

HARD SURFACE ORDINANCE

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, OF THE SANDPOINT, BONNER COUNTY, IDAHO, MUNICIPAL CODE BY ADDING A DEFINITION FOR HARD SURFACING; AMENDING TITLE 9, CHAPTER 5, BY DELETING THE EXCEPTION TO HARD SURFACING FOR CERTAIN PARKING FACILITIES; REQUIRING THAT HARD SURFACING COMPLY WITH ALL APPLICABLE CODES INCLUDING STORMWATER MANAGEMENT; PROVIDING FOR AN AGREEMENT TO POST SECURITY TO ASSURE CONSTRUCTION WITHIN SIX MONTHS IN THE EVENT OF INCLEMENT WEATHER; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, after Public Hearing on the date hereinafter provided it is deemed by the Mayor and City Council to be for the best interests of the City of Sandpoint, Bonner County, Idaho, that Title 9, Chapters 1 and 5 of the Municipal Code be amended; NOW THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Sandpoint:

Section 1

That Title 9, Chapter 1 of the Sandpoint Municipal Code be amended to read as follows:

9-1-3 DEFINITIONS:

Words defined herein shall be given the meanings ordinarily applied to such words. The word "structure" shall include the word "building", and the word "lot" shall include the word "plot".

ACCESSORY BUILDING OR USE: A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or to the main use.

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

AIRPORT: The Sandpoint Airport property, including all land covered by the Sandpoint Airport Master Plan.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet from sea level. The elevation of the Sandpoint Airport is two thousand one hundred twenty seven feet (2,127') above mean sea level.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.

AUTO WRECKING OR JUNKYARD: Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for, wrecking or storing of such motor vehicles or parts thereof and including farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including commercial salvaging and scavenging of any other goods, articles or merchandise.

AUTOMOBILE: A passenger vehicle.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting or motor vehicles.

AUTOMOBILE SERVICE STATION: An establishment where automotive fuels and lubricants, accessories and services are sold at retail; however, where the sale of such is only incidental, the establishment or premises shall be classified as a public garage.

BASEMENT: A story partly or wholly underground. Where more than one-half (1/2) of its height is above the average level of the adjoining ground, a basement shall be counted as a story for the purpose of height measurement.

BED AND BREAKFAST: An owner occupied dwelling where rooms are available for transient lodging and where a morning meal is provided.

BILLBOARD: Any structure or portion thereof upon which are placed signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or a sign advertising the sale or lease of the premises on which the sign is located.

BOARDING, LODGING OR ROOMING HOUSE: A building where lodging, with or without meals, is provided for compensation for not fewer than four (4) nor more than twelve (12) persons in addition to member of the family occupying such building.

BUILDING: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

BUILDING AREA: The buildable area lot is the space remaining after adherence to the minimum open space requirements of this Chapter.

BUILDING HEIGHT: The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest

point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

CARPORT: A structure attached or made apart of the main structure which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor-driven vehicles.

CHURCH: A structured organization, that is or would be recognized by the Internal Revenue Service as such, which uses buildings, structures, or land for the teaching or practice of religious doctrine or related social functions.

COMMISSION: For the purposes of this Title, "commission" shall mean Planning and Zoning Commission.

COMPREHENSIVE PLAN: An official document pursuant to Idaho Code 67-6508 that includes land within the jurisdiction of the governing board which considers previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded: population, economic development; land use; public services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design and implementation.

CONDITIONAL USE: A use listed in a particular zone which is compatible with its surrounding area and permitted if approved by the Planning Commission or by a hearing body.

CONDOMINIUM: A multi-family dwelling, duplex, or single unit, in which the dwelling units are individually owned, with each having a recordable deed enabling the unit to be sold, mortgaged, or exchanged independently.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

CURB GRADE: The established elevation of the curb measured at the center of the front of a building. Where no curb grade has been established, the City shall establish such curb level or its equivalent for the purpose of this Chapter.

DAYCARE CENTER: A place or facility providing daycare for compensation for thirteen (13) or more children.

DISTRICT: A section or sections of the incorporated area of the City for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

DUPLEX: A two-family dwelling where neither unit contains less than twenty five percent (25%) of the total habitable floor area of the structure.

DWELLING, APARTMENT OR MULTIPLE-FAMILY: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY ATTACHED: An individually owned single family attached dwelling, such as a townhouse.

DWELLING, SINGLE-FAMILY OR ONE-FAMILY: A detached building, other than a mobile home or modular home, containing one dwelling unit and not including time-share ownership of that dwelling unit.

DWELLING UNIT: One or more rooms designed for occupancy by one family for living purposes and having only one cooking facility, but not including motel units.

FAMILY: An individual or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, living together as one housekeeping unit using one kitchen.

FAMILY DAYCARE HOME: A home, place or facility providing daycare for six (6) or fewer children.

FRONTAGE: All property on one side of a street between two (2) intersecting streets, or natural barriers.

GARAGE, PRIVATE: An accessory building for the storage of not more than three (3) motor-driven vehicles of which not more than one shall be a commercial vehicle of not more than two (2) tons' capacity.

GARAGE, PUBLIC: A building other than a public garage used for the care, repair of equipment or automobiles, or for vehicles parked or stored for remuneration, hire or sale.

GROUP DAYCARE FACILITY: A home, place or facility providing daycare for seven (7) to twelve (12) children.

GUESTHOUSE: A structure for human habitation, containing one or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HARD SURFACING: A surface constructed of asphalt, concrete, polymer blocks or other like substance recognized in the industry as providing a pavement like surface which like substance is approved by the City Engineer or Public Works Director.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: See definition of Building Height.

HOME OCCUPATION: An occupation, profession or business activity where the primary location of business and/or official business address is at the home which results in a product or service for gain, is clearly incidental and subordinate to the use of the premises as a dwelling unit and does not change the character thereof.

HOSPITAL, SANITARIUM, HOSPICE: An institution open to the public, in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminally ill patients.

HOTEL: A building designed for occupancy as the more or less temporary place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provisions are made for cooking in any individual room or suite.

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

KENNEL: any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

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

LOADING SPACE: An off-street space or area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or appropriate means of access.

LOT: A parcel or plot of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by this Title, and having its principal frontage upon a public street or highway.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

LOT DEPTH: The horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

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

LOT, REVERSED CORNER: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.

LOT WIDTH: The horizontal distance between the side lot lines.

MOBILE HOME: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more occupied mobile homes are located.

MOBILE HOME SPACE: A plot of ground within a mobile home park designated for the accommodation of one mobile home.

MODULAR HOUSING: A dwelling unit manufactured off-site, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the Uniform Building Code.

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

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated which does not conform to the regulations of this Title.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or are type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

NURSING HOME OR REST HOME: A private hospital for the care of children, the aged or infirm or a place for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

PARKING AREA, PRIVATE: An open area for the parking of privately owned automobiles and not for public use.

PARKING AREA, PUBLIC: An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: An area, enclosed or unenclosed, which has adequate access to a public street or alley, sufficient in size to store one automobile.

PERSON: An individual, firm partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PLANNED UNIT DEVELOPMENT: An area of land pursuant to Idaho Code 67-6515 in which a variety of residential, commercial, industrial and other land uses are provided for under single ownership or control.

PORCH: A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open in part to the weather.

PRECISION INSTRUMENT RUNWAY APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

PRESCHOOL: An institution primarily engaged in child training and academic instruction prior to the mandatory first grade.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of the runway; for military runways or when the runway has not specially prepared hard surface, or planned hard surface, the primary surfaces ends at each end of that runway. The width of the primary surface is set forth in the Airport Overlay Zone District. The elevation on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL: An institution primarily engaged in academic instruction, public, parochial or private and recognized or approved by the State.

SIDEWALK: That portion of a street between the lateral lines of the roadway and the adjacent property lines set apart for use by pedestrians.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between such floor and the ceiling next above.

STREET: The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", and "alley", and other similar designations.

STRUCTURAL ALTERATIONS: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

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

TERRACE, OPEN: A level and rather narrow plain or platform which for purposes of this Title, is located adjacent to one or more faces of the main structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

TIME-SHARE CONDOMINIUM: A condominium in which units are individually owned by a family or group of persons for a variable amount of time during the year, and in which part or all of the units may be available to transients for rent or on an exchange basis. For the purposes of this Ordinance, time-share condominium or unit shall be considered a motel.

TOWNHOUSE: An attached dwelling, designed for residence by a single family or household, that shares a party or common wall and occasionally a single roof with at least one other similar residence. Townhouses and the land they rest upon are usually individually owned with a proportional interest in the common areas of the development.

TRAILER: A vehicle without motive power used for human habitation, including a trailer coach or horse trailer designed to be drawn by a motor vehicle.

TRAILER PARK, MOBILE HOME PARK, TRAILER COURT: Any premises occupied or designed to accommodate more than one mobile home or trailer.

USE: The purpose for which land or a building is intended, designed, arranged or maintained.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

YARD: An open space unoccupied and unobstructed from the ground upward, on the same lot with a main building, except as otherwise provided in this Chapter.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: That part of the yard lying between the main building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

Section 2

That Title 9, Chapter 5 of the Sandpoint Municipal Code to amended as follows:

9-5-7: SURFACING

- A. ~~Hard surfacing of all parking facilities shall be required. Single family dwellings, duplexes, churches, industrial and manufacturing uses shall be exempt from this requirement; provided, parking facilities for single family dwellings, duplexes, churches, industrial and manufacturing uses shall be surfaced with no less than six inches (6") of pit run or base material and three inches (3") of crushed gravel or better and shall be maintained in a dust-free manner. All hard surfacing must comply with all other applicable City codes including the storm water management code.~~
1. All hard surfacing must be completed before a certificate of occupancy is issued. In the event that hard surfacing cannot be timely completed due to inclement weather, the City may issue a temporary certificate of occupancy if an agreement secured by a bond or other security acceptable to the City in an amount of one hundred and fifty per cent of the costs of the hard surfacing is provided to the City. In the event a cash security is provided no interest shall accrue to the party providing the cash. All agreements shall include such terms as may be reasonable in the circumstances including a requirement that the paving be completed within six months of the agreement and if not that the City in the City's sole discretion use the security to complete the hard surfacing.
- B. Driveways and approaches to a parking facility abutting a street improved with curbs and gutters shall be paved with hard surfacing to their full width for a minimum of twenty feet (20') in depth from the street right-of-way, or where there is a lesser setback, the hard surfacing shall be from the street to the parking facility.

- C. Any building lot in a commercial zone used in whole or in part as a parking facility and which abuts a City street with curbs and gutters shall be improved with sidewalks in accordance with City specifications.

Section 3

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

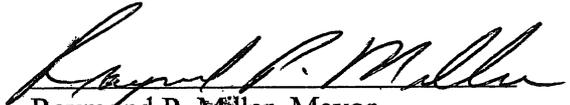
Section 4

Each section and each provision or requirement of any section of this Ordinance shall be considered severable and the invalidity of any portion or the invalidity of any portion of the section as to any person or persons shall not affect the validity or enforcement of any other portion. The City Council hereby declares that it would have enacted this Ordinance and each portion thereof irrespective of the fact that any one or more portions be declared invalid or ineffective.

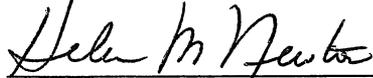
Section 5

This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Bonner County Daily Bee and the official newspaper thereof.

APPROVED by the Mayor this 2nd day of June, 2003.

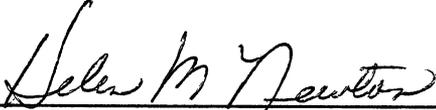

Raymond P. Miller, Mayor

ATTEST:


Helen M. Newton, City Clerk

SUMMARY OF ORDINANCE NO. 1084

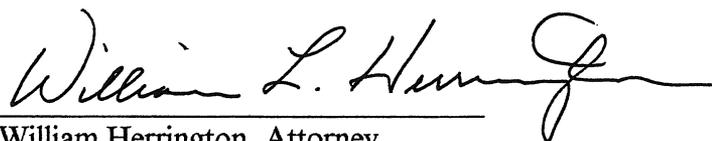
The city of Sandpoint, Bonner County, Idaho, hereby gives notice of the adoption of Sandpoint Ordinance No. 1084, an ordinance amending Title 9, Chapter 1 of the Municipal Code of the City of Sandpoint, Bonner County, Idaho, by adding a definition for hard surfacing; amending Title 9, Chapter 5 by deleting the exception to hard surfacing for certain parking facilities; requiring that hard surfacing comply with all applicable codes including storm water management; providing for an agreement to post security to assure construction within six months in the event of inclement weather; providing for severability; repealing all ordinances and parts of ordinances in conflict herewith; and providing that the Ordinance be effective upon the publication of this Summary. The full text of the summarized Ordinance No. 1084 is available at Sandpoint City Hall, 1123 W. Lake, Sandpoint, Idaho 83864 in the office of the City Clerk.


Helen M. Newton, City Clerk

Publish: June 6, 2003

STATEMENT OF LEGAL ADVISER

I William Herrington, am a legal adviser for the city of Sandpoint, Idaho. I have examined the attached summary of Sandpoint Ordinance No.1084, Hard Surface Ordinance, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.



William Herrington, Attorney
City of Sandpoint

Date 6/2/03