan approval. Upon written request by the property owner, the Director may grant one extension of up to one (1) year for cause. Non-infrastructure building permits will not be issued until the essential infrastructure and improvements (e.g. roads, water, sewer, fire suppression systems, wildfire mitigation) have been completed and approved by the agencies with jurisdiction.

Construction of non-essential improvements, such as landscaping and recreational facilities, shall be completed in proportion to the overall progress on the project, and shall be totally completed and approved by the time building permits are issued for fifty percent (50%) of the units. If this requirement

is not met, the Director may suspend the issuance of building permits until the non-essential improvements are completed.

5. Approval of individual building permits in accordance with the approved final PUD plan and associated conditions.

The PUD permit expires if construction on the project has not begun within two (2) years from the date of the final plan approval, unless an extension was granted by the Director, or an alternative completion schedule was approved by the Board.

B. PUD Conditions.

PUD plans may be approved with conditions including, but not limited to those that:

1. Minimize or mitigate adverse effects on service delivery by political subdivisions, including school districts;
2. Minimize or mitigate adverse effects on other developments;
3. Control the sequence, timing and duration of development;
4. Assure that the development is maintained properly;
5. Designate the exact location and nature of development;
6. Require the provision of on-site or off-site public facilities or services;
7. Require more restrictive standards than those generally required in this title.

Following notice to the property owner(s) and a public hearing, the Board may revoke or suspend a PUD permit for non-compliance with conditions or restrictions.

C. Required Findings for Approval.

To approve an application for a PUD permit, the hearing body must recommend and Board must find that the facts submitted with the application establish that:

1. The proposal is compatible with the goals, policies and future land use map of the *Kootenai County Comprehensive Plan*.
2. The proposal is consistent with the intent and purpose of this title. The amenities, design, and benefits of the PUD justify any requested deviation from the normal requirements of this title. Development of the PUD is in the best interest of the public.
3. The application and design meet the requirements of this chapter, other applicable sections of this title, other County ordinances, and the requirements of other agencies.
4. The proposed structures and uses within the PUD are compatible with one another.
5. The proposed development is compatible with surrounding homes, businesses and neighborhoods, and with the natural characteristics of the area. Areas not suited for development are designated as open space. Road construction and disturbance of the terrain, vegetation and drainageways will be minimized

and will not result in soil erosion. Any site constraints, hazards or negative environmental, social or economic impacts will be adequately mitigated.

6. Services and facilities necessary to serve the development are feasible, available and adequate. Any adverse effects on service delivery by political subdivisions, will be adequately mitigated.
7. Proposed roads, sidewalks, trails and parking facilities within the development establish or adequately contribute to a transportation system for vehicles, bicycles and pedestrians that is safe, convenient, efficient and that minimizes traffic congestion.
8. The proposal is not anticipated to result in significant degradation of surface or ground water quality as determined by DEQ.
9. The PUD will be held in one ownership, or there is an effective means of control and oversight of the development in perpetuity. Provisions for maintaining land, infrastructure and shared improvements are adequate.
10. If the application is for final plan approval, any applicable conditions of conceptual plan approval have been met.
11. Public notice and the processing of the application met the requirements set forth in this title, County adopted hearing procedures, and *Idaho Code* §67-6512.

9-15-10: PHASING REQUIREMENTS: The Board may approve alternative PUD construction schedules and/or phasing of PUD projects. Each phase shall be configured to create a serviceable project, capable of standing alone or with other completed phases, if the project were to be terminated at the conclusion of that phase. Project phasing shall not produce an imbalance of common/ private space or land use density when compared to the overall project ratios. Lands designated for development in subsequent phases shall be encumbered by the density limitations of the project as a whole, even if the project fails to develop as planned.

9-15-11: PUD EXTENSIONS, AMENDMENTS AND MODIFICATIONS:

A. Extension of approval. Conceptual PUD plan approval is valid for one (1) year, and construction must be started within two (2) years of final PUD plan approval, unless phasing and/or an alternative completion schedule was approved by the Board, or an extension is granted by the Director. At any time prior to expiration of approval, the applicant may request one extension of up to one (1) year for conceptual PUD plan approval, and two (2) years for the start of construction, according to the following procedure.

1. Application Requirements. The following items constitute a complete application:
 - a. Application form.
 - b. Fees as adopted by Board resolution.
 - c. Narrative explaining: a) the reasons the final PUD plan, or if the application is for extension of final PUD plan approval, construction was not completed within the original timeline, b) the status of compliance with the original conditions of approval, and c) the anticipated schedule for completing the plan and/or beginning construction.
 - d. As part of a complete application, the Director may require additional information to determine compliance with conditions of approval, County ordinances, or the requirements of other agencies.

2. Approval Requirements

The Director may grant the extension providing: a) a complete application was submitted, b) the project is in compliance with the requirements of the County and other agencies (those that were in place at the time a complete conceptual PUD application was received by the Department), and c) the project is in compliance with its conditions of approval. Unless otherwise approved by the applicant, the Director shall make a decision within five (5) weeks of the receipt of a complete application. The Director's decision may be appealed in accordance with section 9-22-8 of this title .

- B. Amendments and modifications.** Minor changes to a PUD, its structures or uses, may be authorized by the Director without amending the PUD Plan. Minor changes include, but are not limited to, adjustments to platted lot lines, or a combination of the boundary lines of platted and legally created, unplatted parcels, providing a) no additional lots or parcels are created, b) the lots or parcels are changed less than 20% from the original platted lot boundary, c) the resulting lots are in conformance with the size and design approved for the PUD and are in conformance with all other County ordinances, d) the adjustment does not result in lots separated by a right-of-way or road, and e) a statement is included on the deed of conveyance indicating that the instrument is being recorded for lot line adjustment purposes and that the property being transferred is not a separate, buildable lot.

Significant changes in use, structures, lot or boundary lines, conditions of approval, and all other aspects of a final PUD Plan must be approved by the Board in accordance with the application, hearing and approval procedures for a new PUD. If components of the PUD are under separate ownership, the cooperative corporation or other organization established to provide oversight and control of the project may be authorized to submit the application on behalf of the property owners in the development. If an organization with such authority has not been established, then all affected persons within the PUD must be co-applicants for the request. For application purposes, the Director shall determine which property owners are affected persons as defined by *Idaho Code* (ref. *IC* § 67-6521).

9-15-12: CONDOMINIUMS: Condominiums are defined as a system of separate ownership of individual units in a multiple unit building, together with an undivided ownership of the common areas and elements of the real property, by the owners of the individual units. They are an estate consisting of an undivided interest in real property, together with a separate, fee simple interest in a portion of the same property (ref. *Idaho Code* § 55-101B). Condominiums are created by recording a plat and declaration in accordance with *Idaho Code* Title 55, Chapter 15.

If allowed in the zoning district, structures containing two, three or four dwelling units may be platted as condominiums without creating a PUD. For example, if duplexes are allowed in the zoning district, a two unit condominium could be platted without obtaining a PUD permit. In some zones a Conditional Use Permit is, however, required.

If the number of condominiums proposed exceed the dwelling units allowed per parcel in the underlying zone, a PUD is required. The total number of dwelling units permitted in a PUD shall not exceed that allowed in the underlying zoning district or districts.

9-15-13: OPERATION AND MAINTENANCE REQUIRED:

- A. Operation and Maintenance Required.** All PUD improvements and land, including common areas, shall be operated and maintained by the owner(s), in accordance with applicable best management practices (BMP's) and approved plans, and in a manner that is visually appealing. If the development will not remain under one ownership, an organization must be established to operate and maintain shared land and improvements in perpetuity. Organizational options include taxing districts (such as water or sewer districts), for profit corporations, including utility corporations, and cooperative corporations such as homeowners associations. If

private maintenance by a cooperative corporation is proposed, the documents establishing the organization must be approved by the Director.

CHAPTER 16
AIRPORT DISTRICT (Overlay District)

SECTIONS:

9-16-1	AIRPORT DISTRICT DEFINED (Overlay District)
9-16-2	GENERAL
9-16-3	AREA OF APPLICABILITY
9-16-4	RESTRICTIONS
9-16-5	MARKING AND LIGHTING
9-16-6	VARIANCES
9-16-7	AIRPORT AREA DESIGNATIONS
9-16-8	FRONT, SIDE, AND REAR SETBACK REQUIREMENTS
9-16-9	HEIGHT RESTRICTIONS
9-16-10	OPEN SPACE REQUIREMENT
9-16-11	STORAGE REQUIREMENTS
9-16-12	LANDSCAPING REQUIREMENTS
9-16-13	AIRPORT DISTRICT SECURITY

9-16-1: AIRPORT DISTRICT DEFINED (Overlay District): The purpose of this district is to protect the airspace in the vicinity of the airport and its runway approaches, to protect the lives of airport users, and to protect the property and occupants of land in its vicinity. This district will regulate and restrict the height of structures and objects, either natural or man-made, and restrict the uses of the property in accordance with this title, the boundaries outlined on the Kootenai County Zoning Map, and the areas depicted on the Airport Overlay Map.

9-16-2: GENERAL: The uses permitted, the building site areas, setbacks, and all other regulations imposed by the provisions of this title in any Zone shall apply under this title, except as provided in this chapter.

9-16-3: AREA OF APPLICABILITY: All of the unincorporated land in Kootenai County lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces identified on the Kootenai County Zoning Map as:

- A. Height Limitation Area** - All of the land within fourteen thousand (14,000) feet, horizontal distance from the established airport primary runway surface (precision instrument runway and approaches), divided into four (4) height limiting categories.
1. Transition Area - Slope seven (7) feet outward for each foot upward beginning at the primary approach surface extending to a height of one hundred fifty (150) feet.
 2. Horizontal Area - One hundred fifty (150) feet above the airport elevation or at a height of two thousand four hundred sixty-eight (2,468) feet above Mean Sea Level.
 3. Conical Area - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Area at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

4. Approach Areas:

- a. Slopes fifty (50) feet outward for each foot upward beginning at the end of, and at the same elevation as, the primary surface; and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline; thence sloping forty (40) feet outward for each foot upward to an additional horizontal distance of forty thousand (40,000) feet along the extended runway centerline.
- b. Slopes thirty-four (34) feet outward for each foot upward beginning at the end of, and at the same elevation as, the primary surface; and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline.
- c. Slopes twenty (20) feet outward for each foot upward beginning at the end of, and at the same elevation as, the primary surface, and extending to a horizontal distance of five thousand (5,000) feet along the extended runway centerline.

B. Land Use Guide (L.U.G.) Area - All of the land identified as L.U.G. which will conform to the 10 PNdb composite noise contour established by the Airport Master Plan, considered hazardous because of noise or has the potential of endangering the lives and property of the users.

9-16-4: RESTRICTIONS:

- A. Notwithstanding any other provisions of this Title, no use may be made of land or water within any area established by this District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- B. No place of public assembly (i.e., schools, theaters, churches, hospitals) shall hereafter be constructed or otherwise established within the L.U.G. Area as identified.
- C. All new subdivisions within the L.U.G. Area will be subject to Aviation Easements.

9-16-5: MARKING AND LIGHTING: Notwithstanding the provisions of the nonconforming uses prescribed for Height Limitation Areas, the owner, and all future owners, of any existing nonconforming structure or tree hereby waives the right to object to the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration to indicate to the operators of aircraft in those Height Limitation Areas of airport obstructions. Such markers and lights shall be installed at the expense of the Kootenai County Airport.

9-16-6: VARIANCES: Any person desiring to erect or increase the height of any structure or the growth of any tree not in accordance with the regulations prescribed herein will apply to the Board of Adjustment or Hearing Examiner. The application will be accompanied by a determination from the Airport Board, or the Airport Development Control Committee, as applicable; and the Federal Aviation Administration as to the effect of the proposal on the operation of the airport.

9-16-7: AIRPORT AREA DESIGNATIONS:

- A. Operations Areas: Those areas external to the Building Restriction Line, which are defined as areas for airport operations only. Airport operations areas are defined as aircraft maintenance areas, hangars, passenger service areas, and other structures with frontage on airport ramps, landing and take off runways, and taxi-ways.

- B. Terminal Support Area: The area designated for activities which provide support services for activities for airline passengers, or other members of the public utilizing the airport terminal. The support services are commercial in nature and include, but are not limited to, parking, car rental agencies, restaurants, motels, hotels, etc.
- C. Light Industrial Areas (LI-1 and LI-2): Those areas identified as a land use classification that meets the requirements set forth in the Light Industrial District, except as specified in the airport district overlay.

9-16-8: FRONT, SIDE, AND REAR SETBACK REQUIREMENTS:

A. Operations Area - No setback requirements except as specified below:

- 1. *International Building Code* requirements for abutting structures shall apply.
- 2. Apron, runway, taxiway, and tie down clearance specifications specified by the Federal Aviation Administration shall apply.
- 3. Recommendations shall be sought to ensure consistency with procedures and regulations specified by special purpose districts (Fire District, Highway District, Panhandle Health District, etc.).
- 4. When the use abuts a roadway, or any other zone defined in this title; then the side setback shall be five (5) feet for each ten (10) feet of building height above grade.
- 5. Setbacks shall be determined during the lease negotiation process and incorporated as conditions, covenants, and restrictions in the lease. The setbacks shall be established as required by need, in terms of the following:
 - a. Compliance with clearance specifications for aprons, runways, taxiways, and tiedown areas established by the Federal Aviation Administration.
 - b. Compliance with landscaping and open space sections of this chapter.
 - c. Compliance with this Section as set forth above.

B. Terminal Support Area

- 1. Front: Thirty-five (35) feet
- 2. Side: No requirement except when a commercial or light industrial structure abuts any other zone designated in this title; then the side setback requirement shall be five (5) feet for each ten (10) feet of building height above grade.
- 3. Side (corner lot flanking street): fifteen (15) feet
- 4. Rear: Fifteen (15) feet

C. Light Industrial Areas (LI-1 and LI-2)

- 1. Front: Thirty-five (35) feet

2. Side: No requirement except when a commercial or light industrial structure abuts any other zone designated in this title; then the side setback requirement shall be five (5) feet for each ten (10) feet of building height above grade.
3. Side (corner lot flanking street): fifteen (15) feet.
4. Rear: Fifteen (15) feet

9-16-9: HEIGHT RESTRICTIONS:

- A. Except as otherwise stated in this title, and except as necessary and incidental to airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Section 9-16-3 of this Chapter so as to project above any imaginary airspace surfaces described in this chapter . Any proposed structure which will exceed thirty-five (35) feet above grade in the Airport District shall have the site and structural plans submitted to the Kootenai County Airport Advisory Board or the Airport Development Control Committee, as appropriate, for architectural/design/safety review. The cognizant reviewing authority shall provide recommendations to the Board of County Commissioners for final approval of the proposed structure.
- B. Operations Area: No structure or tree shall be constructed, altered, maintained, or allowed to grow in the Operations Area, so as to exceed four (4) stories or a maximum height of fifty (50) feet above airport elevation.
- C. Terminal Support Area: Shall conform to height restrictions set forth in subsection (A) of this section.
- D. Light Industrial Areas (LI-1 and LI-2): Shall conform to height restrictions set forth in subsection (A) of this section.

9-16-10: OPEN SPACE REQUIREMENT:

- A. Operations Area: Maximum building coverage of eighty (80) percent of the site is allowed. Parking areas will not be calculated as building area, but parking structures with levels above grade shall be treated as buildings and, therefore, shall be part of the maximum building coverage.
- B. Terminal Support Area: Maximum building coverage of sixty-five (65) percent of a site is allowed. Parking areas will not be calculated as building area, but parking structures with levels above grade shall be treated as buildings and, therefore, shall be part of the maximum building coverage. The goal is to develop a "campus style" commercial area with an emphasis on landscaped green belts and open space.
- C. Light Industrial Areas LI-1: Maximum building coverage of sixty (60) percent of a site is allowed. Parking areas will not be calculated as building area, but parking structures with levels above grade shall be treated as buildings and, therefore, shall be part of the maximum building coverage. The goal is to develop "campus style" light industrial area stressing open space and landscaped green belts.
- D. Light Industrial Area LI-2: Maximum building coverage of seventy-five (75) percent of a site is allowed. Parking areas will not be calculated as building area, but parking structures with levels above grade shall be treated as buildings and, therefore, shall be part of the maximum building coverage. The goal is to develop a light industrial area with more limited open space and green-belt areas than those in the LI-1 area.

9-16-11: STORAGE REQUIREMENTS:

- A. **Operations Area**

1. No outdoor storage.
2. Automobiles or other machinery normally displayed for sales purposes on an open lot shall not be displayed in this area. This restriction does not apply to the display of aircraft for the purpose of sale.
3. Storage of below-ground petroleum products shall be permitted for airport operations and shall meet the regulations and standards established by the following agencies:
 - a. Environmental Protection Agency
 - b. Idaho Department of Environmental Quality
 - c. Federal Aviation Administration
 - d. National Fire Protection Association
 - e. Northern Lakes Fire Protection District
 - f. Any other agency which may have jurisdiction subsequent to adoption of this title.
4. The use, handling, and storage of critical materials shall be in accordance with recommendations established by State or Federal Law.

B. Terminal Support Area:

1. No outdoor storage.
2. Automobiles or other machinery normally displayed for sales purposes on open lot shall not be displayed in this area.
3. Storage of below-ground petroleum products - Storage of petroleum products in quantities of less than twenty thousand (20,000) gallons (total for each site) shall be below ground and shall meet regulations and standards established by the following agencies:
 - a. Environmental Protection Agency
 - b. Idaho Department of Environmental Quality
 - c. Federal Aviation Administration
 - d. National Fire Protection Association
 - e. Northern Lakes Fire Protection District
 - f. Any other agency which may have jurisdiction subsequent to adoption of this title .
4. The use, handling, and storage of critical materials shall be in accordance with recommendations established by State or Federal Law.

C. Light Industrial Area (LI-1)

1. No outdoor storage.
2. Automobiles or other machinery normally displayed for sales purposes on open lot shall not be displayed in this area.
3. Storage of below-ground petroleum products - Storage of petroleum products in quantities of less than twenty thousand (20,000) gallons (total for each site) shall be below ground and shall meet regulations and standards established by the following agencies:
 - a. Environmental Protection Agency
 - b. Idaho Department of Environmental Quality

- c. Federal Aviation Administration
 - d. National Fire Protection Association
 - e. Northern Lakes Fire Protection District
 - f. Any other agency which may have jurisdiction subsequent to adoption of this title .
4. The use, handling, and storage of critical materials shall be in accordance with recommendations established by State or Federal Law.

D. Light Industrial Area (LI-2)

- 1. Storage of materials and machinery - all storage shall be indoors, or within a six (6) foot high sight obscuring fence, or screened with vegetative materials, so that the storage area cannot be seen by adjacent properties and the traveling public. Storage areas must conform to the minimum setback regulations of the zone. Automobiles or other machinery normally displayed for sales purposes on an open lot shall not be so displayed.
- 2. Storage of below-ground petroleum products - Storage of petroleum products in quantities of less than twenty thousand (20,000) gallons (total for each site) shall be below ground and shall meet regulations and standards established by the following agencies:
 - a. Environmental Protection Agency
 - b. Idaho Department of Environmental Quality
 - c. Federal Aviation Administration
 - d. National Fire Protection Association
 - e. Northern Lakes Fire Protection District
 - f. Any other agency which may have jurisdiction subsequent to adoption of this title .
- 3. The use, handling, and storage of critical materials shall be in accordance with recommendations established by State or Federal Law.

9-16-12: LANDSCAPING REQUIREMENTS:

- A. The front, rear, and side setback areas shall be landscaped with an effective combination of ground cover, shrubbery, and trees. All other unpaved areas shall be landscaped in similar fashion, except those areas designated for parking or storage on site plans approved by the Director.
- B. The entire area between the curb and a point fifteen (15) feet back from the front lot line shall be landscaped for the purpose of forming a vegetative frontage, except for driveway access in the immediate area. Notwithstanding the aforementioned vegetative frontage, the entire area between the curb and the building line of any lot, except for concrete/paved walkways, shall be landscaped.
- C. Undeveloped areas that are owned or are under lease agreement, and are proposed or set aside for future development shall be maintained in a weed-free condition by the lessee.
- D. All areas under lease shall submit a landscaping plan to the Airport Development Control Committee for architectural/design review. The Committee shall provide recommendations to the Board of County Commissioners for all landscaping in the Airport District.
- E. Areas used for parking shall be landscaped in such a manner as to provide a vegetative frontage, or a visual vegetative barrier along areas in view of access streets, freeways, and adjacent properties.

F. All stormwater run off from parking areas shall receive primary treatment and disposal through grassy swales. Engineered site plans shall allow acreage sufficient to provide primary treatment for the first one-half (1/2) inch of stormwater runoff generated from paved or impervious parking surface.

9-16-13: AIRPORT DISTRICT SECURITY: Airport District security shall be maintained in conformance with Federal Aviation Regulations, Part 107, as set forth by the Federal Aviation Administration.

CHAPTER 17
DESIGN STANDARDS

SECTIONS:

9-17-1	PURPOSE
9-17-2	APPLICABILITY
9-17-3	GENERAL
9-17-4	LANDSCAPING
9-17-5	SCREENING AND FENCING
9-17-6	PARKING

9-17-1: PURPOSE: The purpose of this chapter is to provide standards and minimum regulations for landscaping, screening and fencing, parking, and circulation to promote public health, safety, and general welfare. In addition, it is the purpose of these standards to promote traffic safety and improve the appearance of the County.

9-17-2: APPLICABILITY: This chapter shall apply to all commercial, light industrial and industrial uses. This chapter shall also apply to community uses, including, but not limited to, schools, libraries, churches, meeting halls, hospitals, etc. These standards may also be required as a Condition of Approval for Conditional Use Permits.

9-17-3: GENERAL: The standards provided in this chapter are the minimum standards required. A combined site plan addressing landscaping, parking, and lighting is acceptable, provided it can be easily reviewed and implemented. If the site plan becomes too cluttered or difficult to review for compliance with the requirements, separate site plans may be required by the Director.

9-17-4: LANDSCAPING:

A. Landscape Plans Required. Prior to the issuance of a building or site disturbance permit for uses to which this chapter applies, a landscape plan shall be submitted to the Department for review and approval. At the time an applicant applies for a building permit or site disturbance permit, the landscaping standards in place pursuant to this title or any amendments thereto will govern that application. The landscape plan shall be a drawing to scale, prepared by a landscape designer, including the following information:

1. Boundaries and dimensions of the site.
2. Identification of all species and locations of existing trees that are to be retained.
3. Location and identification of species of all proposed plantings.
4. Location and design of areas to be landscaped, buffered, and maintained.
5. Type, location and design of proposed irrigation.
6. Plant lists or schedules with common name, quantity, spacing and size of all proposed landscape material at the time of planting.
7. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and paved areas.
8. Methods and details for protecting existing vegetation during construction.

For purposes of this chapter, a landscape designer is defined as an individual skilled in the trade of nursery operation or landscape design to include the drafting of landscape plans and construction details, development of plant material lists, and construction material selection, but need not have completed the State of Idaho qualifications necessary to be classified as a Landscape Architect.

As part of the landscape plan submittal, the plan designer shall determine whether the site contains noxious weeds. If it is determined that there are noxious weeds on site, then the Certificate of Occupancy shall not be issued until a weed mitigation plan is developed and approved by County.

B. Landscape Standards

1. General Requirements

- a. Existing on-site trees and shrubs may be included in the application of these standards, provided they are depicted on the plan and retained.
- b. All landscaped areas, including trees, shrubs, and ground cover, shall be permanently maintained in a healthy growing condition. Irrigation shall be available to maintain healthy growing condition. To maintain the integrity of the original design, any dead tree or shrub shall be replaced with the same or similar species originally planted unless a substitute is approved by the Director.
- c. No landscape area shall include artificial trees, plants, or any carpeting designed as a vegetative substitute.
- d. Unless otherwise specified, landscaping shall consist of, but not be limited to, a mix of deciduous and evergreen trees, shrubs, and planted ground cover. The use of native vegetation is encouraged. There shall be at least one tree and three shrubs for every 300 square feet of landscaped area. At the time of planting, deciduous trees shall be a minimum of 2" inch caliper (as measured 6 inches above grade), and evergreen trees shall be at least five (5) feet tall. At the time of maturity, all trees shall be at least twenty (20) feet tall. Where shrubs are required, they shall be a minimum of a 3 gallon tub.
- e. All required landscape areas shall be planted so as to achieve 100% ground coverage by under story plant materials within five (5) years. If this amount of ground coverage is not achieved, the area shall be planted with mature plant material immediately or as soon as the planting season permits.
- f. Around primary structures, a strip of landscaped area at least 25 feet wide shall be provided in front, and a strip at least 15 feet wide shall be provided along the sides of the structures. Walkways up to 6 feet in width may be installed within these landscaped areas.
- g. No landscaping shall be placed so as to obstruct a motorist's clear view of a street, highway, or public right-of-way within a fifty-foot (50') vision obstruction triangle. Trunks of deciduous trees are acceptable within the fifty-foot (50') vision obstruction triangle.

2. Parking Lots.

Landscaping shall be required for all parking lots based on a percentage of the gross parking area used for parking spaces. Traffic aisles and driveways are excluded from this calculation. The area calculations are as follows:

- a. 1 to 50 spaces = 10 percent of the area

- b. 51 to 99 spaces = 12 percent of the area
- c. 100 or more spaces = 15 percent of the area

Example: 8 parking spaces, each space is 10 feet wide and 20 feet long (200 square feet per space).

$$8 \text{ spaces} \times 200 \text{ sq. ft.} = 1600 \text{ sq. ft.}$$
$$1600 \times 10\% = 160 \text{ square feet of landscaped area}$$

In addition, parking lots and the accompanying landscaping shall be configured so that no parking space is more than 75 feet from a landscaped area.

3. Areas Adjacent to Residential Zones.

A 15-foot wide minimum planting strip buffer in conjunction with a 50% site obscuring fence not less than six feet in height shall also be required where the development abuts an existing residential zone or existing residential use.

Planting strip buffers shall consist of sight-obscuring vegetative screening, and shall attain 50% sight obscurity along the entire strip within three years. (Only 50% of the site is visible from the street or from an adjacent residential property after three years of plant growth.) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on adjacent property. No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted in the buffer area.

4. Pedestrian Walkways.

Pedestrian walkways shall be landscaped for their entire length. Trees shall be sized large enough so that, at maturity, a minimum vertical clearance of 7 feet between the sidewalk and the lowest branch is attained. Trees shall be at least two (2) feet from sidewalks and curbs at the time of planting. Root control barriers between the proposed tree planting location and the curb and sidewalks may be required to maintain the health of the tree.

5. Public Road Frontage

Frontage buffer areas shall be provided for all nonresidential uses adjacent to all public roads. The minimum depth of said buffer shall be fifteen (15) feet. Frontage buffers shall be planted with grasses, deciduous trees, evergreens, or constructed of berms, boulder accents, mounds or combinations. Frontage buffers shall require a minimum of three (3) trees and three (3) shrubs for every thirty (30) feet of street frontage. If a landscaped berm is provided, the berm shall be at least two and one half (2.5) feet higher than the finished elevation of the parking lot and planting requirements may be reduced to two (2) trees and 3 shrubs for every thirty (30) feet of public road frontage. If planted berms are used, the minimum top width shall be four (4) feet, and the maximum side slope shall be 2:1. No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted in the buffer area.

C. Planting Implementation

- 1. All existing trees that are to be saved shall be unmistakably delineated in the field so that it is obvious to construction personnel and equipment operators.
- 2. All field construction personnel and equipment operators shall use appropriate construction practices to prevent damage to existing and new landscaping.

3. Prior to issuance of the Certificate of Occupancy, the designer shall submit a completion report attesting to the correct installation of healthy trees, shrubs, groundcover and other landscape treatments as shown on the landscape site plan, and that the installation is a correct representation of the plan.
4. The Director may authorize a delay in the completion of planting during the months of November, December, January, February, and up to March 15th (or adverse weather conditions which threaten survivability of plants). Should a delay occur, a guarantee of financial surety equal to one hundred fifty percent (150%) of the costs of landscaping will be provided by the owner/developer and held by the County until the landscaping is complete. No Certificate of Occupancy shall be issued until the required landscape development is complete, or a financial guarantee has been approved.

D. Alternative Methods Of Compliance

It is recognized that with certain site conditions, a strict interpretation of requirements may be physically impossible or economically impractical. In cases of hardship, these alternative compliance procedures allow modifications to the above landscaping requirements. Requests for use of alternative landscaping schemes are justified only when one or more of the following apply:

1. The site has space limitations or the parcel is unusually shaped.
2. Topography, soil, vegetation or other physical hardship site conditions are such that full compliance is impossible or impractical.
3. Due to a change of use of an existing site, the required buffer is larger than can be provided.
4. Legitimate safety considerations from other public agencies are raised.

An applicant applying for relief under this provision shall submit, in addition to the information required in the Landscape Plan, a written narrative explaining the alternative methods of compliance, also prepared by a designer, and the applicable fees. The proposed solution shall equal or exceed existing requirements.

Upon receipt of the completed application, the Director shall review the request and submit a decision to the applicant within 10 working days of the request. If the application is denied, the Applicant may appeal the Director's decision to the County Hearing Examiner. The Hearing Examiner shall make a recommendation to the Board of County Commissioners. The decision from the Board shall be final.

9-17-5: SCREENING AND FENCING:

- A. Refuse containers shall be screened from view by a 100 percent sight obscuring fence that is a minimum of six feet (6') in height.
- B. Storage of Equipment, Materials and Goods - Equipment, materials or goods not housed within the primary building shall be stored within an accessory building or within a 100 percent sight obscuring fence that is a minimum of six (6) feet in height. Materials and goods shall not be stored in any manner where they are visible from adjacent property or a public right-of-way.
- C. Fencing material shall not consist of tires, manufactured home parts, salvaged building materials, automobile parts, junk, or garbage.
- D. Fencing shall be a maximum of eight feet in height.

9-17-6: PARKING:

A. General Requirements

1. **Parking and Circulation Plan Required** - Off-street parking and loading facilities shall be shown on a site plan for review. The plan submitted shall show a detailed functional parking arrangement and on-site circulation and shall be prepared at a scale of not less than one inch equals one hundred feet (1"=100').
2. **Parking Area Limitations** - A required parking area shall be used exclusively for parking of vehicles in operating condition and shall be used in conjunction with a permitted land use. No inoperable or unlicensed vehicle shall be parked or stored within a space which is required to meet the minimum number of spaces of this Section. Following approval, off-street parking facilities shall not be reduced or encroached upon in any manner unless provisions of this chapter have been met and approval for the change has been received.
3. **Changes in Parking Facility** - Whenever a use or building constructed or established after December 21, 1998 is enlarged in floor area, number of employees, number of dwelling units, seating capacity, or any other change that creates an increase in the need for additional parking spaces, a site plan shall be prepared and submitted to the Director for approval.
4. **Access** - All parking facilities shall be provided with safe and convenient access to a street. Ingress and egress to streets shall be provided only through approved driveways. Approaches onto a public road shall meet the requirements of the applicable Highway jurisdiction.

B. Parking Lot Design Standards

1. **Number of Parking Spaces Required** - The minimum number of off-street parking spaces required for each type of use, or similar use, shall be in accordance with the following list. Gross floor space shall be used where the number of spaces is based on a square footage type requirement. In determining the number of parking spaces required, fractions shall be rounded to the nearest whole number. If a specific use is not listed for parking standards, then the requirements for the closest similar use shall be used. If there is no similar use, then one space shall be required for every 200 square feet of gross floor space.

Manufactured Home Park: 2 per dwelling unit

Community Uses:

Auditoriums, churches, theaters:

Fixed Seating: 1 per 4 seats

No Fixed Seating: 1 per 150 square feet

Schools or higher educational facilities: 1 per classroom, 1 per office, and 1 per each 4 seats in the largest gathering room

Day care centers: 1 per 350 square feet

Hospitals: 1 per each bed

Libraries: 1 per 250 square feet

Nursing homes: 1 per 5 beds

Parks/Athletic fields: 30 spaces, and 50 per each playing field

Commercial:

Offices: 3 per 1000 square feet

Medical/Dental Clinics: 1 per 250 square feet

Retail sales, personal services: 1 per 250 square feet

Furniture and motor vehicle showrooms: 1 per 800 square feet

Hotels/Motels: 1 per rental unit, and 1 per each regular employee of the largest shift

Indoor Recreation, such as bowling alleys/skating rinks: 1 per 100 square feet

Restaurants/night clubs/bars: 1 per 250 square feet

Club/lodge: 1 per every 6 fixed seats or 1 for every 10 members, whichever is larger

Outdoor Recreation Activities (depending upon the activity):

1 per every cabin; or

1 per every equestrian stall; or

1 per every 100 square foot of floor space in the primary lodge or club; or

1 per every four tickets sold;

Research Park: 1 per 600 square feet

Industrial:

Manufacturing: 1 for every 2 employees on the largest shift

Warehouse and Wholesale: 1 per 800 square feet

Mining:

1 for every 2 employees on the largest shift

2. Location of Parking Facilities - Required off-street parking shall be either on the same lot or premises as the principal building or within three hundred feet (300') of the building. The 300 foot requirement shall be measured from the nearest point of the principal building to the nearest point of the parking facility. Off-street parking facilities for separate uses may be provided jointly when operating hours of users do not conflict and provided the total number of spaces is not less than the required spaces for each individual use. Off-site parking areas shall require approval as a conditional use permit.
3. Dimensions
 - a. Parking Lot Space Dimensions - Eight feet (8') in width by eighteen feet (18') in length. At the developer's option, 25 percent (25%) of the lot may be marked "compact only" with individual parking space dimensions of seven and one-half feet (7'2") in width by fifteen feet (15') in length.

- b. Aisle Width - Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Parking Angle (degrees):	0°	30°	45°	60°	90°
Aisle Width (feet): One-Way Traffic	13'	12'	15'	18'	24'
Two-Way Traffic	19'	20'	21'	23'	24'

- c. Driveway Entrances and Exits - One-way traffic entrance and exit driveways for all uses except residential: fourteen feet (14'). Two-way traffic entrance and exit driveways used for all uses except residential: twenty-six feet (26').
4. Bicycle Parking - One bicycle parking space shall be provided for every ten (10) required auto parking spaces. Bicycle parking shall not obstruct vehicular or pedestrian circulation.
5. Parking for Physical Limitations - Where off-street parking is required for uses other than residential, handicapped parking spaces shall be provided on the ratio of one handicapped parking space per thirty-five (35) required auto parking spaces, and shall meet the following standards:
- The spaces shall be at least twelve feet (12') wide and twenty feet (20') long and shall be open on one side to allow wheelchair access.
 - Spaces shall be signed in accordance with *Idaho Code* §49-695.
 - Spaces shall be located on the shortest possible accessible circulation route to an accessible entrance to a building.
6. Construction Requirements
- Parking areas and access driveways shall be paved with plant mix asphalt concrete or traffic rated concrete unit pavers.
 - There shall be continuous curbing between parking areas and buildings and along both sides of the approach(es) across the road right-of-way. Curb cuts shall be allowed for driveways, access ways, walkways, and stormwater conveyance.
 - Where four (4) or more parking spaces are required, each parking space shall be designated by a three inch (3") painted line defining the side of each space for its entire length.
 - When off-street parking lots abut residential property, the site plan shall include a 50% sight obscuring fence not less than 6 feet in height and a 50% sight-obscuring vegetative screen along the entire boundary that is common to both the residential and parking lot areas.
7. Circulation Requirements
- All on-site traffic patterns shall be designated and clearly marked.
 - Circulation within an off-street parking lot shall be such that a vehicle shall not have to exit and re-enter the lot in order to reach another parking aisle, and a vehicle shall not exit the parking lot by backing into the street.
 - Turn-arounds shall be a minimum of twenty-four feet (24') in width.

8. **Parking Lot Lighting** - Lighting used to illuminate a parking lot shall be shown on the site plan, and shall be downward directed and shielded to prevent illumination at the property line greater than 0.2 footcandles.

C. Loading Requirements

1. All required loading areas shall be off-street and shall be located on the same lot as the building to be served.
2. A loading area shall be served by vehicular access to a street or alley.
3. All open loading areas shall be paved with plant mix asphalt concrete.
4. One loading area shall be required for each 10,000 square feet of building area. The loading area shall be a minimum of 12 feet wide, 35 feet in length.

CHAPTER 18
HIGHWAY 41 OVERLAY ACCESS MANAGEMENT

SECTIONS:

9-18-1	PURPOSE
9-18-2	GENERAL
9-18-3	APPLICABILITY
9-18-4	NEW APPROACHES
9-18-5	USE OF EXISTING APPROACHES
9-18-6	ADDITIONAL REQUIREMENTS
9-18-7	VARIANCE PROVISIONS

9-18-1: PURPOSE AND PLANNING AREA: The goals and intent behind this chapter are to improve safety conditions along the highway, reduce congestion and delays, provide property owners with safe access to the Highway, promote desirable land use development patterns, and make pedestrian and bicycle travel safer. Provisions of this chapter shall be used to manage and control access to Highway 41, and require that properties adjacent to the Highway utilize or obtain access on other public roads. This chapter is enacted pursuant to the following: *Idaho Code* Title 67, Chapter 65, Local Land Use Planning Act; the *Kootenai County Comprehensive Plan*; and the provisions of this title.

9-18-12: GENERAL: The permitted uses, the building site areas, setbacks, and all other regulations imposed by this title in any Zone shall continue to apply in areas subject to this chapter. In cases where there are conflicting provisions of this title, requirements of this chapter shall prevail.

9-18-3: APPLICABILITY: A zoning overlay district is hereby established for all unincorporated land in Kootenai County lying within 1,320 feet of the centerline of State Highway 41, South of Lancaster Avenue and North of Poleline Avenue, and as identified on the Kootenai County Zoning Map. If a parcel is partially or entirely within the 1,320 feet overlay, the rules of this chapter shall apply.

9-18-4: NEW APPROACHES: New approaches directly accessing onto Highway 41 within the overlay shall be allowed only in the following circumstances:

- A. Access to an individual residence (no common driveways) on parcels created prior to adoption of this chapter.
- B. Agricultural field access.
- C. When local fire districts require a secondary access to provide for emergency services, such access shall not be open for non-emergency uses and shall be maintained by the land owner as a closed access except during emergencies.

Approach permits shall be required by the Idaho Transportation Department and the local highway jurisdiction. Traffic counts, studies and improvements may be required by either the Idaho Transportation Department and/or the applicable Highway Jurisdiction.

9-18-5: USE OF EXISTING APPROACHES:

- A. Use of existing approaches onto Highway 41 within the overlay zone shall be allowed to continue provided:
 - 1. Existing use is lawful and properly permitted.
 - 2. Type of use does not change (For example - a residential use to a commercial use) or;

3. Intensity of Commercial or Industrial Use does not increase. For purposes of this chapter, an Increase of Intensity is defined as additional businesses or an increase in lot coverage greater than twenty-five per cent (25%) per year, and;
4. The number of parcels served by the approach does not change.
5. The approach was existing and legally permitted for the existing use from the Idaho Transportation Department or the local Highway Jurisdiction as of the effective date of Kootenai County Zoning Ordinance No. 274, November 30, 1998 .

9-18-6: ADDITIONAL REQUIREMENTS:

- A. All structures within this overlay zone shall be set back at least 150 feet from the centerline of the Highway. All other setback requirements of the underlying zone shall be met.
- B. All new subdivision and short plat developments shall obtain access to an existing public road other than Highway 41.
- C. If there is a change in the use, a change of use permit shall be required, reviewed and approved by the Department prior to the issuance of any new building permits.
- D. When the use is approved for change, the use of the existing approach shall cease and the approach shall be abandoned and removed. The property owner shall acquire access to an existing public road other than Highway 41 prior to any change of use. The access shall meet the requirements for location, design, right of way and standards of the local highway jurisdiction. Based on the specific project or specific use, the Post Falls Highway District may require dedication of the access road.
- E. Traffic counts, studies and improvements may be required by the either the Idaho Transportation Department and/or the applicable Highway Jurisdiction.
- F. A circulation plan shall be required for any new building permit.
 1. Plans shall be designed to create a safe flow of vehicular and pedestrian circulation through the parcel.
 2. Plan shall be drawn to scale and include:
 - a. Identification of easements, new or existing roads.
 - b. Identification and overall design of parking lots, stormwater treatment, and sidewalks.

9-18-7: VARIANCE PROVISIONS: Requests for variances from any section of this chapter shall follow the standards and procedures as outlined in chapter 23 of this title .

CHAPTER 19
SUPPLEMENTARY REGULATIONS

SECTIONS:

9-19-1	SUPPLEMENTARY REGULATIONS; APPLICABILITY
9-19-2	VISIBILITY AT INTERSECTIONS
9-19-3	ACCESSORY BUILDINGS
9-19-4	ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT
9-19-5	EXCEPTIONS TO HEIGHT AND SETBACK REGULATIONS
9-19-6	PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT
9-19-7	SIGNS
9-19-8	TEMPORARY HARDSHIP USE PERMIT

9-19-1: SUPPLEMENTARY REGULATIONS; APPLICABILITY: The Supplementary Regulations set forth in this chapter are applicable in all zones established by this title.

9-19-2: VISIBILITY AT INTERSECTIONS: On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

9-19-3: ACCESSORY BUILDINGS: Accessory buildings shall not be erected in open space required by this title . Separate accessory buildings shall not be erected within six (6) feet of any other building.

9-19-4: ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT:

- A. In Commercial, Light Industrial, Industrial, Mining, and High Density Residential zones, more than one (1) structure housing a permitted principal use may be erected on a single lot, provided that the open space and other requirements of this title shall be met for each structure as though it were on an individual lot.
- B. In Agricultural, Agricultural Suburban, Restricted Residential and Rural zones, no more than one (1) structure housing a permitted residential use may be erected on a single lot, unless specified in the individual zone.

When a properly permitted manufactured home is replaced with another properly permitted manufactured home or residential structure, the manufactured home may be temporarily stored on site for up to 90 days, providing a) it is disconnected from all utilities, and b) it is placed on wheels and axles, and the running gear, including the tongue, are in place. Manufactured homes may not be converted to, or used as storage units.

9-19-5: EXCEPTIONS TO HEIGHT AND SETBACK REGULATIONS:

- A. Exception to Height Requirements

Height limitations contained in this title , except those shown under section 9-16-3(A) of this title pertaining to the Airport District, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- B. Exceptions to Setback Requirements

- 1. The setback requirements as previously stated in this title shall not apply to:
 - a. Fences less than eight (8) feet in height and retaining walls;

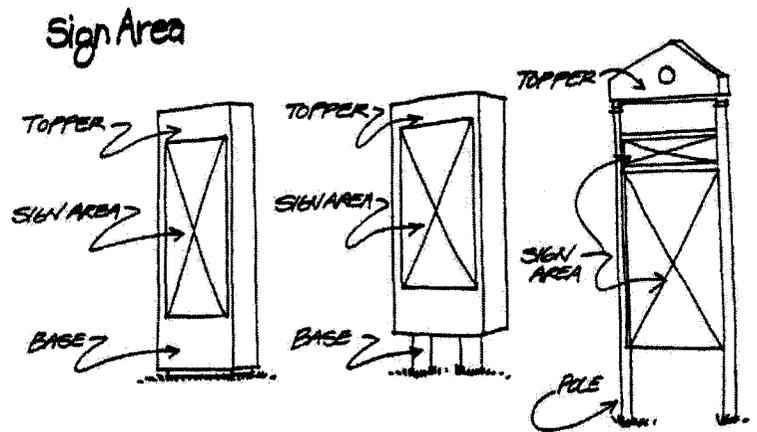
- b. Poured concrete structures on grade, such as patios and sidewalks;
- c. Platforms necessary for access from roadways to garages or for parking purposes and which are not enclosed;
- d. Stairways and walkways (which do not exceed four (4) feet in width) and stairway landings (which do not exceed six (6) feet in width or length), subject to the following setback requirements:
 - 1) Front and Rear Yard.....none
 - 2) Side Yardfive (5) feet
- e. Eave projections which:
 - 1) Do not exceed two (2) feet or
 - 2) Are for the purpose of covering a stairway or walkway as previously defined and which shall not exceed the setback requirements contained in this section.

9-19-6: PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT: For the purposes of this title, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Major recreational equipment should be parked or stored in the off-street parking areas required in the individual zones. No major recreational equipment shall be parked or stored on any street or alley in a residential area to exceed twenty-four (24) hours.

9-19-7: SIGNS:

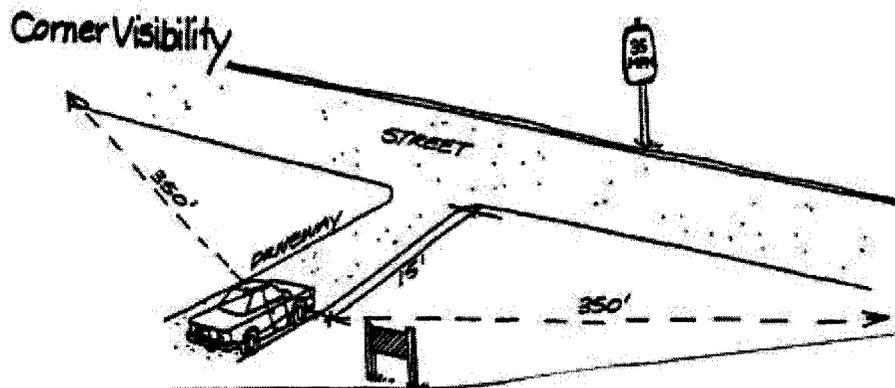
A. General Requirements

- 1. Property Line Setbacks. Signs may be installed up to, but not over, property lines. Signs may not be installed in easements.
- 2. Sign Area. The size of a sign face, in square feet, shall be measured so as to include the entire area within a continuous perimeter enclosing the extreme limits of the sign, including the background on which the lettering is placed. Such perimeter shall not include any structural elements which lie outside the limits of the sign and which do not form an integral part of the display. When a sign is painted on a building, the size of the sign shall be determined by the perimeter within which the lettering and/or artwork of the sign is inscribed.



3. **Sign Height.** The height of a sign shall be measured from the finished ground level adjacent to the sign, to the top of the sign, or to the highest point of the sign structure or frame, whichever is greater. On slopes, the height of the sign is measured at the mid-point of the sign.
4. **Corner Visibility.** No sign or display shall be permitted at the intersection of a road, alley or driveway, in a manner that obstructs the clear vision of any part of the road. If a sign is placed at the intersection of two roads, the sign must not interfere with the 50 foot corner visibility triangle described in section 9-19-2 of this chapter.

For signs located near a driveway entrance onto a road, a sight triangle based on the speed of traffic is used. At a point fifteen feet back from the edge of the road surface or curb, no sign may block the line of vision to a point equal to the speed limit times ten. For example, if the speed limit is 35 miles per hour, the exiting driver must be able to see the road and vehicles up to 350 feet away.



5. **Sign Maintenance.** All sign supports, braces, guys, anchors and other components shall be kept in good repair, and the faces of signs shall be neatly painted or posted at all times.
6. **International Building Code.** Signs shall be constructed in conformance with the currently adopted edition of the *International Building Code*. If a building permit is not required, no other permit is necessary, however the sign or display must meet the requirements of this title.

B. The following signs are permitted in all zoning districts:

1. Official notices required by a Court or other governmental authority.
2. Directional, warning, location, information, or traffic signs, located on public property and authorized by a governmental authority.
3. Signs that are oriented internally to a site and that are not directed toward other properties or roads. Examples include sponsorship signs at race tracks and sporting facilities.
4. Other signs authorized or required by law (for example no trespassing or handicap parking signs).
5. Signs that include only the name of a location, owner or occupant (for example signs depicting the name of a subdivision, ranch or property owner). The name of a business or other information may not be included on this sign.

C. Off-Premise Signs. With the following exception for temporary event signs, off-premise signs are not permitted in any zoning district.

With the permission of the property owner, off-premise, temporary event signs or banners are permitted in all zoning districts, for up 14 days during one calendar year, in connection with a single event which is not repeated during the year.

Note: Off-premise signs near State and Interstate highways may be subject to the requirements of Idaho Code Title 40, Chapter 19.

D. Prohibited Signs and Displays.

The following signs and displays are prohibited in all zoning districts:

1. Signs that create a hazard or dangerous distraction to vehicular traffic; that may be confused with or interfere with authorized railroad or traffic signs, signals or devices; that impair the vision of drivers or pedestrians; or that otherwise interfere with traffic visibility.
2. Signs that are not structurally sound, that may pose a hazard to people or property.
3. Roof signs.
4. Revolving signs or signs with moving parts.
5. Animated signs (both mechanically and electronically animated).
6. Signs with audible devices.
7. Flashing signs, lights or displays.
8. Signs advertising activities that are illegal.
9. Signs that are obscene or indecent.
10. Signs not specifically permitted by this title.

E. In Commercial, Light Industrial, and Industrial zoning districts, each legally created parcel of land may have the following on-premise signs and displays:

1. One pole sign, projecting sign, or banner sign, with the size and height of the sign not to exceed the dimensions shown in Table 19-1 . This sign may be illuminated in conformance with the requirements of this section, and may include an electronic message center, providing the sign and message center together to not exceed the dimensions shown in Table 19-1.
2. One monument sign for each side of the parcel adjoining a public or private road, with the size of the sign not to exceed the dimensions shown in Table 19-1 , and the height of the sign not to exceed 6 feet. Monument signs may be illuminated in conformance with the requirements of this section, and may include an electronic message center, providing the sign and message center together do not exceed the dimensions shown in Table 19-1.

**Table 19-1
Maximum Sign Size and Height in Commercial,
Light Industrial, and Industrial Zoning Districts**

Speed Limit ♦	Number of Traffic Lanes	Maximum Area of Sign Face ♣	Maximum Sign Height ♣
≤ 25 mph	2	25 sq. ft.	12 feet
≤ 25 mph	4	32 sq. ft.	12 feet
35 mph	2	32 sq. ft.	20 feet
35 mph	4	42 sq. ft.	20 feet
45 mph	2	75 sq. ft.	35 feet
45 mph	4	90 sq. ft.	35 feet
≥ 55 mph	2	150 sq. ft.	40 feet
≥ 55 mph	4	200 sq. ft.	40 feet

♦ For designated speed limits between the listed values use the standards for the next lower speed limit.

♣ Sign height measured to the top of the sign, or the top of the sign structure, whichever is greater. The maximum height for monument signs is 6 feet.

♣ Area to be determined by the dimensions of one side of a two faced sign (e.g. a 25 sq. ft. sign may have 25 sq. ft. of sign face on one side, and 25 sq. ft. of sign face on the opposite side).

3. Wall, awning, canopy or window signs, providing the signs do not cover more than 30% of the wall to which they are attached or inscribed. Wall, awning and canopy signs may be illuminated in conformance with the requirements of this section and may include an electronic message center. As an alternative, the size of these signs may be increased to 50% of the wall if a pole sign is not constructed on the parcel, and the signs are not internally lit (though indirect lighting is permitted).
4. One search light as part of an advertising display.

5. The following on-premise, unlighted, temporary signs and displays providing they are in place for no more than 28 days during one calendar year:
 - a. Banner signs.
 - b. Pennants or similar displays, individually or strung together.
 - c. Floating or blow up signs providing their height from the ground to the top of the sign does not exceed 50 feet.
 - d. Other portable or temporary signs, not to exceed 32 square feet in size and a height of 12 feet.
6. Real property for sale or under construction. On-premise, unlighted signs may be installed as necessary to advertise the sale of, or construction on real property. These signs shall not exceed thirty-two (32) square feet in size, and a height of twelve (12) feet.
7. Illuminated Signs. If allowed, illuminated signs in Commercial, Industrial and Light Industrial zoning districts must meet the following requirements:
 - a. Indirect, external lighting (e.g. lights shining on a sign) - the lights themselves must be concealed from view and directed/ shielded so the light shines only on the sign, with minimal projection beyond the sign.
 - b. Internal lighting - the sign must have a dark background with lighter lettering.

F. In Agricultural, Rural, Agricultural Suburban, Restricted Residential, Mining, and High Density Residential zoning districts, each legally created parcel of land may have the following on-premise signs:

1. One pole or monument sign, with the size and height of the sign not to exceed the dimensions shown in Table 19-2. These signs may be indirectly illuminated (e.g. by lights shining on the sign), providing the lights are concealed from view and are directed and shielded so the light shines only on the sign, with minimal projection beyond the sign.

**Table 19-2 25-2
Maximum Sign Size and Height in Agricultural, Rural, Agricultural Suburban,
Restricted Residential, Mining, and High Density Residential Zoning Districts**

Speed Limit	Type of Sign	Maximum Area of Sign Face♠	Maximum Sign Height ♣
0-45 mph	Monument	16 sq. ft.	6 feet
0-45 mph	Pole	10 sq. ft.	6 feet
46+ mph	Monument	32 sq. ft.	6 feet
46-55 mph	Pole	16 sq. ft.	8 feet
56+ mph	Pole	32 sq. ft.	12 feet

♣ Sign height measured to the top of the sign, or the top of the sign structure, whichever is greater.

♠ Area to be determined by the dimensions of one side of a two faced sign (e.g. a 25 sq. ft. sign may have 25 sq. ft. of sign face on one side, and 25 sq. ft. of sign face on the opposite side).

2. One wall, awning, canopy, projecting or window sign providing it does not exceed 8 square feet in size. This sign may not be illuminated.
3. Unlighted, on-premise, portable or temporary signs providing they are displayed for no more than 28 days during one calendar year. These signs may not exceed 12 square feet in size and a height of 8 feet.
4. Real property for sale or under construction. On-premise, unlighted signs may be installed as necessary to advertise the sale of, or construction on real property. These signs shall not exceed twelve (12) square feet in size, and a height of eight (8) feet.
5. The following are prohibited in Agricultural, Rural, Agricultural Suburban, Restricted Residential, Mining, and High Density Residential zoning districts (in addition to the general prohibitions of this section):
 - a. Internal lighting of signs.
 - b. Electronic message centers.
 - c. Banner signs.
 - d. Pennants and similar displays, individually or strung together.
 - e. Floating or blow up signs.
 - f. Search lights.

9-19-8: TEMPORARY HARDSHIP USE PERMIT:

- A. Purpose - The Temporary Hardship Use Permit is established in order to provide procedures that will allow for the placement and use of a temporary dwelling upon a single lot that has an existing, primary single-family dwelling. The primary occupant of the temporary dwelling shall be the dependent person noted in the permit.
- B. Dependent Person - For purposes of this chapter, a dependent person shall mean a person who because of a physical or mental impairment is incapable of living independently and without daily care.
- C. Certification of Dependency - Written certification from a licensed physician stating the dependent person's incapacity to live independently shall be presented to the Administrator prior to commencing the application process for a temporary hardship use permit.
- D. Restrictions on Temporary Hardship Use:
 1. The Applicant for a temporary hardship use permit must be a holder of an interest in the property on which the temporary dwelling is located. The applicant shall also be a relative of the dependent person that will be occupying the temporary dwelling.

2. The lot on which the primary single-family residence exists and on which the temporary dwelling is to be permitted shall be a minimum of one (1) acre. No more than one (1) temporary dwelling shall be permitted per applicant, per single lot.
 3. The dependent person named in the application shall be the occupant of the temporary dwelling. When a dependent person no longer occupies the permitted dwelling, the temporary hardship use permit becomes null and void and the temporary dwelling shall be removed from the site.
 4. A Class A or Class B manufactured home may be used as the temporary dwelling. A manufactured home setting permit shall also be obtained from the Department prior to placing the housing unit on the site, and an occupancy permit shall be received from the Department prior to the manufactured home being occupied by the dependent person named in the permit.
 5. Structures, other than manufactured homes, which are to be used as the temporary dwelling, shall meet housing standards set forth in the *International Building Code* for a single-family dwelling. A building permit and occupancy permit shall be received from the Department prior to the structure being occupied by the dependent person.
 6. The temporary dwelling shall be connected to an approved sewage disposal system. Utility and service connections of any type shall be in accordance with the applicable utility or service provider's requirements.
 7. A temporary hardship use permit shall not be issued if covenants or plat dedications of the site restrict such use.
 8. A temporary hardship use permit shall be renewed every two (2) years unless otherwise released. It shall be the responsibility of the permit holder to ensure renewal has been obtained.
 9. A temporary hardship use permit is not transferable and shall terminate upon the sale or lease of the property on which the use is located.
- E. Application Procedures - Following the Administrator's acceptance of written certification from a licensed physician, an application for a temporary hardship use permit shall be filed with the Administrator and shall include the following information:
1. Name, address, and telephone number of the applicant.
 2. Name of the dependent person and his relationship to the applicant.
 3. A copy of the deed, or contract for sale, of the property on which the temporary dwelling will be located.
 4. A statement signed by the applicant that the temporary hardship use is not in conflict with restrictive covenants or plat dedications of the property.
 5. A letter from Panhandle Health District that the sewage disposal system for the temporary dwelling meets with their approval.
 6. Filing fees.

F. Approval Procedures

1. No later than fifteen (15) calendar days following acceptance of the application, the Administrator shall approve or deny the permit.
2. Upon approval of the permit, the Administrator shall issue a temporary hardship use permit to the applicant. The Administrator shall also provide the following information, in writing, to the applicant:
 - a. The date the permit must be renewed, if the dependent person's status remains the same as it did at the time of issuance of the permit.
 - b. A statement that when the dependent person ceases to occupy the temporary dwelling unit it shall be removed from the lot.
 - c. A statement that failure to renew the permit by the stated date, or failure to notify the Administrator when the dependent person ceases to occupy the temporary dwelling, will be considered a violation of the permit and subject to penalties.
 - d. A statement that the applicant must obtain the applicable building and occupancy permits prior to the dependent person occupying the dwelling.

G. Recording of Use - It shall be the responsibility of the Administrator to have notice of the temporary hardship use recorded with the County Clerk and Recorder's Office. Such notice shall include:

1. Name and address of applicant; legal description of the property on which the temporary use is located.
2. A statement that a temporary dwelling has been permitted under the terms of a temporary hardship use permit and that the temporary dwelling is for the occupancy of a dependent person.
3. A statement that the temporary use shall be discontinued upon the sale or lease of the property, or when the dependent person ceases to occupy the temporary dwelling.

H. Notice of Release. It shall be the responsibility of the Administrator to notify the County Clerk and Recorder's office upon termination of the temporary hardship use permit. A copy of the notice shall be sent to the property owner.

I. Appeals. Any person aggrieved by a decision of the Administrator may appeal such decision by following the procedures for appeals set forth in section 9-22-8 of this title (Hearing Appeals; Notice).

CHAPTER 20
NONCONFORMING PARCELS, STRUCTURES AND USES

SECTIONS:

9-20-1	GENERAL
9-20-2	NONCONFORMING STRUCTURES
9-20-3	NONCONFORMING USE OF STRUCTURES, LAND, OR STRUCTURES AND LAND IN COMBINATION
9-20-4	NONCONFORMING PARCELS OF LAND
9-20-5	ABATEMENT OF NUISANCES AND REMOVAL OF HAZARDS
9-20-6	CERTIFICATE OF NONCONFORMING USE

9-20-1: GENERAL: Within Kootenai County there exist parcels of land, structures and uses which were lawful prior to adoption of this title or previous applicable ordinances, but which no longer conform to the regulations for the zoning district in which they are located. It is the intent of this title to permit these nonconformities to continue until they are substantially destroyed, removed or brought into conformance with this title, providing the nonconformity is not enlarged or expanded.

Nonconformities shall be regulated according to the provisions of this chapter.

9-20-2: NONCONFORMING STRUCTURES:

- A. Nonconforming structures shall not be expanded or enlarged in a way that increases the nonconformity. For example, a home that does not meet the rear setback requirement to the property line may not construct a deck or addition to any portion of the house that further encroaches into that setback. An addition may, however, be constructed to the front of the house.
- B. When a nonconforming structure is damaged to the extent of more than 50% of the market value of the entire structure, it shall not be reconstructed except in conformity with this title. Market value shall be the value of the structure as determined by the Kootenai County Assessor's Office or by a licensed appraiser.
- C. A nonconforming structure that is partially or totally removed, or relocated for any distance, cannot be replaced except in conformance with this title. A structure shall be considered to be partially removed when the market value of the entire structure is reduced more than 50%. Market value shall be the value of the structure as determined by the Kootenai County Assessor's Office or by a licensed appraiser.
- D. Ordinary repairs and additions as permitted by subsection (A) of this section, may be performed on a nonconforming structure, including but not limited to repair or replacement of the roof, walls, fixtures, wiring, or plumbing, providing the cumulative value of the additions or repairs over a five (5) year period do not exceed 50% of the market value of the structure before the work began. The value of the proposed additions or repairs shall be determined using the Kootenai County Building and Planning Department's valuation for establishing Building Permit fees. Market value shall be the value of the structure as determined by the Kootenai County Assessor's Office or by a licensed appraiser.

9-20-3: NONCONFORMING USE OF STRUCTURES, LAND, OR STRUCTURES AND LAND IN COMBINATION:

- A. The nonconforming use of a structure, land, or structure and land in combination, shall not be expanded beyond that which lawfully existed on the effective date of this title or previously adopted applicable ordinances. Criteria used to determine use and expansion shall include hours of operation, square footage of structures or area used, traffic generated, volume of goods handled, number of dwelling units and the *International Building*

Code classification of uses. A nonconforming use shall not be used as justification for expanding or adding structures or other nonconforming uses.

- B. Upon written request to, and approval by, the Director, a nonconforming use may be changed to another nonconforming use, providing the new use would result in the same or greater conformity to this title, and providing the previous use is permanently abandoned. Nonconforming uses must progress towards conformity. For example, a nonconforming business that produces noise and emissions could be replaced by another nonconforming business that is quieter and does not produce emissions. If a nonconforming use is replaced with a permitted use, nonconforming uses shall not thereafter be allowed.
- C. When any nonconforming use is discontinued for a period of twelve (12) consecutive months, any subsequent use shall conform to this title. Nonconforming uses that are discontinued are also governed by the requirements of *Idaho Code* §67-6538.
- D. When a structure housing a nonconforming use is damaged to the extent of more than 50% of the market value of the entire structure, it shall not be reconstructed or used, except in conformity with this title. Market value shall be the value of the structure as determined by the Kootenai County Assessor's Office or by a licensed appraiser.
- E. Ordinary repairs may be performed on a structure housing a nonconforming use, including but not limited to, repair or replacement of the roof, walls, fixtures, wiring or plumbing, providing the repairs do not enable an expansion of the nonconforming use, and providing the cumulative value of the repairs over a five (5) year period does not exceed 50% of the market value of the structure before the work began. The value of the proposed repairs shall be determined using the Kootenai County Building and Planning Department's valuation for establishing building permit fees. Market value shall be the value of the structure as determined by the Kootenai County Assessor's Office or by a licensed appraiser.
- F. A structure housing a nonconforming use that is removed may not be replaced unless the use and structure are in conformance with this title.

9-20-4: NONCONFORMING PARCELS OF LAND:

- A. A parcel of land shall not be modified in any manner that results in it becoming a nonconforming parcel, or that expands or enlarges an existing nonconformity.
- B. Upon written request to, and approval by the Director, a nonconforming parcel may be changed, providing the modification results in the same or greater conformity with this title. Nonconforming parcels must progress toward conformity. For example, the lot line of a lot that does not meet the minimum size could be adjusted to increase the size of the lot, but it could not be adjusted in a manner that would make the lot smaller.

9-20-5: ABATEMENT OF NUISANCES AND REMOVAL OF HAZARDS: Nothing in this chapter shall be deemed to restrict the power and duty of the County to abate public nuisances.

When a nonconforming structure or structure containing a nonconforming use becomes physically unsafe, or is found by the Kootenai County Board of Commissioners to be a detriment to the public health, safety or general welfare, the Board may order that such structure shall not thereafter be used, restored, repaired or rebuilt except in conformity with this title. Upon failure to carry out such order, the County may take steps as necessary to remove the structure or discontinue the use and assess the cost thereof against the property owner.

9-20-6: CERTIFICATE OF NONCONFORMING USE: Upon written request of the property owner, the Department shall evaluate a nonconforming use and, if appropriate, shall issue a Certificate of Nonconforming Use. As part of the request, the property owner or Applicant shall provide a completed application form, review and

inspection fees, and any supporting documentation required by the Department. Upon receipt of a complete application, the Director shall determine the nature and extent of the use and, if it is a legal, nonconforming use shall issue a Certificate documenting the same. Property owners are not required to obtain a Certificate of Nonconforming Use. When requested, the purpose of the Certificate is to verify and document the legal, nonconforming status of the use.

**CHAPTER 21
AMENDMENTS**

SECTIONS:

9-21-1	ORDINANCE AND MAP MAY BE AMENDED
9-21-2	AMENDMENT TO TEXT
9-21-3	CHANGE IN ZONING MAP--WHO MAY INITIATE ACTION
9-21-4	APPLICATION REQUIREMENTS FOR CHANGE IN ZONING MAP
9-21-5	AMENDMENTS TO BE IN ACCORDANCE WITH COMPREHENSIVE PLAN
9-21-6	PUBLIC HEARING REQUIRED BY BOARD OF COUNTY COMMISSIONERS – NOTICE
9-21-7	CLASSIFICATION OF NEW AND UNLISTED USES

9-21-1: ORDINANCE AND MAP MAY BE AMENDED: This title , including the Zoning Map, may be amended, supplemented, changed, or modified from time to time, but all proposed amendments shall be submitted first to the appropriate hearing body for its recommendations, which recommendations shall be submitted to the Board of County Commissioners for its consideration.

9-21-2: AMENDMENTS TO TEXT: An amendment to the text of this title may be initiated by the Planning Commission, or by the Board, or by any citizen or taxpayer of Kootenai County. The Board may hold a public hearing on any such amendment, and in the case of an amendment initiated by a citizen or taxpayer, shall collect a fee from such citizen or taxpayer equal to the cost of necessary legal advertisement and notice. Such amendment may be adopted, with or without modification, by ordinance of the Board, in accordance with the procedures specified herein.

9-21-3: CHANGE IN ZONING MAP - WHO MAY INITIATE ACTION: Any citizen of Kootenai County, or owner of property in Kootenai County, may appear before the appropriate hearing body and request that the hearing body initiate action to change the Zoning Map. The hearing body shall give due consideration to any and all such requests and may hold a formal public hearing to further consider the proposed change of the Zoning Map. The Hearing Examiner, Planning Commission or the Board may initiate action to change the Zoning Map.

9-21-4: APPLICATION REQUIREMENTS FOR CHANGE IN ZONING MAP: The owner or owners and/or contract buyers of any property or properties may petition, in writing, the hearing body and may submit application for a change in the Zoning Map. The hearing body shall give due consideration to any and all such requests and may hold a formal public hearing when considering the proposed change in the Zoning Map only after all requirements, as specified in this section , are met by the owner or owners requesting a change in the Zoning Map.

The application for a change of classification must show the following:

- A. The date the existing zoning became effective.
- B. The changed conditions which are alleged to warrant other or additional zoning.
- C. Facts to justify the change on the basis of advancing the public health, safety, and general welfare.
- D. The effect it will have on the value and character of adjacent property.
- E. The effect on the property owner or owners if the request is not granted.
- F. Such other information the hearing body shall require.
- G. The effect it will have on the Comprehensive Plan.

9-27-5: AMENDMENTS TO BE IN ACCORDANCE WITH COMPREHENSIVE PLAN: Before recommending an amendment to this title, it must be shown that such amendment is reasonably necessary, is in the best interest of the public, and is in accordance with the *Comprehensive Plan* adopted by the Board of County Commissioners. The hearing body shall consider the amendment at the first available regularly-scheduled public hearing.

9-27-6: PUBLIC HEARING REQUIRED BY BOARD OF COUNTY COMMISSIONERS – NOTICE:

- A. Amendments to this title or to the Zoning Map may be adopted only after a public hearing has been held in relation thereto before the Board of County Commissioners in which parties in interest and citizens shall have an opportunity to be heard. Notice complying with relevant provisions of the *Idaho Code* shall be provided.
- B. When notice is required to two hundred (200) or more property owners or purchasers of record, in lieu of mailed notice to surrounding property owners, the Director may stipulate that notice be posted at additional conspicuous locations along arterial and/or collector roads in the vicinity of the application site, that notice be posted at facilities operated by political subdivisions in the general vicinity, and that a one-quarter page advertisement in the official newspaper of the County be published of the proceedings.

9-21-7: CLASSIFICATION OF NEW AND UNLISTED USES: It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Kootenai County. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The Administrator shall make a determination whether the requested use is similar to or a lesser form of a permitted or conditional use of the particular zone. If an affirmative determination is made, all performance standards, hearing requirements, and other provisions of this title or any other applicable ordinance shall be met. If determined that the request is a new or unlisted use, the Administrator shall refer the question to the Planning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, provided by the Applicant, listing the nature of the use, including but not limited to, whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, anticipated employment, and the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated.
- B. The Planning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zones and determine the type of zone within which such use should be permitted.
- C. The Planning Commission shall transmit its findings and recommendations to the Board as to the classification proposed for any new or unlisted use.
- D. The Board shall consider the recommendations of the Planning Commission and amend this title as described in this section.

CHAPTER 22
ADMINISTRATION AND ENFORCEMENT

SECTIONS:

9-22-1	INTERPRETATION
9-22-2	PERMITS REQUIRED
9-22-3	ENFORCEMENT
9-22-4	VIOLATIONS
9-22-5	PENALTIES
9-22-6	ADMINISTRATIVE EXCEPTION
9-22-7	FEES SET BY RESOLUTION
9-22-8	HEARING APPEALS; NOTICE

9-22-1: INTERPRETATION: In the interpretation and application of the provisions of this title, the requirements will be held to be minimum requirements. This title is adopted in compliance with *Idaho Code* for the purpose of promoting the Health, Safety, and General Welfare of the citizens of Kootenai County and the State of Idaho.

When this title imposes a greater restriction upon the use of buildings or premises, or requires larger spaces than are imposed by other codes, laws, resolutions, rules and regulations, or covenants, the provisions of this title shall control. The provisions of this title shall be so interpreted as to carry out the purpose and intent of the zones as shown on the Official Zoning Maps on file in the Department, this title as adopted, and the *Kootenai County Comprehensive Plan*.

9-22-2: PERMITS REQUIRED: All permits for construction, alteration, or for occupancy, shall be processed in compliance with the current *Kootenai County Building Code Ordinance* and subsequent amendments.

- A. Building Permit – It shall be unlawful to construct, alter, move, demolish, repair, or use any building or structure within Kootenai County, except in compliance with this title and the *Kootenai County Building Code Ordinance*. The Director may attach specific conditions to any building permit related to planning functions and to ensure compliance with the requirements and intent of this title and the protection of public health and safety.
- B. Binding Site Plan Requirements. Each building permit application will be accompanied by an 8 ½ x 11 site plan, drawn to scale, depicting the following information:
1. North arrow, scale, date;
 2. Lot lines with dimensions and area;
 3. Distances to property lines from all structures;
 4. Existing and proposed easements, roads and road names;
 5. Utility locations (including well and septic);
 6. Location and setback from property lines of all existing and proposed structures;
 7. Location of driveways and parking areas;
 8. Location of lakes, ponds, wetlands, waterways and drainages;
 9. Location of any special setback and/or building envelope requirements.

The work authorized by the approved building permit shall comply with the site plan approved by the Department. The contractor or property owner shall clearly mark the property corners to facilitate the measurement of setbacks. If site inspection by Department personnel reveals that construction on-site is not in compliance with the approved site plan, work at the site shall cease until a new site plan is submitted to, and approved by, the Department.

C. Certificate of Occupancy

1. It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premises, or both, or part thereof thereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore.
2. The request for a Certificate of Occupancy will state the proposed use of the building and/or the land, that the use conforms to the requirements of this title, and with any or all conditional provisions that may have been imposed, and shall be accompanied by approval signatures of those agencies having jurisdiction over the use or structure.
3. The Department will not issue a Certificate of Occupancy until all building permit requirements and/or conditions of approval have been met and all necessary agency signatures and approvals are obtained. The Department shall have the right to inspect the site prior to approval of the Certificate of Occupancy.

9-22-3: ENFORCEMENT: It shall be the duty of the Director or duly-authorized agents to enforce this title and other county ordinances. The Department shall not issue permits unless existing and intended structures, the parcel of land, and uses of the buildings and land, conform in all respects with the provisions of this title and other county ordinances.

Whenever any construction or site work is not in compliance with this title, specific Conditions of Approval, or other related laws, ordinances or requirements, the Director may issue a Notice of Zoning Ordinance Violation and order any work stopped by written notice. Such Notice of Zoning Ordinance Violation or Stop Work Notice shall be served on any persons engaged in doing or causing such work to be done, and persons shall forthwith stop such work until authorized by the Director to proceed.

In the event that a Notice of Zoning Ordinance Violation is issued, the Administrator shall additionally prepare and mail, via certified mail, a Notice of Zoning Ordinance Violation. The notification shall include:

1. The property owner and the legal description of the parcel.
2. The nature of the violation.
3. The remedial action that must be undertaken to resolve the violation.
4. The length of time allotted to resolve the violation.

The property owner shall have 45 days from the date the Notice of Zoning Ordinance Violation was mailed to resolve the violation. If resolution does not occur within those 45 days, the Notice of Zoning Ordinance Violation shall be filed in the County Recorder's Office and a copy mailed to the Owner, via certified mail.

The Notice of Zoning Ordinance Violation shall also advise the owner of the Notice of Zoning Ordinance Violation appeal process. The Administrator may consider a written appeal, submitted by the property owner, and received no later than 30 days after the Notice of Violation was mailed. The appeal shall be heard by the Kootenai County Board of Commissioners on a day specified by the Board. If the appeal is denied, the Board shall specify an exact number of

days to gain compliance with this title before the Notice of Violation is recorded. If the appeal is approved, the Board will specify actions to be taken by the Administrator to release the violation. The Board may elect to add or remove conditions of remedial action.

At such time the Violation is resolved, the owner shall pay the fee specified in the current adopted fee schedule and the Administrator shall file in the Office of the County Recorder a Release of Notice of Violation. The Release shall contain all of the information contained in the Notice of Violation, as well as the corrective action taken to resolve the violation. A copy of the Release shall be mailed to the owner, via certified mail.

Appeals of Stop Work Orders shall comply with provisions of section 9-22-8 of this chapter.

9-22-4: VIOLATIONS: Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate, and take action thereon as provided by this title.

9-22-5: PENALTIES: The Prosecuting Attorney or other attorney who represents the County shall, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this title. Penalties for failure to comply with or violations of the provisions of this title shall be as follows:

Violation of any of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor punishable as set forth in section 1-4-1 of this code. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, or any other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this title or of the *Idaho Code*.

In addition to other actions that may be ordered by the Court, if the County prevails, the violator shall pay to the County a sum equal to two times the monetary gain associated with the violation, plus all reasonable expenses incurred in enforcing this title.

In cases where multiple individuals, firms, corporations or agents participated in violating this title, they shall be held jointly and severally liable for any remedies, penalties or payments.

9-22-6: ADMINISTRATIVE EXCEPTION: An Administrative Exception, not to exceed one (1) foot of any dimensional requirement pertinent to front, side, rear, and flanking streets setbacks may be granted by administrative action of the Administrator without public notice and without public hearing.

9-22-7: FEES SET BY RESOLUTION: The Board of County Commissioners shall adopt by resolution a fee schedule for the Department. Said schedule shall contain, but not be limited to, fees for zoning appeals and applications for variances, conditional use permits, zoning amendments, and planned unit developments. Fees for other applications, including those of other ordinances administered by the above Department may be added, as deemed necessary by the Board of County Commissioners.

9-22-8: HEARING APPEALS; NOTICE: Appeals concerning interpretation or administration of this title may be taken by any person aggrieved. Such appeals shall be filed within a reasonable time, not to exceed twenty-eight (28) days, by filing with the Administrator a notice of appeal specifying the grounds thereof. The Administrator shall forthwith transmit to the Hearing Examiner all papers constituting the record upon which the action appealed was taken.

The Administrator shall schedule the appeal hearing on the first available hearing date and give legal public notice thereof, as well as due notice to the parties in interest. The Hearing Examiner shall issue a recommended decision on

the appeal within a reasonable time, which shall not exceed thirty (30) days following the hearing. At the hearing, any affected party may appear in person or by agent or attorney.

It is the intent of this title that all appeals involving interpretation and enforcement shall first be presented to the Hearing Examiner, whose recommendation shall be forwarded to the Board of Commissioners, and that recourse from the decision of the Board of Commissioners shall be to the courts as provided by law.

CHAPTER 23
CONDITIONAL USE, VARIANCE, AND SPECIAL NOTICE PERMIT PROCEDURES

SECTIONS:

9-23-1	CONDITIONAL USES
9-23-2	VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES
9-23-3	PROCEDURES FOR GRANTING VARIANCES
9-23-4	SPECIAL NOTICE PERMITS

9-23-1: CONDITIONAL USES:

A. General Provisions:

1. The Board of County Commissioners will review the recommendations of the hearing body and act after receiving its recommendation.
2. A finding shall be made by the Board of County Commissioners that the conditional use proposed will be in conformance with the *Comprehensive Plan* and will be in the public interest.
3. Permits for conditional uses shall stipulate restrictions or conditions which may include but are not limited to: a definite time limit, provisions for front, side, and rear yard setbacks greater than the minimum standards, suitable landscaping, sight restrictions, or safeguards to uphold the spirit and intent of this title . Permits may be suspended or revoked by the Board of County Commissioners after a finding at a public hearing by the hearing body that a permittee has failed to comply with such restrictions or conditions.
4. Public Utility Complex Facilities, existing on January 3, 1973 (the date of adoption of Kootenai County Zoning Ordinance No. 11), are exempt from Conditional Use Permit requirements. Creation of new facilities, or expansion of existing facilities, must comply with the provisions of this title.
5. Conditional Use Permits approved without a time deadline shall expire after two (2) years from the date of signing the Order of Decision, if the use authorized by the permit has not been established. For Conditional Use Permits which were approved with no time deadlines prior to this amendment, expiration shall occur two (2) years from the date of this amendment if the use authorized by the permit has not been established.
6. Minor modifications of the permitted conditional use permit may be granted by the Director if it is determined that the changes would not constitute a substantial change to the findings and conclusions in the original approval and the proposed location, size, design and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. If the Director finds that the modification request constitutes a substantial change, then the Applicant shall adhere to the procedures and standards delineated in subsection (B) of this section and in chapter 24 of this title (Conditional Use Permit Standards).

B. Procedures:

The Hearing Body shall be authorized to hear and make recommendations on only such requests for Conditional Uses as it is specifically authorized to pass on by the terms of this title ; to decide such questions as are involved in determining whether requests for Conditional Uses should be recommended; and to recommend approval of requests for Conditional Uses and with such conditions and safeguards as are

appropriate under this title , or to recommend denial of requests for Conditional Uses when not in harmony with the purpose and intent of this title . A Conditional Use shall not be approved unless and until:

1. A written application for a Conditional Use Permit is submitted indicating the chapter under which the Conditional Use is sought and stating the grounds on which it is requested;
2. Notice shall be provided as required by the *Idaho Code* for applications for Special Notice Permits;
3. The public hearing shall be held. Any party may appear in person, or by agent or attorney;
4. The determination has been made that the granting of the Conditional Use Permit will not adversely affect the public interest and will be in general conformance with the *Comprehensive Plan*.

9-23-2: VARIANCES; CONDITIONS GOVERNING APPLICATIONS; PROCEDURES: To authorize upon appeal, in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship.

A variance is a modification of the bulk and placement requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provision of this title 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 a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest.

No nonconforming use of neighboring land, structures, or buildings in the same zone, and no permitted or nonconforming use of lands, structures, or buildings, in other zones shall be considered grounds for the issuance of a variance.

9-23-3: PROCEDURES FOR GRANTING VARIANCES:

- A. Notice of public hearing shall be given as required by relevant *Idaho Code* provisions.
- B. The public hearing shall be held. Any party may appear in person or by agent or by attorney.
- C. The following findings shall be made:
 1. Whether or not the requirements of this section have been met by the applicant for a variance;
 2. Whether or not the reasons set forth in application justify the granting of a variance;
 3. That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 4. That the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- D. In recommending the granting of any variance, the hearing body may recommend appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Chapter 22 of this title.

9-23-4: SPECIAL NOTICE PERMITS:

A. Application Requirements. The following items constitute a complete application for a Special Notice Permit:

1. Application Form - completed application form with property owner's signatures or a notarized letter from the property owner(s), authorizing the Applicant to file a special notice permit.
2. Fees as adopted by Board Resolution.
3. Site Plan - drawn to scale showing North arrow, lot boundaries, location of all structures and utilities, the location, dimension and purpose of existing easements, the location of future structures and other relevant information regarding the site and the request.
4. Photographs - at least four (4) pictures of the site, taken at various angles, depicting the general character of the site accompanied by a map showing the location and orientation of the photographs.
5. Narrative - thoroughly describing the existing situation/operation and what is proposed now and in the future. The Narrative should explain why the request should be approved, how the proposal meets the applicable County ordinances, why it will be in the public interest and how it will affect the surrounding property owner(s) and the public.

B. Approval Process and Requirements

1. The Applicant shall schedule a pre-application meeting with a Planner to discuss the feasibility of the request and the application requirements.
2. The Applicant shall submit a complete application. Incomplete applications will not be processed.
3. If the application is complete, the County will forward it to other reviewing agencies and organizations with relevant expertise or jurisdiction, requesting their evaluation and response within 30 days. Agency responses should explain whether the proposal appears feasible and will meet the agency's requirements.
4. After all required agency letters are received, the Department will review the application and schedule it for a 30-day public comment period. The Department publishes a Notice of the Comment Period in the newspaper. In accordance with the notice requirements of Idaho Code §67-6509 and §67-6511, the Applicant mails the notice to property owners within 300 feet of the site (including any contiguous lots or parcels under the same ownership). Notices to adjacent property owners must be mailed in a timely manner so they are received by the adjacent property owners before the first day of the Public Comment Period. The Department will post a public notice of Special Notice Permit Application on the site on or before the first day of the Public Comment Period.
5. Any person may comment on the proposed application and submit written comments through mail or in person. Information submitted prior to the close of the Public Comment Period will become a part of the record on the application.
6. After the close of the Public Comment Period, the Director reviews the relevant evidence in the record, and the Director will issue an Order of Decision. The Order of Decision shall cite the applicable legal standards and state the evidence and conclusions on which the decision was based. If the decision is a denial, the Director must state the actions, if any, the Applicant could take to gain approval. The Applicant bears the burden of demonstrating compliance with the requirements. To approve a Special Notice Permit, the Director must make the following findings:

- a. The Applicant provided adequate information to determine compliance with the requirements.
- b. The proposal is in compliance with other county ordinances without variances (e.g. *Site Disturbance, Road Naming, Area of City Impact and Flood Damage Prevention Ordinances*).
- c. The proposal is compatible with existing homes, businesses and neighborhoods, and with the natural characteristics of the area.
- d. Negative environmental, social and economic impacts have been or will be mitigated. The proposal adequately addresses site constraints or hazards, including adequate space to construct a primary structure.
- e. Services and facilities for the proposal are available and adequate.
- f. Public notice and the processing of the application met the requirements set forth in this title and *Idaho Code*.

The Director shall make a decision within five (5) weeks of the close of the Public Comment Period. If the proposal meets these requirements, it shall be approved. If the proposal does not meet these requirements, or if insufficient information was provided to determine compliance, it may be denied. Conditions may be attached to the approval. The Director's decision may be appealed in accordance with Section 9-22-8 of this title.

7. In the event there is opposition specifically related to the compatibility of the request to the surrounding area, negative environmental, social or economic impacts, or the lack of available services or facilities submitted during the Public Comment Period, a public hearing with the Board of County Commissioners will be scheduled. Notice of public hearing shall follow the public notification requirements in *Idaho Code* §67-6509. The Applicant shall be responsible for the additional public notice.
8. The Board's decision shall be based on compatibility of the request with the surrounding area and the potential to cause an adverse affect on infrastructure, or the health, safety or welfare of the citizens of Kootenai County. The Board shall have the authority to impose additional reasonable conditions which would mitigate or eliminate any adverse affects.
9. The Board shall render its decision in writing within 30 days of the close of the public hearing. The Board shall outline the provisions and standards of this title used, the facts of the application, and such conclusions as support its decision. If the Board denies the application, it shall specify in its decision the actions, if any, which the Applicant could take to obtain approval.
10. Appeals of the Board's final decision shall be filed and taken pursuant to *Idaho Code* §67-6519.

[Moved to section 9-22-8 (Hearing Appeals; Notice)]

[Moved to Section 2 of the Ordinance (Repealer, Severability, Effective Date)]

CHAPTER 24
CONDITIONAL USE AND SPECIAL NOTICE PERMIT STANDARDS

SECTIONS:

- 9-24-1 SLAUGHTERHOUSE, RENDERING PLANT
- 9-24-2 GUN CLUBS, RIFLE RANGES, ARCHERY RANGES
- 9-24-3 GOLF COURSES AND DRIVING RANGES
- 9-24-4 COMMERCIAL FUR FARMS
- 9-24-5 COMMERCIAL RESORT
- 9-24-6 ZOO
- 9-24-7 AGRICULTURAL PRODUCTS SALES STORE
- 9-24-8 RENTAL WAREHOUSE
- 9-24-9 CLINICS OR HOSPITAL – ANIMALS OR
VETERINARY
- 9-24-10 AUTOMOBILE WRECKING YARD, JUNK YARD
- 9-24-11 SAWMILLS, SHINGLES OR PLANING MILLS, WOODWORKING USE
- 9-24-12 RETIREMENT, CONVALESCENT, SHELTER, AND NURSING HOMES - FOR 9
PERSONS OR MORE
- 9-24-13 RADIO AND TELEVISION TOWERS
- 9-24-14 AIRPORTS AND LANDING FIELDS
- 9-24-15 CEMENT, GYPSUM, OR ASPHALT PLANT - STORAGE AND
MANUFACTURING
- 9-24-16 EXPLOSIVE STORAGE AND MANUFACTURING
- 9-24-17 RACE TRACKS
- 9-24-18 FEED LOTS
- 9-24-19 PRIVATE RESORT (NON-PROFIT)
- 9-24-20 PRIVATELY-OWNED RECREATIONAL FACILITIES WHICH ARE OPEN TO
PUBLIC USE (WITH OR WITHOUT A MEMBERSHIP OR FEE) SUCH AS TENNIS
COURTS, RACQUET CLUBS, SOFTBALL FIELDS, BASEBALL FIELDS, AND
SOCCER FIELDS
- 9-24-21 ABOVE-GROUND BULK STORAGE OF OVER TWENTY THOUSAND (20,000)
GALLONS (PER SITE) OF PETROLEUM PRODUCTS
- 9-24-22 PUBLIC UTILITY COMPLEX FACILITY
- 9-24-23 WHOLESALE GREENHOUSE
- 9-24-24 RESTRICTED SURFACE MINING
- 9-24-25 DAY CARE CENTER
- 9-24-26 MANUFACTURED HOME PARKS

- 9-24-27 NONPROFIT PUBLIC OR PRIVATE COMMUNITY FACILITY
- 9-24-28 CHURCH
- 9-24-29 GRANGE HALL, LODGE
- 9-24-30 MINI-STORAGE
- 9-24-31 RESIDENTIAL CARE FACILITY
- 9-24-32 SPECIAL EVENTS LOCATION
- 9-24-33 ASPHALT OR CONCRETE BATCH PLANT
- 9-24-34 WIRELESS COMMUNICATION FACILITY (WCF)
- 9-24-35 SCHOOLS, PUBLIC OR PRIVATE
- 9-24-36 KENNELS, BOARDING
- 9-24-37 BOARDING STABLES
- 9-24-38 COMMERCIAL RIDING ARENA OR EQUINE TRAINING CENTER OR FACILITY
(MAY INCLUDE BOARDING STABLES)

9-24-1: SLAUGHTERHOUSE, RENDERING PLANT:

ZONES PERMITTED: Agricultural, Industrial, Light Industrial

- A. Minimum area - five (5) acres.
- B. All such facilities shall be designed and located with full consideration to their proximity to adjacent residential zones and uses and especially to the reduction of such nuisance factors as odors, dust, or fumes.
- C. All such uses shall be a minimum of one thousand (1,000) feet from any residential zone classification.
- D. Shall be five hundred (500) feet from any dwelling, except an owner's dwelling.
- E. On-site commercial, retail sales of products manufactured or processed on the site may be permitted with conditions.

9-24-2: GUN CLUBS, RIFLE RANGES, ARCHERY RANGES:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Rural

- A. Minimum area - ten (10) acres.
- B. Target areas shall be six hundred (600) feet from any existing dwelling and three hundred (300) feet from any property line.
- C. All facilities shall be designed and located with full consideration to the safety factors involved with such a use.
- D. Off-street parking for all patrons will be provided.
- E. A site plan shall be submitted with the application.

9-24-3: GOLF COURSES AND DRIVING RANGES:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, High Density Residential

- A. Minimum area - fifteen (15) acres.
- B. No commercial use other than those related to the sale or rental of golf equipment or associated food and beverage sales.
- C. Lighting shall be screened to produce no glare upon public rights-of-way or adjacent properties.
- D. The permit will be subject to approval of a traffic and development plan showing access, structures, and parking areas.

9-24-4: COMMERCIAL FUR FARMS:

ZONES PERMITTED: Agricultural, Rural

- A. Minimum area - twenty (20) acres

- B. All animals and runs will be housed in permanent buildings, not less than one hundred (100) feet from any dwelling other than the dwelling of the owner.
- C. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.

9-24-5: COMMERCIAL RESORT:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Rural, High Density Residential

- A. Minimum area - five (5) acres
- B. Activities Permitted - Must be compatible with the recreational activities of a resort and may include outdoor facilities for swimming, boat launching, boat rentals, fishing, hunting, camping, picnicking, skiing, snowmobiling, lawn tennis, volleyball, badminton, golf, and horseback riding. Other outdoor activities not specified may be permitted only if the activities are a part of the operation of a resort.
- C. Limited Commercial Uses Permitted - May include: Convenience food store, restaurant, bar, retail fuel service, recreational vehicle park (see section 9-9-9 of this title, Performance Standards), motel, hotel, camping facility, laundry facility, retail sales shops for sporting equipment, souvenirs, and art and handicraft items.

Limited commercial use permitted in a commercial resort must meet the required setbacks and standards for uses in the appropriate zone. Limited commercial uses are permitted as accessory uses and are incidental to the overall operation of the resort.

- D. Prohibited Uses - General commercial wholesale and retail sales and services not associated with the activities of a commercial resort are prohibited.
- E. The Board of County Commissioners may attach such reasonable conditions as the record indicates may be necessary to visually screen, control dust, manage traffic, buffer adjoining uses, or to mitigate effects on water and air quality.

9-24-6: ZOO:

ZONES PERMITTED: Commercial, Rural.

- A. A detailed site plan showing proposed design and layout of the Zoo shall be submitted as a part of the application. Proposed parking areas, interior roads/walkways, lighting, buildings, landscaping, ingress/egress to the site, etc. shall be included in the site plan.
- B. The Zoo shall meet all requirements that may be imposed by Panhandle Health District regarding sanitary disposal.
- C. A detailed security plan shall be submitted as a part of the application.
- D. A detailed operation plan shall be included as a part of the application.
- E. All local, state, and federal permits and/or licenses pertaining to the keeping of mammals, birds, and/or reptiles for public display shall be obtained prior to commencing the operation of a Zoo and shall be included in the Board's approval as a condition for approval.

9-24-7: AGRICULTURAL PRODUCTS SALES STORE:

ZONES PERMITTED: Agricultural, Rural

- A. Minimum area - five (5) acres.
- B. No other commercial activity is permitted, such as sales of general farm machinery.
- C. Will contain provisions for processing and sales of agricultural products, such as grains, fertilizers, feeds, vegetables and fruits. Sales of such items and hand tools, and gardening products will be permitted.
- D. No processing activity is permitted that would employ more than five (5) persons.
- E. All buildings must be six hundred (600) feet from any dwelling other than the dwelling of the owner.
- F. Sight obscuring fencing will be required around any and all storage areas.

9-24-8: RENTAL WAREHOUSE:

ZONES PERMITTED: Agricultural, Rural

- A. Minimum area - five (5) acres.
- B. Security fencing, six (6) feet minimum height, around all structures.
- C. No outdoor storage or commercial sales of any kind.
- D. All lighting will be confined to the premises and will produce no glare on adjacent properties or rights-of-way.

9-24-9: ANIMAL CLINICS OR HOSPITAL, ANIMAL OR VETERINARY:

ZONES PERMITTED: Agricultural, Rural

- A. Minimum area - five (5) acres.
- B. All animals will be housed in permanent structures which can be physically enclosed during nighttime hours.
- C. All buildings and fenced running areas will be a minimum of three hundred (300) feet from any existing dwelling other than the dwelling of the owner.
- D. The operator of such a use will maintain adequate housekeeping practices to prevent the creation of a nuisance.

9-24-10: AUTOMOBILE WRECKING YARD, JUNK YARD:

ZONES PERMITTED: Agricultural, Light Industrial, Industrial, Rural

- A. Minimum area - as required by zone.
- B. A sight-obscuring fence must be constructed around the entire storage area a minimum of six (6) feet high and/or vegetative screening to ensure obscured visibility from neighboring properties and for the traveling public.

- C. No materials, parts, automobiles, or junk will be visible from any public right-of-way.
- D. A performance bond may be required for assurance of compliance with the provisions of this conditional use, said bond will be renewable every two (2) years after inspection of the premises determines the advisability of such a renewal.

9-24-11: SAWMILLS, SHINGLES OR PLANING MILLS, WOODWORKING USE:

ZONES PERMITTED: Agricultural, Rural

- A. Minimum area - ten (10) acres.
- B. All buildings must be located one thousand (1,000) feet from any residence, residential plat, or residential zone, other than the dwelling of the owner.
- C. All facilities must meet air quality standards applicable at the time of issuance of this permit.
- D. All facilities must meet the requirements and be approved by the appropriate fire district. Facilities will not be approved if not located in a fire district.
- E. All facilities will be designed and located on the site with full consideration given to their proximity to adjacent uses, their effect upon adjacent property, and to the reduction of noise, odor, dust and traffic.

9-24-12: RETIREMENT, CONVALESCENT, SHELTER, AND NURSING HOMES - FOR 9 PERSONS OR MORE:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Rural, High Density Residential

- A. Minimum area - three (3) acres.
- B. Adequate fencing around the entire complex must be provided.

9-24-13: RADIO AND TELEVISION TOWERS:

ZONES PERMITTED: Agricultural, Commercial, Light Industrial, Industrial, Rural

Minimum area shall be adequate to ensure that the tower will not adversely impact or damage neighboring property if a structural failure occurs.

9-24-14: AIRPORTS AND AIRSTRIPS:

ZONES PERMITTED: Agricultural, Rural

- A. The facilities shall be designed and located with full consideration given to the proximity of residential zones and to the safety considerations.
- B. The facilities must be located two thousand (2,000) feet from any adjoining residence not directly associated with the airstrip.
- C. Must meet all ITD and FAA aviation requirements.

9-24-15: CEMENT, GYPSUM, OR ASPHALT PLANT - STORAGE AND MANUFACTURING:

ZONES PERMITTED: Industrial

- A. Minimum lot area - five (5) acres.
- B. The operator of such a use shall furnish a suitable guarantee (bond) that the activity or process in question will not constitute a nuisance or be detrimental to the health, safety, comfort or welfare of persons residing in the area, working or passing by such a proposed use. Said guarantee will be renewed each two (2) years providing the operation is not in violation of this title.

9-24-16: EXPLOSIVE - STORAGE AND MANUFACTURING:

ZONES PERMITTED: Industrial, Rural

- A. Minimum area - ten (10) acres.
- B. The operator of such a use shall furnish a suitable guarantee (bond) that the activity or processing in question will not constitute a nuisance or be in any way detrimental to the health or safety of persons residing in the area, working, or passing by such a proposed use. Said guarantee will be renewed each two (2) years providing the operation is not in violation of this title.

9-24-17: RACE TRACKS:

ZONES PERMITTED: Agricultural, Rural

- A. Minimum area - twenty (20) acres.
- B. All uses will be a minimum of one thousand (1,000) feet from any residential zone.
- C. All uses and facilities will be designed and located with full consideration to their proximity to adjacent uses, especially to the reduction of nuisance factors, such as noise, smoke, and dust.
- D. One (1) parking space will be provided for each three (3) seating spaces and said parking area will be provided with a security type fence.

9-24-18: FEED LOTS:

ZONES PERMITTED: Agricultural

- A. Minimum area - fifteen (15) acres.
- B. All lots shall be fenced with a five (5) foot high fence.
- C. All lots shall be located more than one thousand (1,000) feet from any residential zone or five hundred (500) feet from any residence.
- D. All lots shall provide a minimum of two hundred (200) square feet of lot area per animal.

9-24-19: PRIVATE RESORT (NONPROFIT):

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Rural, High Density Residential

- A. Will contain provisions for private, nonprofit, outdoor recreational uses which will be limited to, but may include areas for group meetings, boating, camping, swimming, picnicking and may also include living facilities.
- B. Adequate access and parking will be required.
- C. All facilities will be adequately screened from adjacent residential uses.

9-24-20: PRIVATELY-OWNED RECREATIONAL FACILITIES, WHICH ARE OPEN TO PUBLIC USE (WITH OR WITHOUT A MEMBERSHIP OR FEE) SUCH AS TENNIS COURTS, RACQUET CLUBS, SOFTBALL FIELDS, BASEBALL FIELDS, AND SOCCER FIELDS:

ZONES PERMITTED: Agricultural Suburban, Restricted Residential, Rural

- A. Minimum area - two (2) acres.
- B. Permit will be subject to approval of a detailed site plan showing activity areas, traffic circulation, access, structures, parking areas, fencing, and landscaping.
- C. Lighting of the site shall be screened to produce no glare upon public rights-of-way or adjacent properties.
- D. No commercial uses other than those related to the sale or rental of equipment or associated food and beverage sales.

9-24-21: ABOVE-GROUND STORAGE OF OVER FIVE THOUSAND (5,000) GALLONS (PER SITE) OF PETROLEUM PRODUCTS:

ZONES PERMITTED: Light Industrial, Industrial

- A. Minimum area - five (5) acres.
- B. Setbacks for all petroleum storage facilities shall be in accordance with current fire and safety codes and shall not be less than fifty (50) feet from any property line.
- C. All such facilities shall be contained with a sight-obscuring fence not less than six (6) feet in height or sight obscuring evergreen trees or compact hedge not less than six (6) feet in height. All landscaping will require adequate sprinkling systems and proper maintenance.
- D. All such uses shall be located and/or designed with full consideration to their proximity to adjacent uses, their effect upon adjacent property, and to the reduction of inherent dangerous factors.
- E. All such facilities (including structure and storage tanks) within three hundred (300) feet of any residential zone shall have a maximum vertical height of forty (40) feet.
- F. All such facilities shall conform to the standards prescribed by the National Fire Protection Association, the American Petroleum Institute, and other authorities having jurisdiction, whichever regulations are more

restrictive. All such facilities shall also conform to the Kootenai County *Best Management Practices for Containing Critical Materials During Above Ground Storage and Handling*.

9-24-22: PUBLIC UTILITY COMPLEX FACILITY:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Commercial, Light Industrial, Industrial, Mining, Rural, High Density Residential

- A. Minimum area - None.
- B. Lot coverage by buildings shall not exceed thirty-five (35) percent of the total lot area.
- C. In considering applications the Hearing Examiner shall consider the public convenience and the necessity of the facility. The Hearing Examiner will also consider any adverse effect that the facility will have upon properties in the vicinity and may require such reasonable restrictions or conditions of development or protective improvements as to uphold the purpose and intent of this title and the *Comprehensive Plan*.
- D. Specified conditions, with respect to emissions of noise, particulate matter, or vibrations, may be prescribed differently from those required in a given zone, so as to be compatible with other applicable State and Federal standards.

9-24-23: WHOLESALE GREENHOUSE:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Rural

- A. Minimum area - as required by zone.
- B. Direct retail sales are allowed, but only to the extent that they are occasional and incidental. The following factors shall be considered in determining whether or not retail sales are occasional and incidental:
 - 1. Square footage devoted to retail sales shall not exceed five hundred (500) square feet.
 - 2. Retail sales shall be limited to products grown on the premises.
 - 3. Advertising for retail sales shall be ancillary to advertising for wholesale operations.
- C. Yard setbacks:
 - 1. Front Yard.....40 feet
 - 2. Side Yard..... 25 feet
 - 3. Rear Yard..... 25 feet
- D. Any outdoor storage areas shall be surrounded by sight-obscuring fences or densely planted shrubbery or trees, to a minimum height of six (6) feet.
- E. Drainage and runoff shall be controlled and contained on-site.

9-24-24: RESTRICTED SURFACE MINING:

- A. Zones Permitted - Restricted Surface Mining may be permitted with a conditional use permit in the Agricultural, Industrial, and Rural zones.

- B. All Surface Mining Operations, for which conditional use permit application is made in Kootenai County, shall meet the requirements of *Idaho Code* (Title 47, Chapter 15, Surface Mining), and the following requirements:
1. Applicants for a conditional use permit for surface mining shall submit a site plan(s) showing the following, where applicable:
 - (a) Boundaries of the proposed site.
 - (b) Location of the proposed mining operation on the site.
 - (c) All proposed and existing structures.
 - (d) All watercourses, streams, ponds, or lakes on the proposed site or within one thousand (1,000) feet of the boundaries of the site.
 - (e) All proposed and existing roads which would provide access to the proposed site.
 - (f) A topographic vicinity map showing the proposed site and its relationship to the surrounding area.
 - (g) Approximate location of all existing residential uses within one thousand (1,000) feet of the site boundaries.
- C. A conditional use permit for a surface mining operation may be granted for a period not to exceed five (5) years, and may be renewed for a period up to five (5) additional years. The quantity of excavated materials may also be limited as necessary to protect adjoining lands and natural resources. Extension requests shall be reviewed and approved, if justified, by the Board of County Commissioners.
- D. The mining site access road into a street shall meet the requirements of the appropriate highway district and such conditions as may be specified by the Board of County Commissioners.
- E. All surface mining conditional use Applicants will be required to submit rehabilitation plans to the State of Idaho and to Kootenai County. In addition to the requirements of the Rehabilitation Plan required by the State, the Rehabilitation Plan shall contain the following additional information:
1. A topographic map of affected area:
 - (a) Prior to excavation.
 - (b) After excavation is complete.
 2. How placement of overburden during the duration of the permit will be managed.
- F. The Board of County Commissioners may attach such reasonable conditions as the record indicates may be necessary to visually screen, control dust, manage traffic, buffer, air quality, and the visual environment surrounding the proposed surface mining activity.
- G. Even though a conditional use permit may be granted for surface mining activity, no overburden removal shall begin until all required State permits have been issued, and until all necessary documentation required for the County conditional use permit has been provided by the Applicant and approved by County administrative personnel.

9-24-25: DAY CARE CENTER, GROUP DAY CARE FACILITY:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Rural, High Density Residential

- A. A site plan shall be submitted showing existing or proposed improvements, including fencing, playground area, etc.

B. Parking and/or traffic circulation plan shall be submitted. Traffic shall not cause congestion.

9-24-26: MANUFACTURED HOME PARKS:

ZONES PERMITTED: High Density Residential

A. Minimum area - not less than twelve thousand (12,000) square feet and with adequate access on a public street, when accompanied by a plan that incorporates the following:

1. A Manufactured Home Park shall provide stalls or spaces for each manufactured home unit of not less than two thousand five hundred (2,500) square feet.
2. Laundry and convenience related services may be provided for the use of the tenants of the park only.

B. Manufactured Home Parks shall be designed to the following standards:

1. Seventy (70) percent of each manufactured home stall or site shall be left in open space.
2. Each manufactured home shall be located at least twenty-five (25) feet from any park property line.
3. A manufactured home may not be located closer than twenty (20) feet from any other manufactured home or permanent building within the manufactured home park. A manufactured home accessory building shall not be closer than ten (10) feet from a manufactured home or building on an adjacent lot.
4. Each manufactured home lot within a manufactured home park shall have direct access to a park street. The park street shall consist of an unobstructed area of twenty (20) feet wide and shall be well-marked to provide for continuous traffic flow. The street system shall have direct connection to a public road.
5. Streets and walkways designed for the use of the manufactured home park residents shall be lighted during the hours of darkness.
6. Each manufactured home lot (site) shall be provided with utility connections, ground anchors, piers or pads, and stabilizing connections of sufficient size to properly accommodate the manufactured home placed on the site.
7. Water supplies for fire department operations shall be as required by the authority having jurisdiction. Where there are no such requirements, water supplies shall be adequate to permit the effective operation of minimum hose stream flows and duration of flows as required by NFPA Standard #501A for manufactured home parks, on any fire in a manufactured home or elsewhere in the manufactured home park. Hydrants shall be located within five hundred (500) feet of all manufactured home lots (sites) unless otherwise specified.

9-24-27: NONPROFIT PUBLIC OR PRIVATE COMMUNITY FACILITY:

ZONES PERMITTED: Agricultural, Rural.

A. As used in this Section, the term nonprofit public or private community facility is defined as a facility that includes property utilized by business leagues, boards of trade, or other associations of persons having some common business interest in agriculture, livestock production, or forestry, that is recognized by State and Federal Taxing authorities as nonprofit. The purpose of the nonprofit public or private community facility is to promote such common interest and not to engage in a regular business of a kind ordinarily carried on for profit.

- B. Any buildings constructed under this Section shall meet the following standards:
1. One primary building shall be allowed on a parcel.
 2. Maximum building height shall not exceed 35 feet.
 3. Architectural design of the exterior of the building shall be similar and compatible with other existing primary buildings within the neighborhood.
 4. Open space and lot area requirements of the underlying zone shall be met.
- C. A detailed site plan of landscaped areas, on and off site parking areas, and lighting for site and signs shall be submitted for review and approval at the time of application. The Hearing Examiner shall review and make recommendations on the site plan.
- D. Lighting. Outdoor lighting shall be downward directed and shielded to prevent projection of the illumination beyond the subject site property lines.

9-24-28: CHURCH:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Rural

- A. Any buildings constructed under this Section shall meet the following standards:
1. One primary building shall be allowed on a parcel.
 2. Maximum building height shall not exceed 35 feet.
 3. Architectural design of the exterior of the building shall be similar and compatible with other existing primary buildings within the neighborhood.
 4. Open space and lot area requirements of the underlying zone shall be met.
 5. A detailed site plan of landscaped areas, on and off site parking areas, and lighting for site and signs shall be submitted for review and approval at the time of application. The Hearing Examiner shall review and make recommendations on the site plan.
- B. Lighting. Outdoor lighting shall be downward directed and shielded to prevent projection of the illumination beyond the subject site property lines.

9-24-29: GRANGE HALL, LODGE:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Rural

- A. Any buildings constructed under this Section shall meet the following standards:
1. One primary building shall be allowed on a parcel.
 2. Maximum building height shall not exceed 35 feet.

3. Architectural design of the exterior of the building shall be similar and compatible with other existing primary buildings within the neighborhood.
 4. Open space and lot area requirements of the underlying zone shall be met.
 5. A detailed site plan of landscaped areas, on and off site parking areas, and lighting for site and signs shall be submitted for review and approval at the time of application. The Hearing Examiner shall review and make recommendations on the site plan.
- B. Lighting. Outdoor lighting shall be downward directed (except for signs) and shielded to prevent projection of the illumination beyond the subject site property lines.

9-24-30: MINI-STORAGE:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Rural.

- A. Minimum area - 5.00 acres.
- B. Security fencing, six feet minimum height, around entire storage area.
- C. No outdoor storage or commercial sales of any kind.
- D. All lighting shall be confined to the premises and shall be downward directed and shielded in a manner so as to produce no glare on adjacent properties or rights-of-way.

9-24-31: RESIDENTIAL CARE FACILITY:

ZONES PERMITTED: Agricultural, Agricultural Suburban, Restricted Residential, Rural, High Density Residential

- A. Minimum parcel area - 21,780 square feet, or the minimum lot size required by the zone, whichever is greater. For licensed group home facilities which were existing prior to adoption of this amendment and which will not be altered to accommodate the 9th resident, the minimum lot size shall not apply.
- B. Use is restricted to 9 residents, not including staff members.
- C. A minimum of 6 off-street parking spaces shall be provided.

9-24-32: SPECIAL EVENTS LOCATION:

ZONES PERMITTED - Agricultural, Commercial, Light Industrial, Industrial, Mining and Rural.

- A. Minimum area - The size of the site must be adequate to accommodate the event, attendees, and parking unless provisions have been made for off-site parking. Adequacy of the site shall be reasonably determined by the Hearing Examiner or Board.
- B. A detailed site plan and event description including but not limited to security, access, people management, traffic management, parking, waste control and disposition, litter control plans and any reasonable information requested by the Director shall be submitted to the Director with the application. Copies of the site plan and event descriptions shall be submitted to the Kootenai County Sheriff's Department, Panhandle Health District, Idaho Department of Transportation, the appropriate local highway district, the fire district, and any other agencies requested by the Director and opinion letters or letters of approval by each of these agencies shall be

submitted to the Director with the application. An application shall not be deemed complete without all applicable agency letters.

Lighting at the special event shall be downward directed and shielded and shall not exceed 0.2 foot candles at the property line.

- D. The Director or Board may impose such reasonable conditions as the record may indicate necessary to visually screen, control dust, reduce nuisance factors such as noise, manage traffic, buffer adjoining uses, mitigate affects on water or air quality, limit the duration of the permit, or otherwise provide for the health, safety, or general welfare of the event participants. Conditions may also include a requirement that agencies review plans for each event to be held at the location.
- E. One (1) parking space will be provided for each three (3) seating spaces and said parking area shall be restricted to a clearly designated area which has clearly delineated boundaries.
- F. Maximum noise threshold shall be 75 dBa as measured at the property lines.
- G. There shall be no parking or construction over existing drainfields.

9-24-33: ASPHALT OR CONCRETE BATCH PLANT:

ZONES PERMITTED: Mining, Rural

- A. Minimum lot area - five acres.
- B. The plant must be located within an existing mining zone or at a site with an approved and valid Conditional Use Permit for a Restricted Surface Mine. Non-conforming sites must be brought into compliance prior to issuance of any permit for an asphalt or concrete batch plant.
- C. The operation shall not constitute a nuisance or hazard.
- D. The plant must be located at least 500 feet from the closest residence, other than the residence of the owner.
- E. The plant must be set back at least 75 feet from any road right-of-way and 50 feet from any other property line.
- F. The County may require the posting of a performance bond to guarantee performance of conditions of approval.
- G. Conditions of approval may include, but are not limited to, duration of the permit, restrictions on hours of operation, limitations on machinery or methods of operations and approval of access requirements by appropriate road jurisdiction.

9-24-34: WIRELESS COMMUNICATION FACILITY (WCF):

ZONES PERMITTED: Agricultural, Commercial, Light Industrial, Industrial, Rural

THE FOLLOWING CONDITIONAL USE STANDARDS SHALL APPLY TO ALL NEW AND MODIFIED WCFs:

- A. The minimum lot size allowable shall be the minimum required for the zone in which the WCF is proposed to be located.

- B. All new transmission towers and siting areas shall be designed to structurally allow for a minimum collocation of three (3) additional providers.
- C. Setbacks shall be measured from the siting area fencing and shall be no less than one foot for every five feet of tower height, or the minimum setbacks for the zone in which it is located, whichever is greater. All WCFs shall be setback from any residential structure a minimum of 300 feet and a minimum of 150 feet from residential zones (Ag Sub, RR).
- D. No new WCF shall be constructed within a two-mile radius of an existing WCF.
- E. Maximum allowable tower height, including antennas, is 150 feet. The County may impose stricter height limitations due to obstruction of views or incompatibility with surrounding uses.
- F. Outdoor storage of any supplies or vehicles related to the use of the facility are prohibited.
- G. A landscape/design plan prepared by a landscape designer shall be required. The following standards shall apply:
 - 1. Existing vegetation at the siting area shall be preserved to the maximum extent possible. In all zones, landscaping shall be placed completely around the siting area except as required to access the facility. Such landscaping shall consist of native vegetation, placed densely enough so as to form a six (6) foot high, 100% sight obscuring screen of the siting area within three (3) years. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
 - 2. A chain link fence no less than six feet in height from the finished grade shall be constructed around each siting area. Access shall be by locked gate.
- H. All WCFs shall be of a stealth design, unless specifically waived by the Board of County Commissioners.
- I. If any antenna or tower is not operated for a continuous period of six months it shall be considered abandoned. The owner of such antenna or tower, or property owner, shall remove the same within ninety (90) days. If such antenna or tower is not removed within said ninety (90) days, the County may, at the property owner's expense, remove the antenna or tower and file a lien on the subject property for expenses incurred in removal. If the County is compelled to seek judicial authority to undertake such removal, the reasonable costs and attorney fees incurred by the County in the course of doing so shall constitute a charge against the owner.
- J. Transmission towers 60 feet high or less are exempt from collocation requirements and may be located within a two-mile radius of an existing tower. No lot shall contain multiple transmission towers.
- K. The WCF shall include a siting area that is large enough to accommodate four (4) providers with similar equipment.
- L. In case of a conflict with other legal requirements, the most restrictive shall apply to the extent that such requirements do not conflict with the 1996 Telecommunications Act.
- M. To provide the most efficient and cost effective emergency services, Public Safety Radio Services shall be exempt from Conditional Use Standards B, D, E, I, K, L and Application Requirements O, P, T. The County may, however, impose tower specific height limitations to ensure compatibility with surrounding uses, to preserve views, and to prevent towers from negatively affecting the public.

APPLICATION REQUIREMENTS

- N. Written verification from a licensed engineer that a structural analysis of the tower has been completed demonstrating the tower's ability to accommodate the collocation of three additional providers.
- O. Written verification that alternative sites within a radius of four (4) miles have been considered and have been determined to be technologically unfeasible or unavailable.
- P. A description of the need for the proposed facility at the proposed location and justification for site selection. The Applicant shall provide a radio frequency coverage plan.
- Q. A notarized statement from the property owner granting authorization to proceed with the conditional use permit.
- R. Proof of a duly recorded legal right of access to the site for the intended purpose. The County may restrict the location and number of access points to the property.
- S. A signed agreement stating a willingness to allow collocation on the proposed tower. This agreement shall also state that any future owners or operators will allow collocation on the tower.
- T. Documents demonstrating that the FAA has reviewed and approved the proposal.
- U. Only such lighting as required by the FAA is permitted. The FAA lighting requirement shall be met in the least obtrusive manner, as determined by the Director. Security lighting for the siting area is permitted as long as it is appropriately downward directed and shielded to prevent illumination at the siting area boundary to be no greater than 0.2 footcandles.
- V. A photo simulation (including elevations) of the proposed facility from selected properties and public rights of way as requested by the Director.
- W. A detailed site plan and letters of comment from agencies deemed applicable by the Director.
- X. The Director may waive some or all of the above application requirements for modifications to existing conditional use permits.

9-24-35: KENNELS, BOARDING:

- A. Shall adhere to the provisions of this title and to those contained in Title 5, Chapter 1 of this code.
- B. Adequate fencing shall be provided to restrain animals from running at large. At a minimum, the animals shall be enclosed within a six foot (6') fence or wall. Electronic fences shall not be used as the sole method of restraining animals. In residential districts, visual screening shall be required to buffer adjacent land uses.
- C. Five percent (5%) of the building floor area, excluding the kennel area, may be used for related retail sales.
- D. A grooming facility is allowed, but not to occupy more than thirty five percent (35%) of the building floor area, excluding the kennel area.

9-24-36: SCHOOLS, PUBLIC AND PRIVATE:

- A. The applicant shall provide written documentation that the facility meets the minimum site area guidelines as established by the Idaho state department of education.

- B. The Applicant shall provide written documentation that the facility meets the minimum site area for sewage disposal.
- C. Access shall be from a public road.
- D. No elementary, middle, or junior high schools shall abut a commercial or industrial district.
- E. No school shall be located in a floodplain or adjacent to a hazardous land use.
- F. All structures shall meet a minimum setback of forty feet (40') from any public street and thirty feet (30') from any other property line.

9-24-37: INDOOR COMMERCIAL RIDING ARENA OR EQUINE TRAINING CENTER OR FACILITY (INCLUDES BOARDING STABLES):

- A. The riding arena is for private use, but is enclosed within a structure that exceeds twenty four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.
- B. The riding arena can be rented by an individual or group.
- C. Spectator seating for more than fifty (50) people is provided at the arena.
- D. Retail sales accessory to the stable or riding arena are conducted on site.
- E. Group lessons are provided to the general public for a fee.
- F. All commercial riding arenas shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
- G. The minimum property size for commercial riding arenas shall be five (5) acres.

[Moved to Section 2 of the Ordinance (Repealer, Severability, Effective Date) – see below]

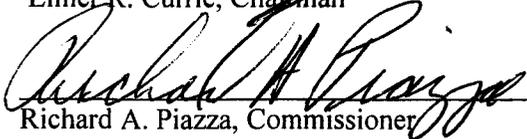
SECTION 2. REPEALER, SEVERABILITY, EFFECTIVE DATE:

- A. **Repeal Of Existing Ordinances.** The provisions of this Ordinance serve to repeal and replace the portions of Kootenai County Zoning Ordinance Numbers 348, 357, 375 and 388 in conflict herewith.
- B. **Severability.** Should any section, clause, or provision of this Ordinance be declared by a court of appropriate jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid. Any remaining provisions shall be read to give effect to the spirit of this Ordinance prior to removal of the provisions declared invalid.
- C. **Effective Date.** 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*.

DATED this 24th of May 2007

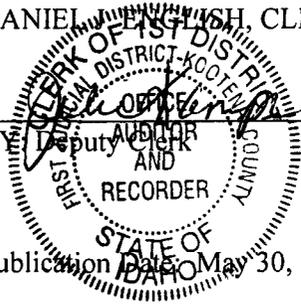
KOOTENAI COUNTY
BOARD OF COMMISSIONERS


Elmer R. Currie, Chairman


Richard A. Piazza, Commissioner

ATTEST:
DANIEL B. ENGLISH, CLERK

By 
Deputy Clerk



Publication Date May 30, 2007

W. Todd Tondee, Commissioner