

# Article 15 Definitions

## Article 15 - Definitions

### A.

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**ABUTTING.** Having property lines in common. Separation by a fee simple dedicated right-of-way is not considered abutting.

**ACCESSORY BUILDING.** A structure that is intended for habitation, storage or other uses that would be ancillary to a main building or an underlying approved use on the same lot/parcel.

**ACCESSORY STRUCTURE** A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. This would include fences, towers, poles or structures that are not for habitation or storage.

**ACREAGE.** Any tract or parcel of land that has not been subdivided and platted, in common ownership and having an area of one acre or more.

**ADA ACCESSIBLE.** A site, building, facility, or portion thereof that complies with the minimum standards of the Americans with Disabilities Act of 1990 (ADA) found in the 2010 ADA Standards for Accessible Design document, ( [http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards\\_prt.pdf](http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards_prt.pdf) ), or future revisions.

**ADMINISTRATOR.** The Planning Administrator appointed by the Board having knowledge in the principles and practices of planning, zoning, and subdivision administration.

**ADVERSELY AFFECT/ADVERSE EFFECT.** The effects that are a direct or indirect result of the proposed action or its interrelated or interdependent actions and the effect is not discountable, insignificant or beneficial. Discountable effects are extremely unlikely to occur. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment,

a person would not: (1) be able to meaningfully measure, detect, or evaluate insignificant effects; or (2) expect discountable effects to occur. Beneficial effects are contemporaneous positive effects without any adverse effects. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effects, then the proposed action is considered to result in an adverse effect.

**AFFECTED PERSON.** An affected person is a person so described in Idaho Code section 67-6521.

**AGENT.** A person that legally represents the developer and the owner and such legal authorization shall be on file, in writing, with the Planning Department of the County.

**AGRICULTURAL BUILDING.** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

**ALLEY.** A public or private thoroughfare which affords only a secondary means of access to abutting property.

**ANTIQUE.** A unique object of personal property that is not less than 50 years old and has special value primarily because of its age.

**APPEAL.** A request for review of a previously made decision or interpretation of provisions of this Code. The procedure is outlined in this Code.

**APPLICANT.** The applicant refers to the person or persons who file an application with the Planning Commission seeking relief or authority under this Code.

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**APPLICATION.** The documents submitted to the county to apply for a permit to fulfill the requirements of the county ordinances with regard to land use. An application is deemed complete and officially received by the county at the time the applicable application checklist items are complete and confirmed in writing and dated by the Planning Administrator.

**AREA OF SHALLOW FLOODING.** A designated AO, AH, AR/AO, or AR/AH zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD.** See Special Flood Hazard Area (SFHA).

## B.

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**BASE FLOOD.** The flood having a one (1) percent chance of being equaled or exceeded each 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 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 the Freeboard, establishes the Flood Protection Elevation.

**BASEMENT.** Any portion of a structure including crawlspace with its floor sub grade (below ground level) on all sides.

**BERM.** A shaped and sloped mound or embankment of earth capable of holding vegetation or ground cover, usually two to six feet high, used to shield or buffer a property from adjoining uses, highways, or noise.

**BLOCK.** The space along one side of a street between the two (2) nearest intersecting streets, or between an intersecting street and a right of way, waterway or other similar barrier, whichever is lesser.

**BOARD.** The Board of County Commissioners of Teton County, Idaho.

**BOUNDARY ADJUSTMENT.** The adjusting of common property lines or boundaries between adjacent tracts, or parcels for the purpose of accommodating a transfer of land or rectifying a disputed property line location. The resulting adjustment shall not create any additional tracts or parcels and all reconfigured tracts or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes. See Div. 14.10.2.A

**BUFFER.** An area of natural vegetation or man-made construction that is intended to provide a dimensional separation between dissimilar land uses. A buffer may secondarily provide a visual screen between land uses.

**BUILDING.** Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of this code, the term "building" is included in the term "structure".

**BUILDING ENVELOPE.** That area of a lot that encompasses all building improvements and appurtenances including but not limited to: Excavation, fill, grading, storage, demolition, structures, decks, roof overhangs, porches, patios and parking. Building envelopes are encouraged, in developments throughout the County to protect

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scenic vistas, and to ensure defined building sites within special development subdivisions and planned unit developments.

**BUILDING, PRINCIPAL.** A building that contains the principal use on the lot on which the building is situated.

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

## C.

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**CALIPER.** A nursery standard of tree trunk measurement for understory trees or replacement trees. Caliper of the trunk shall be taken at 6 inches above the ground for trees up to and including 8-inch caliper size.

**CC&Rs: Covenants, Conditions, and Restrictions.** Also called Protective Covenants or Restrictive Covenants.

**CITY.** The city having jurisdiction of the parcel of land under consideration.

**CLUSTER.** An arrangement of adjoining residential lots in groupings that allow closer spacing than would be generally permitted, where the reduced lot sizes are offset by open space, and where groupings of lots are limited in size and location in order to reduce the perception of a single large development and to preserve rural and open character.

**CLUSTER HOUSING.** A development of land consisting of separate residential lots where conventional setbacks, lot sizes or density may be varied with adjacent land held in common, usually as open space, and where said common land is maintained under private management or homeowners' association.

**COLLECTIBLE.** An object of personal property that has special value primarily because of its unique characteristics and the high level of demand for the object.

**COLOR TEMPERATURE.** A measure of the color spectrum of light, specified by the lamp manufacturer and displayed as "Light Appearance" on Lighting Facts packaging labels.

**COMMISSION.** The Planning and Zoning Commission of Teton County, Idaho

**COMMITTEE.** A technical committee may be appointed by the Board upon recommendation by the Planning Commission to assist with the technical evaluation of subdivisions, and to make recommendations to the Planning Commission. The membership of the committee shall include, but not be limited to, persons that are engaged in either private or public work with specific knowledge in the following areas:

1. Road design and construction;
2. Sewer and water facility design and construction;
3. Health requirements for water and sewer facilities;
4. Environmental planning criteria such as: geology, water systems, vegetation and noise;
5. Solid waste;
6. Recreational and open space;
7. Schools;
8. Law enforcement;
9. Fire protection.

**COMPENSATORY STORAGE.** An area outside the area of immediate development set aside for floodwater storage lost as a result of the development.

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**COMPREHENSIVE PLAN.** The plan or any portion thereof, adopted by the Board, which includes all the land within the jurisdiction of the Board. The plan with maps, charts, and reports shall be based on components outlined in Title 67-6508 of the Land Use Act of the Idaho Code as they may apply to land use regulations, and actions unless the plan specifies reasons why a particular component is unneeded.

**CONCEPT PLAN.** The first formal presentation of the three-phase process for subdivision development as required in section 14.5.11 of this Code.

**CONDITIONAL USE.** A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the county and granting a conditional use approval imposing conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

**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 interests in real property, in an interest or interests in real property or in any combination thereof.

**CONTIGUOUS.** Touching at more than just a corner point.

**COUNCIL.** The city council of an incorporated city within the County.

**COUNTY CLERK/AUDITOR/RECORDER.** The office of Teton County Clerk/Auditor/Recorder.

**COUNTY ROAD STANDARDS.** The “Highways and Street Guidelines for Design and Construction” manual for Teton County, Idaho, as adopted.

**COVENANT.** A written promise or pledge or contract recorded on/within a public or official document of the County.

**CRITICAL FACILITY.** Facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, such as a hospital, emergency operations center, electric substation, police station, fire station, nursing home, school, vehicle and equipment storage facility, or shelter; and facilities that, if flooded, would make the flood problem and its impacts much worse, such as a hazardous materials facility, power generation facility, water utility, or wastewater treatment plant.

**CRITICAL ROOT ZONE.** The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree’s trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter.

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

**CURB CUT.** The providing of vehicular ingress and/or egress between property and an abutting street.

## D.

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**DATUM.** The vertical datum is a base measurement point (or set of points) from which all elevations are determined. Historically, that common set of points has been the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

**DEDICATION.** The setting apart of land or interests in land for use by the public by ordinance, resolution, entry in the official minutes or by the recording of a plat. Dedicated land becomes public land upon the acceptance by the County.

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**DENSITY.** A unit of measurement for the number of dwelling units per acre of land. This is sometimes expressed in the reciprocal, as in 5 or 20 acres per unit.

**DENSITY GROSS.** The number of dwelling units per acre of the total land to be developed including land dedicated to public use.

**DENSITY NET.** The number of dwelling units per acre of the land devoted to residential uses only and excluding land dedicated to public use.

**DESIGN PROFESSIONAL.** The Architect, Landscape Architect, Surveyor, or Engineer registered or licensed to practice in the State of Idaho. When used in this Code, Design Professional means the professional with qualifications to perform the work

**DEVELOPER.** A person who undertakes land development activities.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, or the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of mobile homes; mining, dredging, filling, grading, paving, excavation or drilling operations; the deposition or extraction of materials, specifically including the construction of dikes, berms and levees; or the removal of vegetation. The term "development" does not include the operation, cleaning, maintenance or repair of any ditch, canal, lateral, drain, diversion structure or other irrigation or drainage works; or agricultural grading/planting/harvesting activities that are performed or authorized by the owner thereof pursuant to lawful rights and obligations. Per Idaho Code §46-1021

**DEVELOPMENT ACTIVITY.** The construction of buildings, structures, or accessory structures; additions or substantial improvements to existing structures; bulkheads, retaining walls, piers, and pools; the placement of mobile homes; or the deposition or extraction of materials; the construction or elevation of dikes, berms and levees, etc. Any activity defined as Development Activity, that takes place in the AREA OF SPECIAL FLOOD HAZARD shall necessitate a Floodplain Development Permit.

**DEVELOPMENT SITE.** That portion of a property that will be dedicated to a proposed development.

**DIGITAL FIRM (DFIRM).** The digital, official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**DIRECT IMPACT.** Those adverse effects caused by the proposed action and occurring at the same time and place.

**DIRECT LIGHT.** Light emitted directly from a fixture's light source, namely from the lamp and its diffusing, reflecting, refractive, focusing, or other integrated fixture elements designed to project and radiate light.

**DISTRIBUTION.** The pattern of light produced by a lamp or light fixture.

**DISTURB.** Human change that causes a material difference in the physical, chemical or biological characteristics of the land. A disturbance may either improve or degrade land use. Cleared land, graded land, or land affected by subsurface testing are examples.

**DWELLING.** A building designed, arranged or used for permanent living and sleeping quarters.

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**DWELLING UNIT.** A structure for human habitation which shall not include a mobile living unit such as a motor home or trailer coach, or a hotel, dormitory, hospital, rooming house or tent. A single unit providing complete independent living facilities for one or more persons, including permanent kitchen and sanitation facilities, and provisions for living, sleeping, and eating (see KITCHEN FACILITIES and SANITATION FACILITIES).

## **E.**

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**EASEMENT.** A right of use over the property of another. The use needs to be clearly defined, as does who the easement was granted to (public or private entity), or who can use it for the specified purpose.

**EASEMENT PRESCRIPTIVE.** Real property that has met the following five conditions-

1. **The use by the public or a private party has been open and notorious;**
2. **The use by the public or a private party has been continuous and uninterrupted;**
3. **The use by the public or a private party is adverse and under claim of right**
4. **The use by the public or a private party is with the actual or imputed knowledge of the owner of the servient tenement (the property burdened by the easement)**
5. **The use by the public or a private party has continued for five years or more**

**EASEMENT PUBLIC.** A right of use over real property that has been granted, dedicated, or deeded to a governmental jurisdiction, or the public for a limited purpose. It differs from a Fee Simple Right-of-Way, in that the real property is owned by the jurisdiction in a Fee Simple Right-of-Way.

**ELEVATED BUILDING.** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ELEVATION CERTIFICATE.** 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 necessary to ensure compliance with community floodplain management regulations; 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).

**ELIGIBLE PARCEL.** An “existing parcel”, as defined, or a “new parcel” or “lot” created and approved under the current or previous land division process, short plat process or full plat process of Teton County; parcels of land must be “eligible parcels” to be eligible for residential building permits or commercial building permits, as allowed by their zoning designation; if a residence exists on an eligible parcel, no building permits for additional dwellings (not including accessory dwellings) can be issued for this parcel except under the provisions of Div. 14.5 Subdivision Review of this Code. **SEE ALSO NON-ELIGIBLE PARCEL**

**ENCLOSURE.** An area enclosed by solid walls below the BFE/FPE or an area formed when any space below the BFE/FPE is enclosed on all sides by walls or partitions. **Insect screening or open wood lattice used to surround space below the BFE/RFPE is not considered an enclosure.**

**ENCROACHMENT.** The advance or infringement of uses, fill, excavation, buildings, structures, or development into a required setback, across a property line or into a designated area such as - floodplains, wetlands, streams, etc.

**EXISTING CONSTRUCTION.** For the purposes of determining Flood Insurance rates: structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1,

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1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

**For other purposes: Construction that was commenced prior to the adoption of this Code.**

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A manufactured home park or manufactured home subdivision where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before 03/31/2000.

**EXISTING PARCEL.** All parcels of land recorded or approved by the Planning Department on or before June 14, 1999 shall be considered existing parcels. (SEE PARCEL OF LAND DIVIDED. )“ To be eligible for one residential building permit or commercial building permits under this Code, these new parcels shall be created in compliance with the provisions of this Code, or created under the applicable ordinances at that time. Roads that cross parcels that are listed in the Assessor’s database as a category 19 or that are owned or maintained by Teton County do not divide a parcel into separately eligible building sites and are themselves not parcels. Highways and freeways owned by the State of Idaho or the United States that existed prior to June 14, 1999 divide eligible parcels, creating two eligible parcels, if the highway or freeway deeds show a “fee simple” ownership by the State or if parcels on either side were transferred prior to June 14, 1999 and defined the property boundary as the highway or freeway. Highways and freeways owned by the State of Idaho that were developed or rerouted after June 14, 1999 do not divide a parcel and in no case create separately eligible building sites or eligible parcels. To be eligible for building permits, existing parcels that are listed as having undivided interest or percentages of interest

between parties must be divided in accordance with Article 14 of this Code, including by the owners that have interest in the parcel, or have all owners sign the building permit application.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

## F.

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**FAMILY.** One or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of 5 or more persons who are not within the second degree of kinship shall not be deemed to constitute a family unless such 5 or more persons qualify as a group residence as described in Idaho Code section 67-6531.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.

**FEE SIMPLE.** Ownership of land without limitation or condition.

**FEE SIMPLE RIGHT-OF-WAY.** A portion of land that is described on a deed, survey or plat, and ownership of the parcel is transferred to by a public entity for the use of public access or utilities.

**FEMA TECHNICAL BULLETINS and TECHNICAL FACT SHEETS.** Publications from FEMA that provide guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State

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and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations. Rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that **Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations.** State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

**FIRE AUTHORITY or FIRE DISTRICT.** The Teton County Fire Protection District.

**FIXTURE.** The complete lighting unit (Luminaire), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

## **FLOOD OR FLOODING.**

1. **A general and temporary condition of partial or complete inundation of normally dry land areas from:**
  - **The overflow of inland or tidal waters.**
  - **The unusual and rapid accumulation or runoff of surface waters from any source.**
  - **Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph 1.B. 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.

2. **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 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 1.A. of this definition.**

**FLOOD ELEVATION DETERMINATION.** See Base Flood Elevation (BFE).

**FLOOD ELEVATION STUDY.** See Flood Insurance Study (FIS)

**FLOOD FRINGE.** The portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood. Idaho Code §46-1021

**FLOOD HAZARD BOUNDARY MAP (FHBM).** an official map of a community, issued by the Federal Insurance Administrator, where the boundaries of the flood, mudslide (i.e., **mudflow**) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS).** An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

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**FLOOD PROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOOD PROTECTION ELEVATION (FPE).** The Base Flood Elevation plus the Freeboard.

- In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard; and
- In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

Per Idaho Code §46-1021: “Flood protection elevation” means an elevation that shall correspond to the elevation of the one percent (1%) chance flood (one hundred (100) year flood) plus any increased flood elevation due to floodway encroachment, plus any required freeboard.

**FLOOD PROTECTION SYSTEM.** Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD ZONE.** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FLOODLIGHT.** Fixture that projects light in a broad, directed beam, typically of two lamp types: simple lamps whose supporting optic elements are part of the fixture casement having wide beam-spread angles up to 110 degrees; or sealed-beam lamps with internal parabolic reflectors having narrower beam-spread angles of 25 to 55 degrees. Designation as a floodlight is ordinarily displayed on lamp packaging.

**FLOODPLAIN or FLOOD-PRONE AREA.** Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**FLOODPLAIN ADMINISTRATOR.** The individual appointed to administer and enforce the floodplain management regulations.

**FLOODPLAIN DEVELOPMENT PERMIT.** Any type of permit that is required in conformance with the provisions of this Section, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations. Also defined as, the analysis and integration of the entire range of measures that can be used to prevent, reduce, or mitigate flood damage in a given location, and that can protect and preserve the natural, environmental, historical, and cultural values of the floodplain. Idaho Code §46-1021

**FLOODPLAIN MANAGEMENT REGULATIONS.** Land Use Development Code requirements, building codes, health regulations, special purpose regulations (such as a floodplain, grading, and erosion control), 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.

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**FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Per Idaho Code §46-1021: “Floodproofing” means the modifications of structures, their sites, building contents and water and sanitary facilities, to keep water out or reduce the effects of water entry.

**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.

**FOOTCANDLE.** The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot measurable by a light meter. In this Code, footcandle units are referenced to the initial-lumen-output rating of the fixture lamp.

**FREEBOARD.** A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams and the hydrologic effects of urbanization in a watershed. In Teton County the Freeboard is two (2) feet. The Base Flood Elevation (BFE) plus the freeboard establishes the Flood Protection Elevation.

**FRONTAGE.** The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way.

**FULLY SHIELDED (FULL CUT-OFF) LUMINAIRE.** A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either

directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part. “Full cutoff” and zero upright fixtures in particular meet this definition.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. **The term does not include long-term storage, manufacture, sales, or service facilities.**

## G.

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**GLARE.** Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility

**GROSS FLOOR AREA.** The sum in square feet of the gross horizontal area of all floors of a building measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings when two buildings or units abut. Elevator shafts, stairwells, floor space used for mechanical equipment, attics, balconies and mezzanines, enclosed porches and floor area devoted to roofed accessory uses are included in the calculation of gross floor area. However, the following is not included: any space devoted exclusively to on-site parking; outdoor loading, display, storage, utility service areas; and/or uninhabited enclosed space on tops of roofs; or attic space having head room of less than 7'-10”.

## H.

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**HEALTH AUTHORITY.** Eastern Idaho Public Health, of the Idaho State Department of Health and Welfare

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**HIGHEST ADJACENT GRADE (HAG).** The highest natural elevation of the ground surface prior to construction, adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, for HAG related to building elevation information.

**HIGHWATER MARK.** SEE ORDINARY HIGH WATER MARK

**HIGHWAY.** A street or road designated as a highway by the state or federal government.

**HILLSIDE.** Sloping land with a rise or fall of more than one foot vertically for each 10 feet horizontally (10 percent slope).

**HISTORIC STRUCTURE or SITE.** A structure or site that is:

1. **Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior)** or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. **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.**
3. **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**
4. **Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:**
  - a. **By an approved state program as determined by the Secretary of the Interior, or**

- b. **Directly by the Secretary of the Interior in states without approved programs.**

**HOLIDAY LIGHTING.** Strings of individual lamps, where the lamps are at least three inches (3") apart and the output per lamp is not greater than 15 lumens.

**HOUSE SIDE SHIELD.** An internal or external shield on a fixture that limits light in one direction.

## I.

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**IESNA RECOMMENDED PUBLICATION.** A publication of the Illuminating Engineering Society of North America.

**ILLUMINANCE.** The amount of light, measured in foot-candles, falling on any point of a surface. All illuminance values in this Code shall be initial values based on new lamps and fixtures. Unless otherwise specified, "illuminance" refers herein to horizontal illuminance, measured at ground level.

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

**IMPROVEMENT PLAN.** The engineering drawings intended to be used in the construction of street, trail, water, sewer, drainage, drainage facilities, fire protection, landscape facilities, appurtenances, and other improvements.

**INCIDENTAL SIGN.** A permanent/temporary on-premises sign that is intended to provide information or direction for the convenience and necessity of the public. Such signs include but are not limited to entrance and exit signs, for sale signs, building numbers, names, addresses, private parking signs, telephone, no trespassing signs or dangerous animal signs, etc.. These signs cannot be located in a public right of way or easement.

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**INDICATOR HABITAT.** The following are considered Indicator Fish and Wildlife Habitats in Teton County (This list comes from "A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho", by Idaho Department of Fish and Game, dated June 14, 2012):

1. **Emergent Wetland**
2. **Willow Riparian**
3. **Forest Riparian**
4. **Aspen**
5. **Conifer Forest**
6. **Shrubland**
7. **Grassland**
8. **NRCS Conservation Reserve Program  
Grassland**

**INDICATOR SPECIES.** The following are considered Indicator Species in Teton County (This list comes from "A Summary of Key Fish and Wildlife Resources of Low Elevation Lands in Teton County, Idaho", by Idaho Department of Fish and Game, dated June 14, 2012):

1. **Columbian Sharp-Tailed grouse**
2. **Bald Eagle**
3. **Grizzly bear**
4. **Rocky Mountain Elk**
5. **Mule Deer**
6. **Moose**
7. **Trumpeter Swans**
8. **Greater Sandhill Crane**
9. **Long-billed Curlew**
10. **Yellowstone Cutthroat Trout**
11. **Any other Federally Listed threatened or  
Endangered Species**

**INDIVIDUAL WITH DISABILITIES.** Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment." In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

## J.

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**JUNKYARD.** A property on which old or scrap metal, rope, rags, batteries, paper trash, rubber, refuse, rubbish, debris, waste, 3 or more dismantled or wrecked vehicles and automobiles or parts thereof, iron, steel, and other old or scrap ferrous and nonferrous material or any matter having no substantial market value as a whole, which is exposed to the elements and is not enclosed in any structure or otherwise concealed from public view.

## K.

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**KELVIN (K).** A unit of absolute temperature measured by the Kelvin scale. In this Code, kelvins (K) that is a measure of color temperature of the light spectrum emitted by a lamp.

**KITCHEN FACILITIES.** A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes.

## L.

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**LAKE/POND.** A considerable body of standing water, that is either natural or man made, in a depression of land or expanded part of a river, stream or creek.

**LAMP.** Component, tube, or bulb of a fixture that produces light when energized. Multiple lamps within a single fixture are lumen-rated additively as if a single lamp.

**LAMP STRING.** Multiple, interconnected lamps attached to a single electrical source, but not additionally housed as is typical within a fixture. Included are "light strings" commonly used as Christmas lighting, "rope lights" strung within a continuous protective sheath, and similar interconnected aggregations of LED lamps integrated within individual light-dispersing refractors.

**LANDSCAPE MATERIAL.** Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, berms, walls, and other decorative materials.

**LANDSCAPING.** The planting and arranging of landscape materials to enhance the aesthetic and functional qualities of a site.

**LETTER OF MAP CHANGE (LOMC).** a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F)

**LETTER OF MAP AMENDMENT (LOMA)** An official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been

inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

**LETTER OF MAP REVISION (LOMR).** FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM), and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications.

**LETTER OF MAP REVISION BASED ON FILL (LOMR-F).** FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. The LOMR-F does not change the FIRM, FBFM, or FIS report.

**LETTER OF MAP REVISION, CONDITIONAL (CLOMR).** A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study. Upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM. Building Permits and/or Flood Development Permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

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**LEVEE.** A man-made 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.

**LIGHT.** Radiant energy that can be sensed or seen by the human eye. Visible light is measured in lumens.

**LIGHT TRESPASS.** Light that falls beyond the property it is intended to illuminate.

**LIGHTING PLAN.** Documents specific to a land use that describe the location and characteristics of all exterior lighting and the light levels on the property and at the property boundaries.

**LOT/PARCEL/TRACT.** A lot or tract as recorded on any plat or record on file (deed, survey) in the office of the county assessor, or any unplatted, contiguous parcel of land held in one ownership and of record at the effective date hereof and its amendments. Generally a "lot" refers to a portion of land created and defined on a plat, whereas a "parcel" or "tract" is created and defined on a survey or deed.

**LOT AREA.** The area of any lots shall be determined exclusive of street, highway, road or other rights of way.

**LOT, CORNER.** A lot abutting upon two or more streets at their intersection.

**LOT, FLAG.** A lot with a long easement on one side that created the image of a flag.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE, FRONT.** The front property line coincident with a street right-of-way line. The side of the lot that abuts the Primary Street or if it does not directly abut the Primary Street, the side of the lot that the front door face.

**LOT OF RECORD.** A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Teton County, Idaho, or any parcel of land, whether or not part of a subdivision, that has been officially recorded at a size that met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

**LOWEST ADJACENT GRADE (LAG).** The lowest point of the ground level next to the structure. Refer to the Elevation Certificate for LAG related to building elevation information.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR §60.3 and this Code.

**LUMEN.** A rating; a manufacturer-supplied measure of light emitted from a lamp. All lumens in this Section are initial lumens, that is, the amount emitted by a new lamp after 100 hours of seasoning. Lumens are usually listed on lamp packages as "Light Output". Also, the amount of light a bulb produces or a quantitative unit measuring the amount of light emitted from a light source.

**LUMINAIRE.** The complete lighting unit, including the lamp, the fixture, and other parts.

## M.

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**MANUFACTURED HOME.** A structure transportable in one or more modules which is designed and built on a permanent chassis to be used as a dwelling, with a permanent foundation and footing and when connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein, that was built in compliance with HUD manufactured home construction and safety standards established under 42 U.S.C. Section 5401. Units manufactured prior to June 1976 not stamped approved by HUD shall not be considered a “manufactured home” as defined herein. For clarification, this definition excludes recreational vehicles, trailers, campers, and other similar units as may be defined in this Code. Idaho Code §39-4105

**MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE.** The building value, not including the land value and that of any accessory structures or other improvements on the lot. **Market value shall be the adjusted tax assessed values as established by the Teton County Assessor. This value may be modified by submittal of an independent certified appraisal.**

**MAXIMUM EXTENT FEASIBLE.** All possible efforts to comply with the regulation and to avoid or minimize adverse impacts have been undertaken. Documentation showing that an application has satisfied regulations subject to the “maximum extent feasible” standard shall be presented with the preliminary plat application. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

**MEAN SEA LEVEL.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community’s FIRM are referenced.

**MITIGATION.** A design, action, or facility offered by an applicant for development approval, or required by Teton County as a condition of development approval, in order to avoid, minimize, or offset negative impacts of development that would or might otherwise occur. Avoidance of impacts and minimization of impacts are preferable to offsetting mitigation measures. Mitigation shall be conducted onsite unless all efforts to mitigate for development related impacts onsite have been exhausted, in which case offsite mitigation proposals will be considered.

**MODULAR BUILDING.** Any building or building component other than a manufactured home that is of closed construction and either entirely or substantially prefabricated or assembled at a place other than the building site. Idaho Code §39-4301

**MONUMENT.** A survey marker as defined in Idaho Code Section 50-1303.

**MOST RECENTLY RECORDED DEED.** The deed that was recorded most recently. In most cases, this is the deed that transferred ownership of the lot/ parcel into the current owner.

**MOTION DETECTOR.** A device that activates a luminaire when it senses motion. To meet the exemptions in this Section, motion detectors must sense motion only on the property on which it is installed and must switch the luminaire off within five (5) minutes after detected motion ceases.

**MUDSLIDE or MUDFLOW.** Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

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A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

## N.

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**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.

**NEW CONSTRUCTION.** For floodplain management purposes, a structure for which the start of construction commenced on or after March 31, 2000 and includes any subsequent improvements to such structures.

**Any construction started after March 31, 2000 and before the effective start date of the floodplain management Section is subject to the Code in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.**

**NEW PARCEL.** A lot or parcel that was created through a legal process after June 14, 1999.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A place where the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community on or after 03/31/2000.

**NON-ELIGIBLE PARCEL.** A parcel of land not eligible for a building permit. **SEE ALSO ELIGIBLE PARCEL**

**NONCONFORMING USE.** A land use or activity, which was lawful prior to the adoption, revision, or amendment of this Code but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of this Code.

**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM- NAICS.** A standard land use classification system issued by the federal Office of Management and Budget which categorizes establishments by the type of economic activity in which they are engaged.

## O.

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**OCCASIONAL LIGHTING.** Illumination that is infrequent, or intermittent; and controlled by a manual or timer- operated switch, or by a motion sensor not activated by off-property movements.

**OFF-PREMISE OUTDOOR ADVERTISING.** Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended or used to advertise or inform and which is situated in order to be visible from any highway, road or other traveled way and which is located on property which is separate from and not adjoining the premises or property on which the advertised activity is carried out.

**OFF STREET PARKING.** An off street space available for parking of motor vehicles, which conforms to the Off Street Parking Schedule in Article 11.1 of this Code.

**OPAQUE.** Impenetrable to view, or so obscuring the view that features, buildings, other structures, and uses become visually indistinguishable.

**OPEN SPACE.** Significant tracts of land not under residential, mixed, institutional, commercial or industrial use; however, open space may be held in privately owned large lots of 20 acres or more. Open space may include sensitive environmental

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areas and productive uses including agriculture or low impact recreation amenities. Open space shall not include features such as streets, parking areas, constructions for habitation, or building envelopes. Open space includes but is not limited to lands set aside as a Community Benefit.

**OUTDOOR LIGHTING.** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.

**OWNERSHIP.** The individual, firm, association, syndicate, partnership or corporation having any interest in a parcel, lot or tract of land.

## P.

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**PARCEL.** SEE "LOT/PARCEL/TRACT"

**PARCEL OF LAND DIVIDED.** A contiguous quantity of land recorded as the property of persons or entities, each of which is named in a single instrument conveying ownership thereof, and which has been separately conveyed from any adjoining quantity of land, whose boundaries are defined in the last recorded instrument of conveyance of such parcel which was recorded prior to June 14, 1999. Conveyance of Title, or contracts which provide for conveyance of title, to portions of existing parcels which are executed after June 14, 1999, shall be deemed to create new parcels, except when transferred as a boundary line adjustment.

**PARENT PARCEL.** See EXISTING PARCEL.

**PARKING SPACE.** Usable space within a public or private parking area or building of not less than 280 square feet in area and having at least the dimensions of 10' x 20' exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.

**PARTLY SHIELDED LUMINAIRE.** A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward

**PASTURE.** An area seasonally used for grazing domestic animals.

**PERSON.** This term applies broadly to include any natural person as well as any organization or entity, including, but not limited to, a partnership, corporation, association, or governmental entity.

**PLANNING DEPARTMENT.** The Planning, Zoning, Building & GIS Department of Teton County, Idaho.

**PLAT.** The drawing, map or plan of a subdivision, cemetery, townsite or other tract of land, or a replatting of such, including certifications, descriptions and approvals. See also, Idaho Code §50-1301.

**POST-FIRM.** Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map (FIRM).

**PRE-FIRM.** Construction or other development for which the "start of construction" occurred before March 31, 2000, the effective date of the initial Flood Insurance Rate Map (FIRM).

**PRIMARY STREET.** The street of which a property is addressed from.

**PRINCIPAL.** Primary; A separate, complete structure that is the larger/largest of the structures.

**PROFESSIONAL ENGINEER.** An engineer registered to practice engineering in the State of Idaho.

**PROFESSIONAL SURVEYOR.** An surveyor registered to practice engineering in the State of Idaho.

**PUBLIC HEARING AND NOTICE PROCEDURE.** A complete definition of the public hearing procedure is found in sections 67-6509, 67-6511,

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67-6512, and 67-6519 of the Idaho Local Land Use Planning Act of the Idaho Code, Chapter 65, Title 67. All public hearings shall be noticed in accordance with these sections.

**PUBLIC RIGHT-OF-WAY.** Any land dedicated and open to the public and under the jurisdiction of a public highway agency, where the public highway agency has no obligation to construct or maintain said right-of-way for vehicular traffic.

**PUBLIC UTILITY.** Any person or municipal department duly authorized to furnish to the public under public regulation

## Q.

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*No terms beginning with the letter Q are defined at this time.*

## R.

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**RECREATION, ACTIVE.** Activities, such as organized sports, golf, playground activities, and the use of motorized vehicles, which require extensive facilities or development or that have a considerable environmental impact on the recreational site.

**RECREATION, PASSIVE.** Outdoor recreational activities, such as nature observation, hiking, and canoing or kayaking, that require a minimum of facilities or development and that have minimal environmental impact on the recreational site.

**RECREATIONAL VEHICLE.** A motor home, travel trailer, truck camper camping trailer, park model, or similar vehicle designed for recreation or emergency human habitation that is:

1. Built on a single chassis,
2. 400 square feet or less when measured at the largest horizontal projection,

3. Designed to be self-propelled or permanently towed by a light duty truck, and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

### Idaho Code §46-1021

**REGULATORY FLOOD.** Is 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. Idaho Code §46-1021

**REGULATORY FLOODWAY.** See Floodway

**REPETITIVE LOSS.** An NFIP-insured structure that has had at least two paid flood losses of more than \$1,000 each in any 10-year period since 1978.

**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.

**REZONE.** Process outlined in Article 14 for changing the Land Use District a property is found in.

**RIDGE.** The crest, or apparent crest, of a hill or mountain or linear crests of part of a hill or mountain when viewed from the State Highways or Ski Hill Road.

**RIDGELINE.** An area including the crest of a hill or slope and a vertical, perpendicular distance in feet on either side of the crest within which development would break the skyline.

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**RIDGELINE DEVELOPMENT.** Development on or near the crest of a hill or mountain which has the potential to cause skylining when viewed from the State Highways or Ski Hill Road.

**RIGHT OF WAY.** A strip of land established by prescriptive use, dedicated, deeded or reserved for use as a public way, which normally includes streets, sidewalks and other public utilities or services areas.

**RIPARIAN AREA.** Areas contiguous to and affected by surface and subsurface hydrologic features of perennial or intermittent water bodies (rivers, streams, lakes, or drainage ways). Riparian areas generally have distinctly different vegetative species than adjacent areas, or similar species with more robust growth than adjacent areas. Riparian areas are often located between wetland and upland areas. Also, defined as the green, vegetated areas along the edge of water bodies like rivers, creeks, canals, lakes, springs, sloughs, potholes and wetlands. They are the transition zone between upland and aquatic ecosystems. Underlying saturated soil is a key feature in riparian areas. Idaho Code § 22-2402.

**RIPARIAN HABITAT ZONE.** See RIPARIAN AREA.

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**ROAD.** See STREET, PRIVATE and STREET, PUBLIC.

## S.

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**SANITATION FACILITIES.** A toilet, or other permanent conveyance for sewage as approved by the District 7 Health Department. A detached privy, incinerating toilet, or other alternative approved system shall be considered part of the dwelling unit served.

**SCENIC CORRIDOR.** See Division 9.3 of this Code.

**SCREENING.** Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view from one side to the other throughout the year. Screening may consist of any combination of the following:

- Fencing
- Masonry or rock wall
- Plants or natural vegetation
- Earthen berm

**SECONDARY IMPACT.** Those adverse effects caused by the proposed action and occurring later in time or farther removed in distance, but still reasonably foreseeable. Secondary impacts may include effects related to changes in pattern of land use, human presence and population density, and related effects on natural systems and ecosystems.

**SETBACK.** A line demarcating that portion of the lot specified must remain open with no buildings or structures, and the buildable portion of the lot.

**SHADE TREE.** A tree that composes the top layer or canopy of vegetation and will generally reach a mature height of greater than 50 feet.

**SINGLE LAND SPLIT.** The division of land as provided for under the “One Time Only Land Split” provisions of Article 14 of this Code.

**SINGLE LEGAL PARCEL OF LAND.** All contiguous lands described in a single deed. Land that touches only at the corner point, is not contiguous.

**SIGN.** Any combination of words, letters, numbers, images, or symbols, designed to attract the attention of, or communicate information to, the public, in regards to an activity, business, commodity, event, sale, or service.

**SIGN FACE.** That portion of the sign, excluding the supporting structure, where the words, letters, numbers, images, or symbols can be placed.

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**SKYLINE OR NATURAL SKYLINE.** The visual line at which the earth or vegetation and the sky appear to meet. The skyline is typically viewed as the top, crest, or peak of a ridge or hillside. SEE Division 13.3.2

**SKYLINING.** An outline or silhouette of a structure against the background of the sky.

**SPECIAL FLOOD HAZARD AREA (SFHA).** the land in the flood plain 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". SEE Div. 9.2

**STANDARD SPECIFICATIONS.** The specifications as specified in this Code or as officially adopted by the county.

**START OF CONSTRUCTION.** This includes substantial improvement and means the date the building permit or development permit was issued.

**STORY.** That portion of a building compromised between a floor and the floor or roof next above. The first floor of a two- or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

**STREAM/CREEK.** A watercourse having a source and terminus, banks, and channel, trough which waters flow at least periodically, and it usually empties into other streams, lakes or river, but it does not lose its character as a watercourse even though it may break up and disappear.

**STREET, PRIVATE.** A street or road within a subdivision plat that is not dedicated to the public and not a part of a public highway system. It is not maintained by a public agency. SEE Article 12.

**STREET, PUBLIC.** A street, road, thoroughfare, alley, highway or bridge that is open for public use. It may or may not be maintained by a public agency. SEE Article 12.

**STRUCTURE.** A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land; the word "structure" shall be construed when used herein as though followed by the phrase "or part pr parts thereof and all equipment therein" unless the context clearly requires a different meaning.

**SUBDIVIDER.** Any legal entity who subdivides a parcel of land, may also be referred to as a developer.

**SUBDIVISION.** A tract of land existing on the land records of the county that is divided into two (2) or more lots, parcels, or sites, through the platting process, for the purpose of sale or building development, whether immediate or future. SEE Div. 14.5 Subdivision Review

**The following are exempted from the above definition:**

**Agricultural Exemption.** A bona fide division or partition of agricultural land for agricultural purposes, which is the division of land into lots/ parcels, all of which are 20 acres or larger and maintained as agricultural lands. This exemption does not apply to a division for residential, commercial, or industrial purposes. No building rights are created through the Agricultural Exemption.

**Sale or Transfer of Adjacent Land.** The conveyance, sale, or transfer of any parcel of land to an adjacent property and landowner for the purpose of increasing the property size SEE Div. 14.10.2.A Boundary Line Adjustment.

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**SUBDIVISION DE FACTO.** A single parcel of land that was divided into two (2) or more parcels without going through the appropriate process that was required at the time of the division.

**SUBDIVISION MASTER PLAN.** A design document that shows all the future phases of a subdivision. A Master Plan does not create entitlements, those are created through the plat. It should identify future roads, lots, open space, parks, trails, public access points or any other public improvements to be made

**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 50 percent of its market value before the damage occurred. See definition of "SUBSTANTIAL IMPROVEMENT". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent (25%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 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 the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the appraised value of the structure prior to the damage occurring. The term does not include either:

- A 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

- Alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

**SURVEY.** An official document developed by a licensed surveyor in the State of Idaho that identifies the ownership, quantity, location, boundaries and measurements of a parcel with the courses and distances clearly identified. A survey does not create rights or uses such as a plat.

## T.

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**TECHNICAL ASSISTANCE.** Those qualified professionals, individuals or groups appointed to review a development application pursuant to Article 14 of this Code, or conduct a on-site inspection of a development pursuant to Article 13 of this Code.

**TEMPERATURE CONTROLLED.** Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

**TRACT.** SEE "LOT/PARCEL/TRACT"

**TRANSFER OF DEVELOPMENT RIGHTS.** A process by which development rights may be transferred from one parcel of land to another parcel of land. SEE Division 9.4

## U.

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**UNDUE HARDSHIP.** Special conditions depriving the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Code; not merely a matter of convenience or profit.

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

## V.

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**VARIANCE.** A modification of the requirements of this Code as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provision affecting the size or shape of a structure or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing applicability of all of the following:

1. **Undue hardship because of characteristics of the site; and**
2. **That the variance is not in conflict with the public interest; and**
3. **The need for a variance is not arising as a direct result of the applicant's own actions.**

**SEE Division 14.7.12**

**VICINITY MAP.** A small-scale map showing the location of a tract of land in relation to a larger area. A vicinity map should be clearly labeled with road names and/or other clearly identifiable landmarks or features.

**VIOLATION.** The failure of a structure or other development to be fully compliant with any portion of this Code.

## W.

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**WATER SURFACE ELEVATION.** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other specified datum) of floods of various magnitudes and frequencies in the flood plains of riverine areas.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**WETLANDS.** Areas where water covers the soil, or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Water saturation (hydrology) largely determines how the soil develops and the types of plant and animal communities living in and on the soil. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils. Wetlands vary widely because of regional and local differences in soils, topography, climate, hydrology, water chemistry, vegetation and other factors, including human disturbance. For the purpose of this Code, "wetlands" generally mean the areas identified as wetlands on the National Wetlands Inventory Map (<http://www.fws.gov/wetlands/index.html>).

*Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this Code. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas*

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*should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.*

**WIND TURBINE.** An alternative energy device which converts wind energy by means of a rotor to mechanical or electrical energy that shall be erected 50 feet from the property line, and of which the tower shall not extend more than 35 feet above the natural grade and not located in the scenic corridor. Further, with only one wind turbine allowed per residential lot. A wind turbine may also be deemed a windmill.

## X.

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*No terms beginning with the letter X are defined at this time.*

## Y.

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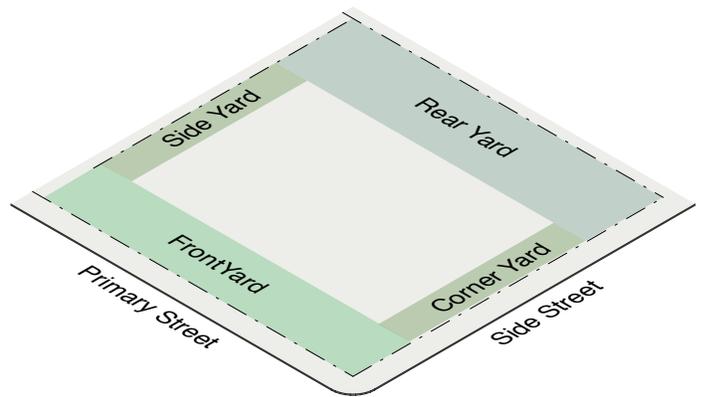
**YARD.** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such uses as provided by this Code. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the drip line of the main building.

**YARD, CORNER.** On a Corner Lot, a yard lying between the side line of the lot parallel to the side street and the nearest line of the building and extending from the front yard to the rear yard. Corner yard width shall be measured at right angles to the side lines of the lot.

**YARD, FRONT.** A yard extending along the full width of a front lot line between side lot lines and from the front lot line to the front building line in depth.

**YARD, REAR.** A yard extending the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at right angles to the rear line of the lot.

**YARD, SIDE.** A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to the side lines of the lot.



## Z.

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**ZONE/ZONING DISTRICT.** A portion of the unincorporated area of the county shown on the approved zoning map and associated with this Code, and given formal district designation.