

ARTICLE II. DEFINITIONS

SECTION 201. INTERPRETATION OF GENERAL TERMS -- For the purposes of this Ordinance certain terms and words shall be interpreted as follows:

1. "Person" shall include a firm, association, organization, partnership, trust company, or corporation, as well as an individual;
2. The present tense shall include the future tense;
3. The masculine form shall include the feminine form;
4. The singular form, unless otherwise designated, shall include the plural, and the plural form shall include the singular;
5. "Shall" shall be construed as a mandatory requirement; "may" shall be construed as a permissive requirement; "should" shall be construed as a preference;
6. The words "used" and "occupied" shall include the words "intended, designed or arranged to be used or occupied";
7. "Lot" shall include the words "plot", "parcel", and "tract";
8. "Day" shall mean the same as "Calendar Day", unless otherwise specified;
9. For the purposes of this Ordinance "Commission" shall refer to the Clearwater County Planning and Zoning Commission; "Board" shall refer to the Board of County Commissioners of Clearwater County;
10. "District" shall mean the same as "Zone" when used to denote a region or area of land sharing a common zoning designation.

SECTION 202. INTERPRETATION OF SPECIFIC TERMS -- For the purposes of this Ordinance certain words shall be defined. Should any conflict between the following definitions and the text of the Ordinance arise, the definition shall be the controlling factor in the determination of a decision by the Commission or the Board. Definitions shall be as follow:

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

ACREAGE – Any tract or parcel of land in common ownership having an area of one (1) acre or more.

ADMINISTRATOR – An official appointed by the Board to administer this Ordinance.

AGRICULTURE – The cultivation of the ground, especially in fields or large quantities; also the rearing, feeding, and management of livestock for commercial purposes.

AGRICULTURAL LAND – That land which is actively devoted to Agriculture. This includes crop-land retirement or rotation and grazing, but does not include grazing of animals kept primarily for personal use or pleasure.

AGRICULTURAL BUILDING – A structure used primarily for the storage of agricultural equipment or products, or the shelter of livestock, or other uses incidental to the active pursuit of Agriculture.

AIRPORT – Any runway, landing area, or other facility designed or used either publicly or privately by any person for the landing or taking off of aircraft, including all necessary

taxiways, hangars or other storage buildings, tie down areas, and other necessary structures.

AIRPORT APPROACH ZONE – That area of an airport and such other areas which are located in the path of an aircraft in the take-off or landing approach pattern.

AUTOMOTIVE, MOBILE HOME, RECREATIONAL VEHICLE, AND FARM IMPLEMENT SALE AND SERVICE – The sale, service, or rental of new or used motor vehicles, mobile homes, recreational vehicles (RV), motor homes, or farm implements.

AUTOMOTIVE WRECKING YARD – Any premises used in whole or in part for the dismantling (wrecking) of four (4) or more used, unlicensed motor vehicles, mobile homes, recreational vehicles, or the storage, sale, trade, or dumping of dismantled, partially dismantled, obsolete, wrecked, or otherwise damaged vehicles, and their parts. This classification shall not include the storage or dismantling, for any reason, of vehicles or equipment used for agricultural or timber harvest purposes by commercial enterprises engaged in those pursuits.

BASEMENT – That habitable part of a building that is all or partly underground but having at least one-half (1/2) of its height below grade.

BILLBOARD – Any structure of more than forty-eight (48) square feet of signage surface utilized for outdoor advertising which is located on property other than the property upon which the advertised use occurs.

BOARDING HOUSE – A building other than a hotel, motel, or restaurant where meals and living quarters are provided for compensation to three (3) or more persons, but not more than twelve (12) persons who are not transients, and not members of the house-holders family.

BUILDING – A structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT – The vertical distance measured from the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line in the case of a mansard roof, and to the top of the building walls in the case of a gable, hip, or gambrel roof.

BUILDING SETBACK LINE – An imaginary line established by this Ordinance, lying a prescribed distance from, and parallel to, the lot line which represents the proximal distance of the building footprint to the lot line.

COMMERCIAL USE – An activity by which goods, merchandise, or services are offered on the premises for sale, rent, or other compensation.

CONDITIONAL USE – A use permitted in a Zoning District as herein defined which because of size, processes, location with reference to surroundings, or demands upon public utilities or public facilities requires a special degree of control to make such use consistent with and compatible with other existing permissible uses in the same zone or zones, and to insure that such use shall not be contrary to the public interest.

CONVALESCENT OR NURSING HOME – Any place or institution licensed by the State of Idaho, Department of Health and Welfare as a nursing home, which operates or maintains facilities providing for either the convalescence or chronic care or both for a period of time in excess of twenty-four (24) consecutive hours for three or more patients not related by blood or marriage to the operator.

COURT – An open, unoccupied space, other than the required yard, on the same lot with a building or group of buildings.

DAY CARE FACILITY -- A licensed business, keeping established hours, for the purpose of providing child care during the normal daylight working hours of parents or legal guardians where regular overnight care or counseling is not provided.

DETACHED STRUCTURE – A structure as herein defined which is incidental to a building upon a lot, but which is structurally independent.

DWELLING – Any permanent building or portion thereof designed or used as a place of residence or as separate living quarters for one or more person, but not including a room in a hotel or motel.

DWELLING, MULTI-FAMILY – A dwelling containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY – A dwelling containing one (1) dwelling unit. This definition shall also include any dwelling in which eight (8) or fewer unrelated, supervised, developmentally disabled or elderly persons and no more than two (2) staff persons are housed.

DWELLING, TWO-FAMILY – A dwelling containing two (2) dwelling units.

DWELLING UNIT – Space within a dwelling, comprising living, dining, sleeping, cooking, bathing and toilet facilities serving only one family and its household members.

FAMILY – One (1) or more persons occupying a single dwelling unit, providing that all members are related by blood, adoption, marriage or other legal union.

FARMING – The raising and harvesting of crops; feeding, breeding, and management of livestock; incidental growing and harvesting of timber or other forest products; or any other agricultural or horticultural use of structures customarily provided in conjunction with farming, and further includes the disposal by marketing or otherwise, of products produced on the premises.

FEED LOT – A lot, or portion thereof, used for the stabling or confinement and feeding or maintenance of one thousand (1000) animal units (as defined in I.C. § 67-6529C.2) for ninety (90) or more days in any twelve (12) month period, and not providing for the sustained growth of crops, vegetation or forage during the normal growing season.

FORESTRY – The active growing, managing, or harvesting of timber crops and other forest products, including any incidental farming, grazing of livestock, watershed and wildlife management.

FLOOR AREA – The area of a building enclosed by walls, or portion thereof, exclusive of vent shafts and courts, multiplied by the number of stories.

FOOTPRINT, BUILDING – That portion of the lot which is contained within the exterior perimeter of the structure.

FRONTAGE – Land bordering a street, road, or highway.

GRADE – The average ground level at the center of all walls of a building.

GRADE ESTABLISHED – The curb line grade at the lot lines, as established by a County designated Engineer, or otherwise established by law.

HOME OCCUPATION – An occupation engaged in by the resident of a dwelling which is contained within the dwelling or accessory structures, and is an accessory use of the structure.

INDUSTRIAL USE – A structure or use facilitating manufacturing, processing, repairing, or compounding of commercial goods, or allowing the storage or wholesale distribution of goods.

JUNK YARD – Any premises used in whole or in part for the storage, processing, handling, or dealing in old or scrap metals, rubber, other non-food commodities, or other articles commonly referred to as junk which are not household refuse, and are not composed of and do not contain hazardous materials.

KENNEL – Any lot or premises or portion thereof, on which more than three (3) dogs and/or cats or other household animals are maintained, harbored, possessed, trained, boarded, or cared for in return for compensation.

LOT – A parcel, plot, tract, or other land area meeting the minimal dimensional requirements of this Ordinance, and created by subdivision or sale, transfer, lease or development.

LOT AREA – The total area of land falling within the lot lines of a property.

LOT CORNER – A lot abutting two or more streets, exclusive of alleys, at their intersection.

LOT DEPTH – The average distance between the front and rear lot lines.

LOT LINE, FRONT – The property line fronting on the road used to establish the address of the property.

LOT LINE, REAR – The property line which is most nearly opposite and most distant from the front lot line.

LOT LINE, SIDE – Any property line which is not a front or rear lot line.

LOT WIDTH – The average distance between the side lot lines, measured parallel to the front lot line.

MINING – The extraction of placer or other ore, or energy-yielding or otherwise precious mineral, from the ground using any mechanical process.

MOBILE HOME – A detached single-family dwelling having the following characteristics:

1. Designed for long term occupancy and containing sleeping accommodations, a flush toilet, bathing and kitchen facilities with plumbing and electrical connections provided for attachment to outside system;
2. Designed to be transported after fabrication, on its own wheels, on a trailer, or on detachable wheels;
3. Having a gross floor area of not less than 200 square feet.

MOBILE HOME COURT – Any site or tract of land upon which more than two (2) mobile homes intended for habitation are parked, either free of charge or for sale, rental, or lease purposes; including any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such court.

NON-CONFORMING USE OR STRUCTURE – A lawful existing structure or use at the time of the effective date of this Ordinance or of any amendment thereto which by adoption does not meet the requirements of the Ordinance.

OWNER – The property owner or his authorized agent.

PARKING SPACE – An enclosed or unenclosed surfaced area permanently preserved for the temporary storage of one (1) vehicle, meeting the requirements for such use contained herein.

PERSON – Every natural person, firm, partnership, association, social or fraternal organization, estate, trust, receiver, syndicate, branch of government, or any group acting as an individual decision making unit.

PUBLIC USE – A structure or use intended or used in furtherance of providing a service to the general public, by a city, a school district, the county, the state, or by any public agency or by a public utility organization.

PUBLIC UTILITY – Any person or municipal department duly authorized to furnish to the public under public regulation, electricity, gas, steam, telephone (including cellular), television, transportation, water, cable, reflector, or translator service.

QUARRYING – The removal of one thousand (1000) cubic yards or more of rock, stone, gravel, sand, top-soil, or other natural material from the earth by excavation, stripping, leveling or any other process.

RECREATION FACILITY – Facilities developed by profit or non-profit organizations or individuals for public or semi-public recreational use. This includes, but is not limited to, boating, swimming, picnicking, hiking, spas, athletic courts or fields, or similar uses.

RECREATION VEHICLE – A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted upon or towed by another vehicle.

RESTAURANT – Any land, building, or portion thereof, other than a boarding house, where meals are provided for compensation for a period exceeding three (3) consecutive days during any thirty (30) day period, including, but not limited to, cafes, cafeterias, coffee shops, lunch rooms, and dining rooms.

ROAD – A way which affords vehicular access to more than one property. (01-02-2007)

ROW FARMING – The cultivation, especially in large fields, of grain, vegetable, fruit, fiber, or oil yielding plants. This classification shall not include the pasturing of livestock in harvested fields, but shall be construed to include fields devoted to conservation plots and fields lying fallow.

SANITARY LANDFILL AND COMMUNITY LANDFILL – Disposal sites for agricultural, industrial, and community solid wastes which conform to the regulations imposed by the State of Idaho.

SEMI-PUBLIC USE – A structure or use intended or used by a group which maintains organized membership, including, but not limited to, churches, lodges, clubs, or non-profit organizations.

SHOPPING CENTER/MALL – A group or complex of commercial establishments planned, developed, owned and/or managed as a unit.

SIGN – A device intended to inform or attract the attention of persons not on the premises. The area of a sign is the total surface within the perimeter of the device.

SPECIAL USE – A use of a temporary nature, which is not permitted outright or as a Conditional Use, which does not violate the standards of this Ordinance, but does because of impact upon public services or as a result of equipment, processes, or other factors, require a special degree of control to make such use consistent with and compatible to other existing permissible uses in the same district or districts, and to ensure that such use shall not be contrary to the public interest.

STORY – That portion of a building included between the floor and the ceiling immediately above it.

STREET LINE, ROAD OR HIGHWAY MARGIN – A boundary line between any street, road, or highway and the abutting property.

STRUCTURAL ALTERATIONS – Any change to the existing supporting members of a building, including, but not necessarily limited to, foundations, bearing walls or partitions, columns or posts, beams or girders, window and door headers, and girts or purlins.

STRUCTURE – Something constructed or built and having a fixed base or fixed connection to the ground or another structure.

TELECOMMUNICATIONS STRUCTURE – A structure used for the purpose of transmitting, receiving, or otherwise controlling signals (including, but not limited to sound waves, light waves, and other electromagnetic means) used for purposes of communication, as well as ancillary structures.

USE – The purpose for which land or a structure is designed or intended, or for which it is actually occupied or maintained.

VARIANCE – A modification of the requirements of the Ordinance as to lot size, lot coverage, width, setbacks, parking space, height of a building or other Ordinance provisions affecting the size or shape of a structure or the size of the lots.

VEHICLE – Any self-propelled device in, upon, or by which persons or property are or may be transported along public thoroughfares.

WAIVER – The elimination of a requirement of this Ordinance which is not applicable in a particular case.

YARD – An open space on a lot which is unobstructed from the ground upward except as permitted in this Ordinance.

YARD, FRONT – The area extending across the full width of the lot, lying between the front lot line and the nearest line of the footprint of the principle building.

YARD, REAR – The area extending across the full width of the lot, lying between the rear lot line and the nearest line of the footprint of the principle building.

YARD, SIDE – The open space between a building and the nearest side lot line.

ZONE – A particular zoning district as established by this Ordinance.

ZONING PERMIT – Any document issued by the Administrator authorizing the uses of land and structures, and the characteristics of the uses, including but not limited to: Conditional Use Permits, Special Use Permits, or Variances.

SECTION 203. UNDEFINED TERMS – The Board of County Commissioners reserve the right to define terms not specified herein for the purpose of taking action on individual zoning matters. The standards for such determination shall be:

1. Words and terms not specifically defined in this section shall be interpreted according to Standard English usage and practice, as established in *Webster's New World Dictionary of the American Language, Second College Edition*;
2. Colloquial words and terms shall be interpreted as having the same definition as a Standard English word or term having the most similar definition to that ascribed by local custom and usage.