

**Chapter 12-07**

**LAND USE LIMITATIONS**

**Sections:**

- 12-07-01      LIMITATIONS IMPOSED**
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**Section 12-07-01      LIMITATIONS IMPOSED**

Except as herein otherwise provided, no building, structure or land shall be used except for the uses hereinafter set forth. No building/structure, land or premises shall be used to cause a discharge into the air of fumes, dust or smoke which will obstruct visibility in the operation of aircraft or cause any interference with navigational facilities necessary to airport operations.

**Section 12-07-02      USES ALLOWED IN EACH ZONE**

The uses allowed in each zone are hereby established as follows:

- A. Zone A. Primary Surface Comprised of Landing Strip and Overrun Areas: The use allowed shall be airport only and the area shall be left in open space, free of all buildings and structures except radio facilities, directional aids to navigation, and such other structures as may be determined by City and the Federal Aviation Administration as essential to air navigation and operation.
- B. Zone B. Instrument Runway Inner Approach Zone: The uses allowed shall be agriculture, rural residential, sand and gravel pits, and sanitary land fill. Also allowed upon the issuance of a special use permit shall be any use similar to the foregoing which will be in accordance with the general purposes and intent of this Ordinance and having the minimum lot size and continuous street frontage as required herein.
  - 1. Maximum Lot Coverage: Sixty five percent (65%) of the area of any lot shall be left in open space, free from any building/structures. Where a lot at the time of the passage of this Ordinance has less than the required minimum lot area, a building/structure will be allowed as provided by Section 3.22/12-3-22.
  - 2. Prohibited Uses: Uses not allowed or permitted are prohibited.
- C. Zone H. Airport Noise Transition Zone: The uses allowed shall be any use permitted under existing City or County zoning regulations. No land may be used for hospitals, schools, or public premises and buildings or purposes, where people congregate, except a use not involving a permanent building/structure and not involving a gathering or congregation of more than ten (10) persons.
  - 1. Residential Uses: Where land is used for single family and duplex dwellings, the minimum lot size shall be not less than ten thousand (10,000) square feet, the minimum continuous street frontage shall not be less than seventy feet (70'), and sixty five percent(65%) of the total lot shall be left in open space free from any buildings/structures. Where a lot is part of a subdivision plat duly recorded, or part of a plat prepared for presentation to proper authorities for approval and is accepted and recorded, prior to the enactment of this Ordinance, the

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Administrator may waive to the extent of not more than five percent (5%) the minimum requirements for square footage, street frontage and percent of the lot open space if such waiver shall carry out the general intent hereof for controlling the density of population, buildings and structures.

2. Industrial Uses: Where the land is used for industrial purposes, the minimum lot shall be not less than fifteen thousand (15,000) square feet, the minimum continuous street frontage shall be not less than one hundred feet (100') and fifty percent (50%) of the area shall be left in open space free of any building/structure.

3. Commercial Uses: Where the land is used for commercial purposes, the minimum lot shall not be less than twelve thousand (12,000) square feet, the minimum continuous street frontage shall not be less than ninety feet (90') and sixty percent (60%) of the area of the lot shall be in open space free from any structures.

4. Building Requirements: In each building used for residential purposes and in those portions of any buildings used for industrial or commercial purposes in which there is located an office, cafeteria, restroom and any other area regularly used by the personnel thereof in the discharge of duties and functions assigned, the building shall be insulated for the reduction of exterior sound, including installation of full air conditioning to allow the windows to be sealed, whereby sound at the exterior surface of one hundred twenty (120) decibels is reduced at the interior of the building to sixty (60) decibels. All buildings so constructed shall be subject to inspection and approval by the Administrator or his designated representative, provided that the requirements of this paragraph shall not be applicable where the owners have granted to City an approved Avigation Easement.

5. Definition of Public Premises and Public Buildings. The public premises and public use prohibited in the noise transition zone shall include all buildings/structures used for the meeting or congregating of people for every and any purpose except such buildings/structures and areas necessary for the use of the airport, including the terminal building and its associated facilities, offices, hangars, freight terminals, passenger terminals, military installations and other similar buildings/structures. This prohibition shall not include any building/structure meeting the requirements of Section 7.2(3)b/12-7-2C2., 7.2(3)(c)/12-7-2C3. and 7.2(3)(d)/12-7-2C4. used for such purposes as restaurants, lounges, offices and bowling alleys so long as the total occupancy of any single building/structure or premise on any single minimum lot hereinabove set forth does not exceed two hundred (200) people.

D. Zones C, E, F and G: Any use not prohibited herein.

E. Zone J. Outer Area Limitation Zone: Any use shall be permitted as allowed or authorized by the existing City or County zoning regulations, subject, however, to the restrictions of this Ordinance. No other public or private airport, airpark, heliport or helistop shall be established, improved or altered within the Boise Air Terminal (Gowen Field) District unless a permit therefor shall have been applied for and granted after submission and approval by the Federal Aviation Administration, Boise Airport Commission, Idaho Department of Aeronautics and the Idaho Military Department.

1. Minimum Distance of Other Public or Private Airports, Airparks, Heliports and Helistops: The minimum distance between Boise Air Terminal (Gowen Field), other existing airports and any other public or private airports, airparks, heliports or helistops hereafter established, improved or altered shall be subject to study and approval by the Federal Aviation

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Administration, the Boise Airport Commission, the Idaho Department of Aeronautics and the Idaho Military Department to determine any hazards or effects to existing air traffic and approach and departure patterns relating to instrument flying regulation minimums.

2. Exceptions: Exceptions to the above requirements may be made upon proper application for a special use permit as hereinafter set forth, but no exception shall be granted until the application has been referred to the Federal Aviation Administration, the Boise Airport Commission, the Director of the Idaho Department of Aeronautics, and the Adjutant General of the Idaho Military Department and recommendations received therefrom.

3. Most Restrictive Provisions: Where an area is included in more than one zone, whether under this Ordinance or any other ordinance of County or City as to land use, the most restrictive use limitation shall prevail.

### **Section 12-07-03 HAZARD MARKING AND LIGHTING**

Notwithstanding any other provision hereof, the owner of any building, premises, structure or lands in the Boise Air Terminal (Gowen Field) District is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator to indicate to aircraft the presence of airport hazards within said District. Such markers or lights shall be installed at the expense of City on any existing building/structure, but where a building/structure is being erected or altered, the installation and operation of hazard marking and lighting may be made a condition of the permit required. The Administrator shall submit all matters concerning hazard marking and lighting to the responsible airport authorities (Adjutant General of the Idaho Military Department, Director of the Department of Aeronautics for the State of Idaho, and the Boise Airport Commission) for joint approval and disposition. (Ord. 3601, 9-23-74)