

CHAPTER 7
4
REFERENCES

ARTICLE A. DEFINITIONS

SECTION:

8-7A.11-4A-1: Definitions Of Uses
8-7A.11-4A-2: Definitions Of Terms
8-7A

11-4A-1 DEFINITIONS OF USES:

ACCESSORY USE:	A use that is incidental, auxiliary and subordinate to the principal use, and is conducted upon the same <u>property</u> <u>parcel</u> . Examples include but are not limited to the parking and storage intended solely for the primary use.
AGRICULTURE:	The use of land for farming, dairying, pasturage, aquaculture, horticulture, floriculture, viticulture, and animal husbandry, including riding stables and schools and the necessary accessory structures for packing, treating and storing the produce to standard. The term "agriculture" does not include commercial stock or feed yards where a concentration of livestock is fed for the purpose of fattening for market.
AMUSEMENT CENTER:	The use of all or part of a building for indoor amusement including, but not limited to, video games, laser games, bingo, pool, billiards, card rooms, <u>bowling alleys</u> , <u>child amusement rides</u> , and indoor playground facilities.
ANIMAL CARE FACILITY:	The use of a site for the boarding, care, grooming, diagnosis or treatment of animals. The use may include overnight accommodations on the premises and boarding that is incidental to the primary activity. The term "animal care facility" shall include, but not be limited to, an animal clinic, animal hospital, commercial kennel or veterinary office.
ARTISTS STUDIO:	The use of a site for the individual production, sale or instruction of a creative pursuit of original ideas or creations.
BED AND BREAKFAST:	The use of a dwelling where meals and lodging are provided for compensation for three (3) or more persons not related to the bed and breakfast business owner. The term "bed and breakfast" includes a boarding house or lodging house; and excludes a group dwelling unit.

BICYCLE SALE, SERVICE, STORAGE, RENTAL:	The use of a site for a business wherein bicycles are sold, serviced, repaired, stored and/or rented.
BUILDING MATERIAL, GARDEN AND EQUIPMENT:	The use of a site for the retail sale and service of merchandise used in home and garden improvements. The term "building material, garden and equipment" includes home and garden centers; hardware stores; lawn and garden equipment supply stores; paint and wallpaper stores; lumberyards; nursery, garden and farm supply stores.
CHURCH OR PLACE OF RELIGIOUS WORSHIP:	The use of a site that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accordance with Idaho Code section 63-602B.
CLUB:	The use of a site owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; and not primarily operated for profit or to render a service customarily carried on as a business.
COMMERCIAL ENTERTAINMENT FACILITY:	The use of a site for any profit making activity which is generally related to the entertainment field. The term "commercial entertainment facility" includes motion picture theaters, carnivals, nightclubs, and dance halls.
DAY CARE FACILITY:	The use of a site where nonmedical care, protection or supervision is regularly provided to children under twelve (12) years of age, or disabled persons of any age, for periods less than twenty-four (24) hours per day, while the parents or guardians are not on the premises. There are three (3) types of childcare facilities distinguished by the number of individuals served: <ul style="list-style-type: none"> A. Daycare center: More than twelve (12). B. Daycare, neighborhood: More than six (6) but no greater than twelve (12). <u>A. C.</u> Daycare, personal: Four (4) or fewer.
DRINKING ESTABLISHMENT, FULL SERVICE:	The use of a site primarily for the sale or dispensing of liquor by the drink or glass, but not including restaurants with a wine and beer license where the principal

business is serving food. The use includes, but is not limited to, bar, lounge, saloon, and tavern.

DRINKING ESTABLISHMENT, LIMITED SERVICE: The use of a site primarily for the service of only wine or beer by the glass, but not including restaurants with a wine and beer license where the principal business is serving food. The use includes wine bar, beer pub, and brewery.

DRIVE-THROUGH ESTABLISHMENT: Any use that permits service to take place directly with customers located in a motor vehicle. The term "drive-through establishment" shall include, but not be limited to, providing food or beverage service, bank service, prescription drugs, and/or film processing. The term "drive-up window service" shall not include fuel sales facility or vehicle washing facility as herein defined.

DWELLING OR DWELLING UNIT: Any structure, or portion thereof, providing independent living facilities for one (1) "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING, SINGLE FAMILY ATTACHED UNIT, ACCESSORY: A dwelling unit either within the principal structure containing two (2) or more dwelling units attached by a common wall or walls, where each dwelling is a detached structure that is incidental and subordinate to the principal structure and is located on a separate property upon the same parcel.

DWELLING UNIT, ACCESSORY GROUP: A dwelling unit either within the principal structure or in a detached structure that is incidental and subordinate to the principal structure and is located upon the same property. Mobile homes and manufactured homes shall not be considered an accessory dwelling unit. A structure used for long term living, eating and sleeping accommodations, including students enrolled in an educational institution. The use includes dormitories, fraternities and sororities, and halfway houses.

DWELLING UNIT, GROUP MULTI-FAMILY: A structure used for long term living, eating and sleeping accommodations, including students enrolled in an educational institution. The use includes dormitories, fraternities and sororities, and halfway houses. A structure or parcel containing three (3) or more principal dwelling units. The term "multi-family dwelling unit" includes apartments and condominiums with varying arrangements of entrances and party walls. An "active adult" multi-family structure may be age restricted.

DWELLING UNIT, MULTI: A structure or property containing three (3)two (2) or

Comment [JS1]: All references to manufactured or mobile homes have been deleted except in Table 11-2B-1, which indicates the use is prohibited in the River Club SAP District.

Comment [JB2]: Jenah, Hanna, not sure why the comparison shifted this comment here vs, in connection with manufactured homes, or why definitions for manufactured and mobile homes appear to be retainin the Definition of Uses and are deleted in Definition of Terms. In any event, they are meant to be deleted.

SINGLE-FAMILY ATTACHED: TOWNHOUSE:	more <u>principal</u> dwelling units. <u>The term "multi-family attached by a party wall or walls, where each dwelling unit" includes apartments has its own entrance and condominiums with varying arrangements of entrances and party walls, may be located on a separate parcel.</u>
DWELLING UNIT, SINGLE-FAMILY OR TWO-FAMILY DETACHED:	A structure consisting of one (1) <u>or two (2)</u> dwelling <u>units</u> and separated from other dwelling units by open space.
EATING ESTABLISHMENT, FULL SERVICE:	The use of a site for an establishment where a full range of food items are prepared, served and consumed by patrons. The serving of alcoholic beverages may also be provided but are secondary to the service of food. The term includes cafe, caterer, diner, eatery, grill, restaurant, and steakhouse.
EATING ESTABLISHMENT, LIMITED SERVICE:	The use of a site for an establishment where a limited number of food items are prepared, served and consumed by patrons on or off the site. The serving of alcoholic beverages is not provided. The term includes coffee shop, delicatessen, pizza parlor, retail bakery, fast food, sushi bar, food stand and catering facility.
ELIGIBLE FACILITIES REQUEST:	Any request for modification of an existing wireless tower or base station that involves: (A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment.
EQUIPMENT RENTAL, SALE AND SERVICE:	The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.
FINANCIAL INSTITUTION:	The use of a site for lending, exchanging and handling money or currency for customers. The use includes, but is not limited to, state or federally backed credit unions, savings and loan and commercial banks. This use does not include title loans, payday loans or pawnbrokers.
FOOD PRODUCTS, PROCESSING:	The use of a site for producing, manufacturing, processing or storage of food products. The use includes, but is not limited to, beverages, coffee roasting, ice, fruits, vegetables, spices, confectionery, meat, seafood, and dairy products. The use does not include slaughterhouses.
FOOD PRODUCTS, SMALL SCALE PROCESSING:	The use of a site for producing, manufacturing, or processing of food products on a boutique or small scale

and limited production. The use often contains a tasting or dining area. The use includes, but is not limited to, catering, smoking and curing, canning and preserving, confectioneries, brewing and winemaking.

FOOD STORE:	The use of a site for the sale of fresh, partially or fully prepared food for consumption at a different location in conjunction with a full line of consumable goods, toiletries, cleaning supplies, and household supplies. The term "food store" includes grocery store, delicatessens, bakery and convenience stores.
FUEL SALES:	The use of a site for the retail sales of motor fuel, lubricating oils, and/or grease to on-premises trade. The use may also include an accessory convenience store selling a limited line of groceries and self-service food items.
FUEL YARD:	The use of a site where the primary business is that of storing fuel, including, but not limited to, propane, kerosene, diesel, home heating fuel, gasoline, and natural gas distribution centers in either approved aboveground or below ground tanks.
HEALTH CLUB:	The use of a site for the conduct of sports, physical exercise, and related activities are performed.
HEALTHCARE AND SOCIAL SERVICE:	The use of a site for ambulatory healthcare services. The term "healthcare and social services" includes offices of dentists; physicians; chiropractors; optometrists; mental health practitioners; physical, occupational and speech therapists; audiologists; outpatient care centers; family planning centers; medical and diagnostic laboratories; imaging centers; kidney dialysis centers; blood and organ banks.
HOME OCCUPATION:	An occupation conducted entirely within a dwelling unit clearly incidental to a residential use.
HOSPITAL:	The use of a site for an institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients twenty-four (24) hours a day. The term "hospital" does not include clinic, convalescent, or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts or other types of cases necessitating forcible confinement of patients.
INDUSTRY, FLEX:	The use of a multi-tenant structure for the uses of:

equipment rental and sales; light industry; motorcycle sale, service, storage rental; service provider; storage yard; vehicle service or other permitted uses within the zoning district which it is in..

INDUSTRY, INFORMATION: The use of a site for processing data. The use includes, but is not limited to, publishing industries such as new papers, books, music, Internet and software; recording and broadcasting studios; data processing centers, Internet providers and other information systems.

INDUSTRY, LIGHT: The use of a site where there may be the use of heavy equipment or machinery, and/or noise, smells, environmental pollutants, or fire concerns. Light industry typically is for the manufacture, processing, fabrication, analysis, assembly, treatment, and/or packaging of finished products or parts. The use of paint booths not related to vehicle service shall be included in this use category.

KENNEL, HOBBY: The use of a site with more than three (3) dogs, or five (5) or more domesticated animals that are more than four (4) months of age in a residential zone for housing area, raising, showing or training of animals for personal enjoyment of the occupants of the site, and for which commercial gain is not the primary objective.

LABORATORY; MEDICAL, DENTAL, OPTICAL: The use of a site for medical, dental or optical lab work that can be performed outside of a hospital or medical office.

LAUNDROMAT, SELF-SERVICE CLEANER: The use of a site for patron use of coin operated washing machines and dryers.

LAUNDRY AND DRY CLEANING, COMMERCIAL PLANT: The use of a site for cleaning fabrics, textiles, and apparel.

LAUNDRY AND DRY CLEANING ESTABLISHMENT: The use of a site for the pick-up and delivery of dry cleaning and laundry without the operation of a laundry or dry cleaning on site.

LENDING INSTITUTION: The use of a site for bailment services or short term credit secured by title, check, personal property, or other collateral. This use includes, but is not limited to, those uses as defined by Idaho Code as "payday loan," "title loan" or "pawnbroker."

"Pawnbroker" means a person who is engaged in the

business of loaning money on deposit or purchase of tangible personal property and who maintains such tangible personal property in ~~his~~such person's possession until such time as it is redeemed or resold or until such time as otherwise provided by applicable local law .

"Payday loan" means a transaction pursuant to a written agreement between a creditor and the maker of a check whereby the creditor:

- A. Accepts a check from the maker;
- B. Agrees to hold the check for a period of time prior to negotiation, deposit or presentment; and
- C. Pays to the maker of the check the amount of the check, less ~~the~~ fee permitted by this chapter.

"Title loan" means a loan for a consumer purpose that is secured by a nonpurchase money security interest in titled personal property and that is scheduled to be repaid in either a single installment or in multiple installments that are not fully amortized.

This definition does not include state or federally backed banks or credit unions.

LODGING:

The use of a site providing visitor or overnight accommodations, including sleeping rooms, sanitary facilities, guest registration and lobby areas. The term "lodging" shall include motels, hotels and inns.

MANUFACTURED HOME:

A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC

section 5401 et seq. (Idaho Code section 39-4105.)

MANUFACTURED

HOME/MOBILE HOME PAD:

An improved area of ground equal to the perimeter and/or square footage of the manufactured/mobile home and on which the manufactured/mobile home shall be located.

MANUFACTURED

HOME/MOBILE HOME PARK:

Any parcel of ground upon which three (3) or more manufactured homes, ~~or~~ mobile homes ~~or combination of one (1) or more manufactured home, mobile home and~~ or other dwelling units occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation; but shall not include a plot of ground used for mobile home dealers exclusively for the display, storage or sale of manufactured/mobile homes.

MANUFACTURED

HOME/MOBILE HOME SPACE:

A parcel of ground within a mobile home park designated and intended for the accommodation of one (1) manufactured/mobile home including setbacks.

MANUFACTURED/MODULAR

BUILDINGS:

A prefabricated structure constructed according to HUD/FHA mobile construction and safety standards transportable in one (1) or more sections that is assembled in modular sections.

MOBILE SERVICE:

A business or service that is operated from a vehicle or trailer, and is at a given location for less than twenty-four (24) hours. Examples of mobile services may include food trucks, mobile veterinary services, or mobile medical services. This use as defined ~~in this title~~ does not include the parking or storage of the vehicle or trailer when the service is not in operation.

MORTUARY:

The use of a site in which deceased human bodies are kept temporarily and prepared for burial or cremation.

NURSERY:

The use of a site for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

NURSING AND RESIDENTIAL

CARE FACILITY:

The use of a site for providing assistance to two (2) or more individuals needed to perform the routines of daily life. The use includes, but is not limited to, children's treatment facility, assisted care skilled nursing facility, residential care facility, and drug and alcohol treatment facility.

PARKING FACILITY:	The primary use of a site for parking vehicles. The term "parking facility" includes surface <u>parking</u> lots and <u>parking</u> garages.
PERSONAL SERVICE:	The use of a site for the provision of individualized services generally related to personal needs. Personal service uses include, but are not limited to, beauty and healthcare services such as salons, hair, nail and skin care, spa, and barbers; locksmiths; and repairs such as footwear and leather goods, watches, and appliances.
PROFESSIONAL SERVICE:	The use of a site primarily for business administration, reception, accessory storage of records and electronic processing of data. Professional service uses include, but are not limited to: business administration, architects, engineers, landscape architects and other design services; accountants; financial advisors; insurance agencies; software programming; consultants; lawyers; realtors; and title companies.
PUBLIC SERVICE FACILITY:	The use of a site for a public utility or infrastructure. The term "public service facility" includes power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures.
PUBLIC USE:	The use of a site for public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials, recycling and public service facilities.
RECREATIONAL VEHICLE PARK:	The use of a site by two (2) or more recreational vehicles or travel trailers for temporary living quarters on a temporary basis.
RESEARCH AND DEVELOPMENT:	The use of a site for developing new technology, products, processes and/or discovering solutions to problems for industries that include, but are not limited to, energy, medical, information technology and consumer goods.
RETAIL PRODUCTION:	The use of a site for manufacture, processing, fabrication or assembly of finished products and on-site retail sale and/or show room of finished products. The area utilized for production and/or manufacturing of products shall not be any greater than two thousand (2,000) square feet on the street level and not constitute more than three to one (3:1) of the area utilized for the salesroom and/or showroom.

RETAIL STORE:	The use of a site that offers merchandise or services to the public for monetary compensation. The term "retail store" includes, but is not limited to: hobby, office supplies, stationery and gift stores; specialty stores; apparel and accessories stores; pharmacy and drug; used merchandise stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; and sporting goods stores.
SCHOOL:	An institution of learning or academic instruction and/or instruction in a skill or business. The term "school" includes any public or private educational facility including, but not limited to, nursery schools, preschools, kindergartens, elementary and secondary schools.
SELF-SERVICE USES:	Any commercial use where there is not an attendant on the site during all hours of operation. The term includes, but is not limited to, automated teller machines (ATMs), vehicle washing, fuel sales facilities, and storage facilities.
SERVICE PROVIDER:	The use of a site for an employee or employees of a company or person that provides materials or labor to perform a service or job not located on site. This may include, but is not limited to, building or trades contractor, damage restoration services or cleaning services. This is not the same as a "storage yard" as herein defined nor does this definition include construction or manufacturing on site.
SEXUALLY ORIENTED BUSINESS:	<p>Adult Bookstore, Adult Novelty Store Or Adult Video Store: A commercial establishment which has a significant or substantial portion of its stock in trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental or viewing for any form of consideration, of any one (1) or more of the following:</p> <p>A. Books, magazines, periodicals or other printed matter, or photographic films, motion pictures, videocassettes, slides, live human representations or other usual representations which are characterized by the depiction or description of specified sexual activities: (1) the fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3)</p>

masturbation, actual or simulated; (4) human genitals in a state of sexual stimulation, arousal or tumescence; (5) excretory functions as a part of or in connection with and of the activities listed above; or specified anatomical areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. This definition does not apply to the availability for sale of any material displayed in such a way that only the name of the material appears to the public and does not include specified sexual activities on either cover of the material which is open to public viewing.

B. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

An establishment may have other principal business purposes that do not involve its offering for sale, rental or viewing of materials or live human representations depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one (1) of its principal business purposes is offering for sale or rental for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

Adult Motel: A motel, hotel or similar commercial establishment which offers public accommodations for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" as defined above and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of off premises advertising including, but not limited to, newspapers, magazines, pamphlets, leaflets, radio or television.

	Adult Motion Picture Theater: Any premises in which motion pictures, slides, videotapes or similar photographic reproductions showing "specified sexual activities," defined herein, are shown to an audience which pays a fee or other consideration for the viewing.
SMALL CELL FACILITY	A wireless communication structure that is under 50' in height which provides a smaller coverage area than a traditional macro cell facility; for complete criteria: see Federal Communications Commission definition for small cell wireless facility.
SMALL CELL SUPPORT STRUCTURE	A pole, tower or base station, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless services, whether on its own or comingled with other types of services.
SPECIAL EVENT:	A temporary use that is open to the public that lasts three (3) days or less.
STORAGE FACILITY OR YARD:	The use of more than twenty percent (20%) of a site where equipment, inventory, supplies, vehicles or other similar items of a nonresidential nature are stored inside or outside.
STORAGE FACILITY, SELF-SERVICE:	A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles).
STORAGE YARD, COMMERCIAL RECREATIONAL VEHICLE:	The use of a site for the storage of two (2) or more recreational vehicles or trailers where individual, outside or inside storage spaces are utilized, rented, leased or sold to owners of recreational vehicles.
TEMPORARY USE:	The use of a site for more than three (3) days and less than three (3) consecutive months unless otherwise specified by standards for specific types of temporary uses in this title: article 11-2C-19 .
TOBACCO ENTERTAINMENT FACILITY:	The use of a site primarily for the distribution or sales of tobacco products or products used for the consumption of tobacco primarily on site.
TOBACCO RETAIL STORE:	The use of a site primarily for the distribution or sales of tobacco products or products used for the consumption of tobacco primarily off site. Seating is limited to no more than four (4) patrons.

VEHICLE RENTAL:	The use of a site for car share or rental of motor vehicles for short periods of time, generally ranging from a few hours to a few weeks.
VEHICLE SALES:	The use of a site for the sale or long-term lease (terms of lease for more than a month) of new and used motor vehicles, including consignment sales and lease, and incidental repairs in preparation for on-premises display and sale.
VEHICLE SERVICE:	The use of a site for the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service painting, repairing or straightening the body and/or chassis of vehicles or steam cleaning of vehicles.
VEHICLE WASHING FACILITY:	The use of a site where a vehicle may be washed, waxed, detailed, or vacuumed by the owner of the vehicle or employees on the site.
VEHICLE WRECKING YARD:	The use of a site for the dismantling or wrecking of two (2) or more used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
WAREHOUSE:	The use of a site as a major stopping or transferring point for freight, storage, wholesale and distribution of manufactured products, supplies and equipment, excluding retail sales.
WIRELESS COMMUNICATION FACILITY:	A steel monopole, guywire tower, lattice tower or other similar wireless communication structure that is over 50' in height, also known as a macro cell facility, designed to support directional antennas, parabolic dishes or antennas, microwave dishes; in addition to associated macro cell facility ground equipment and other similar equipment used in the wireless communications industry; see Federal Communications Commission definition for wireless communication facility. (Ord. 898-08, 9-8-2008; amd. Ord. 905-09, 3-23-2009; Ord. 931-11, 8-8-2011; Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014; Ord. 972-14, 11-24-2014; Ord. 975-15, 4-27-2015; Ord. 991-17, 2-13-2017; Ord. 1002-18, 1-28-2019)

8-7A11-4A-2 DEFINITIONS OF TERMS:

Comment [JB3]: Have attempted to delete all terms that relate to subdivisions and lots as not applicable to the River Club SAP District.

<u>ACCESS LANE:</u>	A travel surface that provides internal circulation within a site and may have the potential to provide access to adjacent <u>properties</u> <u>parcels</u> . The access lane may be private or a public right-of-way in which it <u>would</u> <u>may</u> also be called an "alley" or "minor local street."
<u>ACCESSORY STRUCTURE:</u>	A detached structure that is incidental and subordinate to the principal structure and is located upon the same <u>property</u> <u>parcel</u> . The term "accessory structure" shall include, but not be limited to, the following: private garage, storage structure, workshop, and/or greenhouse. The term shall not include additional structures for approved public, commercial, or industrial uses or insurable structures.
<u>AFFORDABLE HOUSING:</u>	Housing that is affordable to persons with incomes that are eighty percent (80%) or less than the median income for the Treasure Valley area and that the housing is administered by an agency who qualifies persons for such housing.
<u>ALTERATIONS, STRUCTURAL:</u>	Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams and girders.
<u>ANIMAL, FARM:</u>	Animals other than household pets, including, but not limited to, cattle, horses, llamas, emus, ostriches, donkeys, mules, sheep, goats, chickens, pigs, and poultry.
<u>ANNEXATION:</u>	The process by which the city's corporate boundary is expanded to incorporate additional property pursuant to Idaho Code section 50-222.
<u>APIARY:</u>	A place where bee colonies are kept.
<u>APPEAL:</u>	Request for review of an interpretation of provisions of this title.
<u>APPLICANT:</u>	An individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes an application. The applicant need not be the owner of the property; however, <u>he</u> <u>the</u> applicant shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.
<u>AREA OF SHALLOW FLOODING:</u>	A designated AO, AH, AR/AO, or AR/AH zone on a community's flood insurance rate map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an

average depth of one (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evidence. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: See Special Flood Hazard Area (SFHA).

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE): A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, state or other source using FEMA - approved engineering methodologies. This elevation, when combined with freeboard, establishes the flood protection elevation.

BASE ZONING DISTRICT: The underlying zoning district.

BASEMENT: The story or level of a building which is partially or totally below ground level.

BEE: Any stage of the life cycle of the common domestic honeybee.

BIKE ROUTE/BIKE LANE: Any roadway right-of-way specifically signed for bicycle use as a shared facility with motor vehicles.

BLOCK: An area of land bounded by streets, right-of-way, waterway or other similar barrier.

BOISE RIVER: A 102-mile-long tributary of the Snake River.

BUILDING: Any structure with walls on all sides designed or intended for the support, enclosure, shelter or protection of persons, animals, or property of any kind.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point thereof for flat roofs, to the deck line of mansard roofs, and the top of building walls for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL:	A building in which is conducted the main or principal use of the lot <u>parcel</u> on which said building is situated.
BUILDING ZONE:	The area within the public right-of-way adjacent to the private property line.
CHANGE OF USE:	An enlargement of the use through the addition of more square footage devoted to the use; or if a use changes from one category to another as listed in Table <u>811-2B-1, Allowed Uses in A1 Base Zoning District</u> the River Club SAP District .
CHANNEL:	A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
CHORD MEASUREMENT:	A straight line measurement from the beginning point of a curvature to the end point of a curvature.
CITY:	The city of Garden City.
CLEANING, LAUNDRY AGENCY:	An establishment that is primarily involved in the dry cleaning or standard cleaning of items for patrons.
CLEAR VISION TRIANGLE:	A triangular area on a corner lot measured from the intersection of two (2) rights-of-way and/or driveways within which there are certain height limitations in order to provide sight distance for vehicles.
CO-HOUSING:	Attached or detached housing <u>dwelling</u> units clustered on a site, leaving more shared open space. The dwellings typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. Often, the front doorway of every home affords a view of the common house that serves the entire development. The common house may include a lounge, kitchen and dining room, recreational facilities, workshops or laundry room.
COLONY:	Bees in any hive including queens, workers and drones.
COMMISSION:	The planning and zoning commission of Garden City.
COMMON AREA:	Land, complementary structures and/or improvements designed and intended for the common use or enjoyment of the residents of the development. The area can include, but is not limited to: turf areas, playgrounds, patios, courtyards, barbecue and picnic

Comment [JS4]: Deleted "building zone" because not used elsewhere in Title 8 of GCC.

areas, water areas, and community gardens.

COMPREHENSIVE PLAN: The adopted plan for Garden City pursuant to the Local Land Use Planning Act, Idaho Code section 67-6501.

CONDITIONAL USE: A use that because of peculiar characteristics, size, operations, location with reference to surroundings, streets and existing improvements, or demands upon public facilities is allowed in ~~a district~~the River Club SAP District subject to approval by the planning and zoning commission and subject to special requirements in accordance with section 8-6B-2 of ~~this title~~River Club SAP District code and as enabled by Idaho Code section 67-6512.

CONDOMINIUM: An estate consisting of an undivided interest in common in real property, in an interest or interests in real property, or in any combination thereof; together with a separate interest in real property, in an interest or interests in real property or in any combination thereof, as defined under Idaho Code sections 55-101B and 55-1503.

CONSULTATION: A meeting or correspondence with the design review consultant(s) and applicant, but not with a governing body as defined by Idaho Code, wherein relevant items will be addressed.

COTTAGE HOUSING: Small size detached ~~housing dwelling~~ units between five hundred (500) square feet and one thousand five hundred (1,500) square feet.

COUNCIL: The city council of Garden City, Idaho.

COVENANT: A written promise or pledge.

CULVERT: A pipe or conduit that conveys water underground under a bridge, street, road or driveway, or land surface.

DECISION MAKER: The body or individual given authority by ~~this~~the River Club SAP District code for decisions on planning applications and matters. The term "decision maker" may include, but is not limited to, the council, commission, or planning official.

DEDICATION: The setting apart of land or interests in land for use by the public or others, by ordinance, resolution or entry in the official minutes or as by the recording of a plat. Dedicated land becomes public land upon the acceptance by the city, Ada County ~~highway~~

districtHighway District, county or state.

DESIGN:	Any physical attribute of a site or building, including, but not limited to site context, block frontages and community framework, location, vehicular and nonvehicular circulation and connections, parking, open space, service areas, landscaping, architectural character, blank wall treatments, lighting, and building massing, elements, and materials.
DENSITY:	A unit of measurement, the number of dwelling units per acre of land.
DEVELOPMENT:	Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
<u>DEVELOPMENT, LARGE SCALE:</u>	<u>A subdivision or land development the size of which consists of two hundred (200) or more lots or dwelling units or more than forty (40) acres of land.</u>
DEVELOPMENT SITE:	The area of development that may include one (1) or more or parts of a legal <u>lot</u> <u>parcel</u> of record.
DRIVEWAY, COMMON:	A shared access that serves two (2) or more <u>lots</u> <u>parcels</u> or uses or dwelling units.
DUSTLESS MATERIALS:	Hard surfaces used for driveways, loading and parking including, but not limited to, concrete, asphalt, grasscrete, pavers, bricks, and macadam.
EASEMENT:	A grant by a property owner to specific persons, or to the public, to use land for specific purposes, and also may be a right acquired by prescription.
ELEVATED BUILDING:	For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
ELEVATION CERTIFICATE:	The elevation certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information; and it may be used to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

ENGINEER:	Any person who is licensed in the state to practice professional engineering.
FAMILY:	<p>A. A person living alone or two (2) or more persons related by blood or marriage.</p> <p>B. A group of not more than ten (10) persons who need not be related by blood or marriage living together in a dwelling unit.</p> <p>C. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling under staff supervision; provided, that no more than two (2) staff members reside in the dwelling at any one (1) time.</p>
FENCE, PRIVACY:	A fence that is constructed of solid or opaque materials through which no views can be seen.
FERTILIZER:	Any substance containing one (1) or more recognized plant nutrient which is used for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth, and includes lime and gypsum. It does not include unmanipulated animal manure and vegetable organic waste derived material, or biosolids under 40 CFR 503.
FIRE AUTHORITY:	The city department or special district contracted to provide fire safety services to the city.
FLOOD OR FLOODING:	<p>A. A general and temporary condition of partial or complete inundation of normally dry land areas from:</p> <ol style="list-style-type: none"> 1. The overflow of inland or tidal waters. 2. The unusual and rapid accumulation or runoff of surface waters from any source. <p>Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph A.2 of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.</p> <p>B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an</p>

	unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph A.1 of this definition.
FLOOD INSURANCE RATE MAP (FIRM):	An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).
FLOOD OF ONE HUNDRED (100) YEAR FREQUENCY OR ONE HUNDRED (100) YEAR FLOODPLAIN:	A flood event that has a one (1) in one hundred (100) chance (one percent (1%) probability) of being equaled or exceeded in any given year. The one hundred (100) year flood is also referred to as the one percent (1%) flood, since its annual exceedance probability is one percent (1%).
FLOODLIGHT:	A light fixture that produces up to one thousand eight hundred (1,800) lumens and is designed to flood a well-defined area with light.
FLOODPLAIN ADMINISTRATOR:	The planning official or individuals authorized by the planning official or mayor of Garden City to administer and enforce the floodplain management regulations.
FLOODPLAIN DEVELOPMENT PERMIT:	Any type of permit that is required in conformance with the provisions of chapter 8-4H of this title Garden City code , prior to the commencement of any development activity.
FLOODPLAIN MANAGEMENT:	The operation of an overall program of corrective and preventive measure for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
FLOODPLAIN MANAGEMENT REGULATIONS:	Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
FLOODPLAIN OR FLOOD PRONE AREA:	Any land area susceptible to being inundated by water from any source (see definition of "flooding").

FLOODWAY:	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
<u>FLOOR AREA, INTERIOR:</u>	The sum of the horizontal areas of several floors of a building measured from the interior walls.
<u>FLOOR AREA RATIO, INTERIOR:</u>	The sum of the square feet of the horizontal areas of the several floors inside of a building or use measured from the exterior interior walls of a such building or portion thereof divided by the lot area use.
GARAGE, PRIVATE:	An enclosed accessory building or an accessory portion of a principal building designed for shelter or storage of vehicles, owned or operated by the occupants of the principal building.
GRADE:	The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm, grade will be considered the lowest point of the berm.
GREENBELT, BOISE RIVER:	Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city or over which the city may have a right of possession or use and: (A) which is designated by the city council to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.
<u>GROSS FLOOR AREA (Applying To Floor Area Ratio):</u>	The sum of the gross horizontal area of the several floors inside the exterior walls of a building or portion thereof.
HEALTH AUTHORITY:	The Central District health department <u>Health Department</u> , the Idaho Department of Health and Welfare, the United States Environmental Protection Agency, and any agency as may succeed to any of their powers. The term "health authority" shall be liberally construed to include all of the adopted, approved or certified plans, rules, regulations, statutes or laws of the health authority.

HIGHWAY:	A street designated as a highway by the Idaho State Department of Transportation.
HISTORIC STRUCTURE:	<p>A structure that is:</p> <p>A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;</p> <p>B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;</p> <p>C. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or</p> <p>D. Individually listed on local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:</p> <ol style="list-style-type: none"> 1. By an approved state program as determined by the Secretary of the Interior, or 2. Directly by the Secretary of the Interior in states without approved programs.
HIVE:	A structure intended for the housing of a bee colony.
IMPROVEMENT:	Any alteration to the land or other physical constructions associated with subdivision and building site developments.
INTERESTED PARTY:	A person or entity who has specifically requested that the city inform them of a specific application, appeal or city project, or any person who provides written or oral testimony for a public hearing related to a specific application, appeal or city project not otherwise notified as provided by <u>the River Club SAP District</u> code.
LEVEE:	A manmade structure, usually an earthen embankment, designed and constructed according to sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM:	A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
LIVESTOCK:	Any horse, llama, bovine animal, sheep, goat, hog or domestic fowl.
LIVING SPACE:	A single dwelling unit on one (1) or more floors, which contains an adequate sleeping area and access to cooking and sanitary facilities, in combination with, or on the same <u>property parcel</u> with, a working space.
LOADING SPACE, OFF-STREET:	An open off-street hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors, trailers and miscellaneous freight, to avoid undue interference with public streets and alleys.
LOCAL GOVERNMENT:	Any county or city having planning and zoning authority to regulate land use within its jurisdiction.
LOT:	<u>A part of a recorded subdivision intended as a unit for transfer of ownership.</u>
LOT AREA:	<u>The square footage enclosed within the boundary of a lot. Lot area is computed exclusively of any portion of the right-of-way of any public or private street.</u>
LOT COVERAGE:	<u>The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.</u>
LOT OF RECORD:	<u>A lot which is part of a subdivision recorded in the office of the Ada County recorder.</u>
LOT TYPES:	Corner Lot: A lot located at the intersection of two (2) or more streets. Flag Lot: A lot which includes a narrow projection or "flagpole" to the dedicated public right-of-way. Interior Lot: A lot with only one (1) frontage on a street. Through Lot: 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.
MANUFACTURED HOME:	<u>A structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is</u>

Comment [JS5]: Generally, all references to a "lot" have been removed because the River Club SAP is not being subdivided. Garden City Code chapter 5 (Land Division Regulations) is being incorporated by reference should the property be subdivided in the future.

	<p>built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall not include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC section 5401 et seq. (Idaho Code section 39-4105.)</p>
MANUFACTURED HOME/MOBILE HOME PAD:	<p>An improved area of ground equal to the perimeter and/or square footage of the manufactured/mobile home and on which the manufactured/mobile home shall be located.</p>
MANUFACTURED HOME/MOBILE HOME PARK:	<p>Any parcel of ground upon which three (3) or more manufactured homes or mobile homes or other dwelling units occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation; but shall not include a plot of ground used for mobile home dealers exclusively for the display, storage or sale of manufactured/mobile homes.</p>
MANUFACTURED HOME/MOBILE HOME SPACE:	<p>A parcel of ground within a mobile home park designated and intended for the accommodation of one (1) manufactured/mobile home including setbacks.</p>
MANUFACTURED/MODULAR BUILDINGS:	<p>A prefabricated structure constructed according to HUD/FHA mobile construction and safety standards transportable in one (1) or more sections that is assembled in modular sections.</p>
MARKET VALUE:	<p>The building value, not including the land value and that of any accessory structures or other improvements on <u>the lot, a development site</u>. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or tax assessed values.</p>
MINOR LAND DIVISION:	<p>A record of survey for the division of a lot, tract or parcel of land into up to four (4) parcels for the purpose of sale, or building development, containing the elements and requirements set forth in section 8-5C-6 of <u>this title, the River Club SAP District code</u>.</p>
MIXED USE:	<p>The use of a property, properties, or structure that include residential and other uses which <u>are</u> <u>may</u> <u>be</u> designed to intentionally interact.</p>
MOBILE HOME:	<p><u>A factory assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to</u></p>

	<p>be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. (Idaho Code section 39-4105.)</p>
MONUMENT:	Any permanent marker either of concrete, galvanized iron pipe, or iron or steel rods, used to identify any tract, parcel, lot or street lines, as specified in Idaho Code section 50-1303.
MOTOR VEHICLE, JUNKED/ABANDONED:	Any automobile, truck or other motor vehicle which is inoperable and to which no significant repair or maintenance is attempted for any period exceeding thirty (30) days.
NATIONAL FLOOD INSURANCE PROGRAM (NFIP):	The NFIP is a federal program created by Congress to mitigate future flood losses nationwide through sound community-enforced building and zoning ordinances and to provide access to affordable, federally backed flood insurance protection for property owners.
NATIVE PLANT:	A plant that occurs naturally in the ecosystem in which it is being planted. Native plants identified by the "Idaho Native Plant Society Boise Area Species And Community List" or by a certified landscape architect as being appropriate to the ecology of the subject property.
NEW CONSTRUCTION:	Structures for which the "start of construction" commenced on or after the effective date hereof.
NONCONFORMING PROPERTY:	<p>Any property that does not meet the minimum lot size requirements for the district in which the property is located or has never been subdivided.</p>
NONCONFORMING STRUCTURE:	<p>Any structure that legally existed prior to the adoption date of this code, or at the time of annexation or rezone, which does not conform to the site area, coverage, setback, open space, height, or other regulations prescribing physical development standards for the district in which it is located.</p>
NONCONFORMING USE:	<p>Any use that legally existed prior to the adoption date of this code, or at the time of annexation or rezone, which does not conform to the regulations of the district in which it is situated.</p>
NUCLEUS COLONY:	A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half (1/2) the size of a normal hive.

OCCUPANCY PERMIT:	The approval to occupy a site which is granted after zoning and building requirements and conditions of approval, if any, have been met or bonded for.
OPEN GRID PAVEMENT SYSTEM:	A permeable pavement surface that has strength for driving or parking vehicles.
OPEN SPACE:	An area substantially open to the sky and suitable for outdoor recreation or enjoyment. The term "open space" may include, but is not limited to, parks, playgrounds, water areas, <u>landscaping</u> <u>landscaped areas</u> , <u>courtyards</u> , <u>decks</u> , <u>balconies</u> , patios, <u>rooftop gardens or terraces</u> , enclosed yards, <u>pedestrian walkways</u> , sports courts, swimming pools, and picnic areas. <u>and all other exterior or interior recreational areas</u> . The term shall not include impervious surface area such as parking and driveways.
OPEN SPACE, COMMON:	Land within a development which is designed and intended for the use and enjoyment of the residents or the public.
ORGANIC FERTILIZER:	A nonsynthetic fertilizer.
ORIGINAL PARCEL OF LAND:	Any unplatted contiguous parcel of land held in one (1) ownership, or a lot or tract of land as recorded on any plat of record created prior to (1988), and on file in the office of the Ada County recorder.
OUTDOOR ACTIVITY AREA:	An area not fully enclosed that is associated with the use, including storage, equipment, loading and docking, but excluding vehicle parking.
OUTDOOR MECHANICAL EQUIPMENT:	Heaters, pumps, HVAC, fan and similar noise emitting equipment.
OVERHEAD ELECTRICAL CONDUCTOR:	An electrical conductor that is either bare or insulated installed above the ground, excepting such conductors which are enclosed in rigid conduit or other material covering of equal strength.
OWNERSHIP:	The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided. This may include deed owners of record, optionees, contract purchases and trustees.
PATH:	A completely separated right-of-way designated primarily for use by nonmotorized transport.
PERFORMANCE BOND OR	A financial guarantee by an owner or developer to the

SURETY BOND:	city in the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.
PERMANENT USE:	A use that is in operation more than nine (9) months of the year.
PERSON:	Any individual, group of individuals, corporation, partnership, association, political subdivision, public or private agency, or entity.
PESTICIDE:	<p>A. Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, plant, fungus or virus; or</p> <p>B. Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and</p> <p>C. Any nitrogen stabilizer.</p>
PLANNED UNIT DEVELOPMENT:	Property planned as a whole that demonstrates innovation in design to protect natural features or create public amenities through more flexible standards, such as lot sizes, densities and setbacks, than those restrictions that would normally apply under these regulations.
PLANNING OFFICIAL:	An individual or designee having knowledge in the principles and practices of planning who is appointed by the mayor and confirmed by the city council to administer this title <u>the River Club SAP District code</u> . Also known as the zoning administrator, city planner or planning director. The term planning official as utilized in this title <u>the River Club SAP District code</u> extends to any person that the planning official designates to administer this title <u>the River Club SAP District code</u> .
PLAT:	The drawing, mapping or planning of a subdivision, cemetery, town site or other tract of land or a replatting of such, including certifications, descriptions and approvals.]
	Combined Preliminary And Final Plat: A process that involves concurrent review and decision on a preliminary and final plat.
	Final Plat: The final and formal presentation by drawings of an approved subdivision development, the original and one (1) copy of which are filed with the county clerk and recorder.

Comment [JS6]: Note: References to "plat", which are associated with subdivisions, have been deleted but Minor Land Division (the process the Project will undergo) remains. The Project is not being subdivided.

Nonetheless, the City's subdivision ordinance is being incorporated by reference in the event that subdivision was desired in the future.

	<p>Preliminary Plat: The first formal presentation by drawings of a proposed subdivision.</p> <p>Sketch Plat: A sketch preparatory to a preliminary plat that indicates all roads, parks, rights-of-way and public sites.</p>
PLAZA:	An open area adjacent to buildings and the street, or between buildings, that provides visual and pedestrian access onto the site. Plazas provide space for passive activities, such as resting, reading, picnicking, function as gathering places, and may contain a variety of intermittent activities, such as vendors and display stands.
PRINCIPAL USE:	The main use of land or buildings as distinguished from a subordinate or accessory use.
PRIVACY FENCE:	A fence that is constructed of solid or opaque materials through which no views through the fence can be seen.
PRIVATE OPEN SPACE:	<u>Perches</u> As examples, without limitation, porches, patios, decks, and enclosed yards. <u>Landscaping</u> , <u>entryways</u> <u>Entryways</u> , and other accessways are not private open space.
PRUNE:	To cut or lop off superfluous, dead, diseased or damaged twigs, branches or roots to improve health, shape or growth.
REAL PROPERTY:	The land and that which is permanently affixed to the land.
RECREATIONAL VEHICLE:	A portable vehicle primarily designed as temporary living accommodations for recreational camping and travel use and as defined in Idaho Code section 49-119(R).
REGULATORY FLOOD:	A flood determined to be representative of large floods known to have occurred in Idaho and which may be expected to occur on a particular stream because of like physical characteristics. The regulatory flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the watershed. In inland areas, the flood frequency of the regulatory flood is once in every one hundred (100) years. This means that in any given year there is a one percent (1%) chance that a regulatory flood may occur or be exceeded.
REGULATORY FLOODWAY:	See "Floodway."

RESERVE STRIP:	A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street extension or widening.
RESTRICTED USE CHEMICAL:	Any pesticide, pesticide use, soil sterilant or fertilizer classified for restricted use by the United States Environmental Protection Agency. Restricted use pesticides typically may not be applied by anyone not licensed to apply restricted use pesticides.
RIGHT-OF-WAY:	A strip of land reserved or dedicated for use as a public <u>or private</u> way. In addition to the roadway, it <u>normally incorporates them</u> <u>may incorporate</u> curbs, lawn strips, sidewalks, lighting and drainage facilities, and landscaped areas.
RIPARIAN ZONE:	The area between the ordinary high water mark of the Boise River including tributaries where water comes from and flows back into the Boise River and the greenbelt and/or nature path; or where there is no greenbelt and/or nature path adjacent to the river or tributary, the area measured twenty-five feet (25') in width from the riverbank.
RIVERINE:	Relating to, formed by, or resembling a river (including tributaries, stream, brook, etc.)
<u>ROADWAY</u>	<u>Paved area of a right-of-way intended for vehicular circulation.</u>
SAFETY:	Security from harm, danger, risk, injury, and loss.
SERVICE AREAS:	<u>Trash and</u> <u>On-site area for</u> <u>waste storage, recycling and/or</u> trash enclosures, <u>outdoor storage</u> , utility vaults and boxes, and <u>transformers</u> .
<u>SETBACK LINE (PERIMETER):</u>	A line established by <u>this title, generally parallel with and the River Club SAP District code, measured from the lot line, defining the limits</u> <u>perimeter of a yard the Development Site</u> in which no building or structure may be located aboveground except as may be provided herein or in any code (fire, building, life safety, etc.) adopted by the <u>city</u> .
SIDEWALK:	That portion of the road outside the vehicle travel way which is improved for the use of pedestrian traffic.
SIGNIFICANT IMPROVEMENT:	Any repair, reconstruction or improvement to property the cost of which equals or exceeds twenty five percent (25%) of the tax assessed value either before the

Comment [JS7]: Revised to reflect the language used elsewhere in code; see, e.g., 11-1B3.P.1. Removed “outdoor storage” as this is regulated separately. See, e.g., 11-1B3.Q.

Comment [JS8]: Because the Project is not being subdivided, the only traditional setbacks will be those around the perimeter of the Project adjacent to property owned by other property owners.

	improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, significant improvement is the value of all combined improvements within a five (5) year time frame.
SITE IDENTITY MARKER:	A sign, address, water feature, artwork, trellis, or entry feature that provides unique identification of the development.
SITE LAYOUT TEMPLATE:	A site design that shows a layout of building footprints, common areas, access lanes, and parking that is adopted by the city and that can be generally applied on a number of similarly situated sites.
SMALL SCALE COMMERCIAL USES:	Commercial uses one thousand (1,000) square feet or less and that are oriented toward a neighborhood market including the following: artist studio; bakery; childcare center; food store; healthcare and social services; laundromat; self-service; personal and professional services; restaurant-bar; and retail.
SOIL STERILANT:	A chemical that temporarily or permanently prevents the growth of all plants and animals.
SOLAR REFLECTANCE INDEX (SRI):	A measurement of the constructed surface's ability to reflect solar heat, as shown by a small temperature rise. It is defined so that a standard black (reflectance 0.05, emittance 0.90) is zero and a standard white (reflectance 0.80, emittance 0.90) is one hundred (100).
SPECIAL FLOOD HAZARD AREA (SFHA):	The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."
SPECIFIC AREA PLAN (SAP)	The concept plan for a property, including a narrative and illustrations meeting the application requirements of section 8-7B-1.I (Master Plan) of <u>Garden City code</u> , plus the proposed unique permitted, conditional and prohibited land uses, and the form standards for land within the SAP.
SPECIFIC AREA PLAN DISTRICT (SAPD)	Following adoption of a SAPPO, the zoning map identification of the particular property on the zoning map as a specific area plan district such as, e.g., <u>SAPD-1</u> . <u>SAPD-1. The River Club SAP District is identified on the zoning map as SAPD-01.</u>

SPECIFIC AREA PLAN
PROJECT ORDINANCE
(SAPPO)

-Any city-approved specific area plan that is adopted by ordinance as a separate chapter in Garden City [Development Code](#).

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE: The state of Idaho.

STORY: The space between two (2) adjacent floor levels, or between the floor and the roof level.

STREET: A public or private right-of-way which provides vehicle and pedestrian access to adjacent [properties](#), [parcels](#) or [uses](#). The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, lane, or place.

Street, Alley: A minor street providing secondary access at the back or side of a [property](#), [parcel](#) otherwise abutting a street.

Street, Arterial: A street designated on the comprehensive plan for the purpose of carrying fast and/or high volume traffic.

Street, Collector: A street designated on the comprehensive plan for the purpose of carrying traffic from minor streets to other collector streets and/or

arterial streets.

Street, Cul-De-Sac: A street connected to another street at one (1) end only and provided with a turnaround space at its terminus.

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

Street, Minor: A street which has the primary purpose of providing access to abutting propertiesparcels.

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

Street, Private: A street that is not accepted for public use which provides vehicle and pedestrian access.

STRUCTURE:

Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. The term "structure" includes buildings, storage tanks, manufactured and mobile homes, walls and fences.

SUBDIVISION:

~~The result of an act of dividing an original lot, tract or parcel of land into two (2) or more parts for the purpose of transfer of ownership or development; which may also include easements and the dedication of a public street or designation of private lanes or rights-of-way, and the addition to, or creation of, a cemetery. However, this definition shall not apply to any of the following:~~

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

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

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

~~D. Widening of existing streets to conform to the comprehensive plan, or as required by ACHD;~~

~~E. The acquisition of street rights-of-way by a public~~

Comment [JS9]: Note: References to subdivision have been deleted but Minor Land Division (the process the Project will undergo to separate the Project property from the Golf Course) remains. The Project is not being subdivided. However, Garden City Code chapter 5 (Land Division Regulations) is being incorporated by reference should the property be subdivided in the future.

agency; and

F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

SUBSTANTIAL ALTERATION: An adjustment to an approved application that impacts the use of the property, adjacent properties or a reduction of improvements.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. Legal nonconforming structures in the SFHA are allowed to remain until such time as they have "substantial damage" or become a "substantial improvement."

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of actual repair work performed. Legal nonconforming structures in the SFHA are allowed to remain until such time as they have "substantial damage" or become a "substantial improvement." This term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance.

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

TRANSPORTATION The jurisdiction having jurisdiction over the transportation facility. The transportation authorities in

AUTHORITY:	Garden City include Ada County Highway District, Idaho Transportation Department, Valley Regional Transit and Garden City.
USE:	The specific purposes for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.
USE, INTENSIFICATION:	Any addition or change that adds more capacity, expands the operation or increases the physical size of an existing use.
UTILITIES:	Installations for conducting water, sewage, gas, electricity, telephone, television, storm, irrigation, and drainage water, and similar facilities providing service to and used by the public.
VARIANCE:	A modification of the requirements of <u>this title</u> <u>the River Club SAP District code</u> as allowed by section 8-6B-9 of <u>this title</u> <u>the River Club SAP District code</u> and enabled by Idaho Code <u>sections</u> <u>sections 67-6512 and 67-6516</u> .
VEGETATIVE COVER:	Turf, grass blocks or other low level ground cover which can be maintained with vehicles frequently driving or parking on the surface.
VEHICLE:	Every device in, upon or by which any person or property is or may be transported or drawn upon a public street or waterway. This includes boats, mobile homes, motor homes, trailers, motorcycles and bicycles unless otherwise stated.
VEHICLE, COMMERCIAL:	A vehicle, as defined by Idaho Code section 49-123, used for the transportation of persons or property by the owner of the vehicle for hire, compensation, or profit. A vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "commercial vehicle."
WALKWAY:	A public way, for pedestrian use only, whether or not along the side of a road.
WATER DEPENDENT:	A structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.
WATERWAYS:	Streams and watercourses, including manmade waterways such as canals and irrigation ditches.

WETLANDS:	Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs and similar areas.
WORK SPACE:	An area for the production or sales of goods and services.
YARD:	A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward; provided, accessories, ornaments and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.
	Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
	Yard, Interior: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
	Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
	Yard, Street Side: A yard extending from the principal building to the secondary street that adjoins the lot between the lines establishing the front and rear yards.
ZONE OF TRANSPARENCY:	The area on the ground floor of a building that is constructed of materials capable of emitting light so that images on the other side can be seen.
<u>ZONING DISTRICT, BASE:</u>	General district in which all properties are divided into residential, commercial or industrial uses and reflected on the zoning map.
<u>ZONING DISTRICT, OVERLAY:</u>	A special district which supplements or substitutes the requirements of the base zoning district in order to address particular circumstances on the site.
ZONING PERMIT:	A document issued by the administrator in accordance with and adherence to city ordinance, authorizing the uses of land and structures and the characteristics of the uses. (Ord. 898-08, 9-8-2008; amd. Ord. 944-12, 5-14-2012; Ord. 967-14, 6-9-2014; Ord. 975-15, 4-27-2015; Ord. 1016-20, 6-8-2020; Ord. 1018-20, 2-8-2021)

Comment [JS10]: The concept of yard (as measured from lot lines, which are none-existent in the Project) has been deleted. The concept of Open Space remains.

