

BOISE IDAHO



Zoning Ordinance Rewrite Diagnostic and Solutions Report

APRIL 2020

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Executive Summary

Boise has been planning for its future – a lot. Blueprint Boise summarizes and integrates the City’s vision for future growth and for protecting those unique places that make Boise special. The City has also moved forward to engage its citizens in refining that vision through efforts like Energize Our Neighborhoods, Community Conversations on Growth, and Grow our Housing. Most recently, six Transition Committees prepared reports to assist with the transition of Mayor Lauren McLean’s new administration and support the collective vision of a “City for Everyone.” The outcomes of those efforts reveal two key facts. First, Boise’s citizens care deeply about their city and their neighborhoods; and second, they still believe in and support the key goals and objectives of Blueprint Boise.

What has not been done is a thorough update of the Boise Zoning Ordinance also referred to as the Code to align the city’s zone districts, development and design standards, and procedures to align with the goals of Blueprint Boise. In fact, this misalignment is a source of frustration to citizens, development applicants, the Design Review Committee, the Historic Preservation Commission, and the Planning and Zoning Commission. Although the Zoning Ordinance was reorganized and partially updated a few years ago, many key goals of the Blueprint Boise vision – including community health, connectivity, and affordable housing – are not reflected (or only weakly reflected) in the Code. In addition to missing these substantive focus areas, the proliferation of outdated development review and approval criteria in the current Code make it difficult for citizens to engage effectively and are themselves a source of frustration. In short, many citizens feel that development decisions made under the current Code do not promote the Blueprint Boise vision, and it is unclear how they could engage in the process to make development decisions more consistent with that vision.

In 2019, Clarion Associates and Kushlan | Associates were retained by the City to complete this overdue rewrite of the Boise Zoning Ordinance. We made an initial visit to Boise late last year to kick off that process, and the pages that follow summarize the Clarion Team’s initial insights as to what needs to be changed. Our initial impressions can be summarized in the following five points and does not include additional public engagement or the comments provided by Boise City staff at this point in time. This information will be added as this information is obtained.

- **A Poor Fit with Boise’s Planning Goals**

The current Zoning Ordinance is very poorly designed to implement many key goals in Blueprint Boise – including community health, walkability, transit-orientation, affordable housing, mixed-use development, and neighborhood character protection.

- **Not Designed for Effective Citizen Engagement**

Although the Code includes several requirements for neighborhood meetings and public hearings, those opportunities are poorly communicated and the degree to which citizen or Code users can influence the outcome of development review decisions is unclear.

- **Unnecessarily Complex and Vague**

Many design and development standards, as well criteria for review and approval of different types of development are very detailed and complex, but they use vague terminology that leads to unpredictable outcomes and citizen distrust of the development review process.

- **Dated and Uneven**

The lineup of zoning districts, lists of permitted uses, and development standards are in many cases very dated. In addition, some minor development issues have unnecessarily complex standards, criteria, and procedures, while much more important development challenges are subject to only weak standards and vague approval criteria.

- **Poorly Illustrated and User-Unfriendly**

Although recently re-organized, the current regulations have few illustrations, graphics, photos, and drawings. A better illustrated Code would help illustrate the intended character of each zoning district, and would reduce misunderstandings and disagreements among citizens, staff, appointed boards, and elected officials as to what the Code requires.

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Introduction

Over the past six months, Clarion Associates and Kushlan | Associates have completed a detailed review of the Boise Zoning Ordinance (which we sometimes refer to as “the Code”) to identify its strengths, weaknesses, internal inconsistencies, and alignment with Boise’s planning goals. We reviewed the current regulations in light of Blueprint Boise and we considered the City’s planning efforts after adoption of that comprehensive plan – including Energize our Neighborhoods, Community Conversations on Growth, Keep Boise Moving, and Grow our Housing, among others. We also conducted an initial visit to interview citizens, neighborhood organizations, and Code users to ask what they thought was working well – or not. Following that initial visit in late 2019, the Clarion Team planned to conduct a more extensive round of public engagement, information, and listening sessions in early 2020, but planning for that second visit was delayed by the challenges of responding to the COVID-19 pandemic.

Because of its importance to the implementation of Blueprint Boise, this document summarizes much of the information we have collected to date. This Diagnostic and Solutions Report is organized into three sections. Part 1 summarizes what we heard from Boise citizens and Code users during our first visit. Part 2 collects the Clarion Team’s observations about the Code based on our national experience with best practices in Code organization, design, clarity, predictability, and transparency. In addition to these two parts, an Appendix collects numerous smaller, detailed, section-specific issues that need to be corrected during the Code rewrite process. Items in the Appendix do not rise to the level of major themes and challenges, but each of the listed issues compromises the effectiveness or predictability of the Code, and correcting them is important.

1. What We Heard from Boise Citizens

The Boise Zoning rewrite project kicked off in mid-November 2019 with a series of internal staff meetings, interviews, meetings with various community and Code user groups, appointed officials, and a brief meeting with the City Council. During that visit, the project team met with 70 individual Code Users from the following groups:

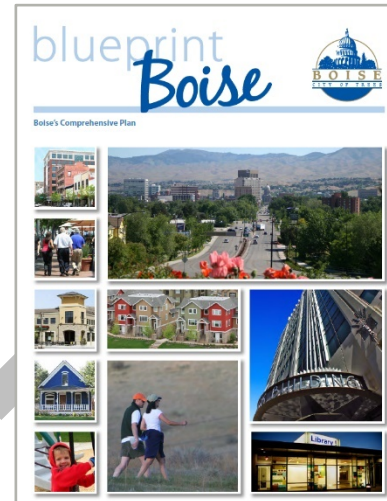
- City of Boise Project Management and Technical Teams (comprised of City staff from various departments)
- City Council
- Citizens Advisory Committee (comprised of external technical users)
- Neighborhood Associations
- Appointed Officials (Historic Preservation Commission, Design Review Committee, and Planning and Zoning Commission)
- Local developers, architects, design professionals, and business owners
- Individual citizens

The feedback we received at these meetings in regard to the project are summarized below. More detailed section-specific recommendations are shown in Appendix A.

Implement Blueprint Boise

Blueprint Boise, adopted in 2011, represents the community's overall vision for where and how it wants to grow and develop in the future. The Code is one of the primary tools for implementing that vision and should reflect the plan's goals, policies, and strategies concerning the physical growth and development of the City.

Across all the groups interviewed, it was clear that Blueprint Boise's vision and policies still have broad support. Rather, the main issue is the disconnect between the plan and the Code. The Code does not effectively implement or support some of the policies set forth in Blueprint Boise and clear connections should be made to the plan during the Code drafting process. For example, policies that promote the public health of citizens should be reflected through Code provisions that focus on walkability, provide options for pedestrian and bicyclists, limit auto-oriented uses, discourage fast food establishments in favor of healthy food, allow urban agriculture to increase the supply of local food, and avoid excessive parking areas that increases walking distances between uses. There was also frustration about the growing need for affordable housing and the barriers to innovative and affordable housing in the current Code.



Additionally, many citizens asked that the Code rewrite process include a concerted effort to provide more information and education about zoning. More specifically, they asked for information about how zoning works; the differences between use-based, form-based, and performance zoning, best zoning practices used in medium-sized high quality of life cities throughout the U.S.; what zoning tools are available to implement key planning goals, and the tradeoffs involved in choosing one zoning tool over another. In addition, some citizens asked for a refresher course on Blueprint Boise for the benefit of those who did not live in the city at the time it was adopted.

Better Zoning Districts

The foundation of any zoning ordinance is the collection of zoning districts into which the community is divided. Code users identified several key areas to improve this particular section of the Code.

Update Zoning Districts

We received a wide range of comments regarding the weaknesses of individual zoning districts, including the detailed recommendations for specific zoning districts listed in Appendix A. However, the key theme for improvement was a need to refine the lineup of zoning districts and update standards within each zoning district. A comprehensive approach to aligning the zoning districts with the types of places Boise wants to create will not only help implement Blueprint Boise but also reduce requests for piecemeal rezoning to one-off districts over time.

Code users agreed the total number of zoning districts could be narrowed down by consolidating several districts into one similar, more flexible district or by eliminating districts that may only apply to small areas of the City. Within that simpler lineup of zoning districts, more context-specific standards should be drafted to better achieve the specific types of development in different parts of the City if needed. For

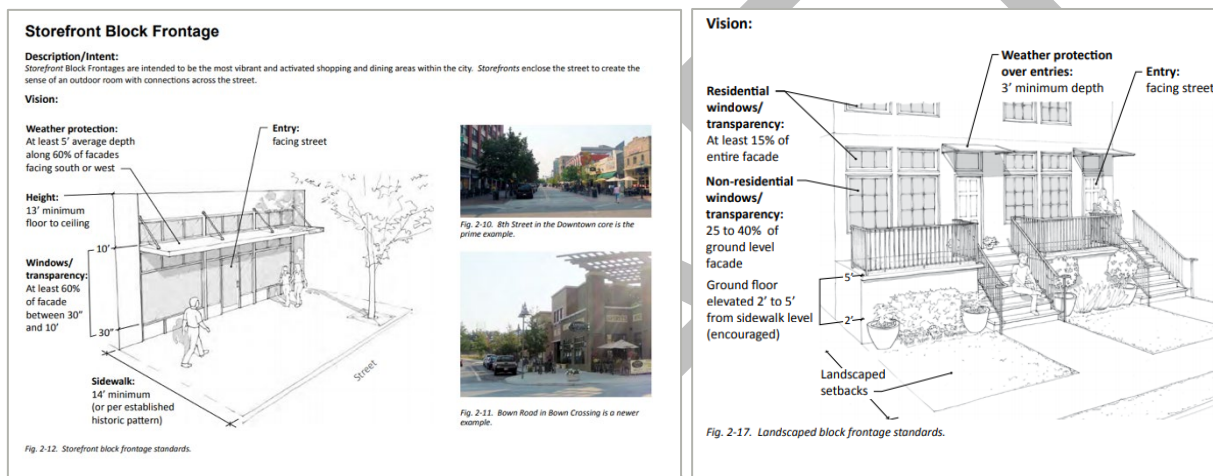
Table 11-04.1: Zoning Districts Established

District Type	Abbreviation	District Name
Open Land	A-1	Open Lands, Park
	A-2	Open Land, Reserve
Residential	R-1A	Single Family Residential, Large Lot
	R-1B	Single Family Residential, Suburban
	R-1C	Single Family Residential, Urban
	R-1M	Town Lot Residential
	R-2	Medium Density Residential
Office	R-3	Multi-Family Residential
	N-O	Neighborhood Office
	L-O	Limited Office
Commercial	R-O	Residential-Office
	C-1	Neighborhood Commercial
	C-2	General Commercial
	C-3	Service Commercial
	C-4	Planned Commercial
	C-5	Central Business
Industrial	PC	Pedestrian Commercial
	M-1	Light Industrial District
	M-2	Heavy Industrial District
	T-1	Technological-Industrial Park
Special Purpose	T-2	Technological-Manufacturing Park
	HS	Health Services District
	U	University District

example, transit-oriented design and mixed-use development were two concepts endorsed by many interviewees. Refining the current list of districts to include mixed-use zoning districts with standards appropriate for areas of varied scale and intensity would help introduce more creative developments and enable the density to better support growth of the transit system.

Introduce Form-Based Zoning Elements

Code users and citizens also supported the incorporation of more form-based zoning elements to improve street-orientation, walkability, visual interest, and the compatibility of new structures with the character of the area around them. In downtown and activity centers, form-based controls could allow a more flexible range of uses to occupy buildings over time, while ensuring the building itself remains sensitive to the existing urban fabric around it. For example, form-based development standards like build-to lines, requirements for doors and windows along streets and sidewalks, and prohibitions on new parking areas between building fronts and the streets they face could be used to discourage commercial strip mall development and incentivize more compact mixed-use projects along commercial corridors. Those types of standards would also help diversify the built environment throughout the City in both suburban and urban contexts.



Improve the Planned Unit Development (PUD) Process

The consensus among many citizens was that the current “one size fits all” PUD regulations do not provide significant benefits to the City. Instead, the PUD process is often used to package several would-be variances whose collective impact is to permit development quite different from that envisioned in the underlying zone district. Instead of focusing on flexibility, the PUD process should focus on the benefits or amenities provided to the City, and the list of desired amenities should be rethought, aligned with Blueprint Boise, and described with as much specificity as possible. The type and number of amenities required should better relate to the extent of requested divergences from the base zoning district standard; projects that request numerous unusual allowances should be required to provide more substantial amenities. There is a fundamental lack of predictability within the existing PUD process which is problematic for neighbors, applicants, developers, staff, and appointed officials. The Code should clarify the process and review criteria for PUDs to better achieve quality innovative design.

Enhance Historic Preservation Districts

Many citizens recognized the importance of historic preservation standards, but felt there was a lack of education and communication about historic preservation and the processes and requirements that apply to historic properties. Property owners and developers sometimes invest in a historic property before understanding the full extent of the allowances and prohibitions when redeveloping or renovating their



property. In addition, the relationship between historic preservation standards and procedures and those in the underlying zoning district is often poorly understood. This results in tension between applicants, staff, and appointed officials - tension that could be reduced by formalizing a pre-application meeting requirement, increasing public outreach within historic districts, and clarifying the roles of staff, the Historic Preservation Committee, and City Council in each step of the review process.

Improve Use Regulations

Code users agreed that an analysis of the various land uses allowed within each district is equally important. Although some parts of the current use regulations and the Table of Allowed Uses are functioning well, there are several significant opportunities for improvement.

Expand Housing Options

There was a broadly shared interest for the expansion in housing options throughout the city for several reasons - to support affordable housing goals, to enable long-time neighborhood residents to age in place, and to increase building variety in ways that are consistent with existing neighborhood scale and character. The Code rewrite should explore new housing options such as co-housing, cottage housing, live/work units, tiny homes, and smaller single-family attached products to further diversify the housing stock. Current allowances for existing housing types within each of the zoning districts should be reevaluated and made more flexible where possible. Additionally, the use-specific standards should be refined to better address the impacts associated with certain housing types (such as multifamily products) that may require additional landscaping or screening to offset the impacts of additional density in some zoning districts.



Integrate Neighborhood Commercial

Along with a greater variety of housing types, citizens wanted more small-scale commercial options in closer proximity to residential areas. “Coffee, ice cream and beer” within walking distance of residences reduces the number of vehicle trips required for common conveniences and helps foster a sense of community within neighborhoods.

Allowances for compatible uses such as restaurants, breweries, limited retail, and other personal services should be expanded and use-specific standards drafted to ensure potential impacts (noise, parking, etc.) are mitigated. The potential new mixed-use zoning districts described in the section above can also be used to promote a variety of small-scale commercial uses.



Limit Auto-Oriented Uses



Certain uses were identified as problematic in achieving the goals of Blueprint Boise, including but not limited to auto-oriented uses ranging from car dealerships to drive-through establishments. Those uses should be limited or prohibited in those zoning districts intended to promote denser, walkable neighborhoods. Where auto-oriented uses are allowed, the use-specific standards should be tightened to limit their size and mitigate their negative impacts on neighborhood character and walkability. Special attention should be given to specific commercial areas or corridors that Blueprint Boise identifies for more transit-oriented development, but that are instead occupied by (or attracting) auto-oriented uses.

Enhance Development Quality and Standards

A common theme from the initial outreach was that the current development standards are not effectively producing the types and quality of development desired by the community and promoted in Blueprint Boise.

Incentivize Infill and High-Quality Development

In light of Boise’s steadily growing population and the increased cost of providing urban services and utilities to outlying areas, citizens and other Code users supported the need to incentivize high quality infill development. Opportunities for infill development include a range of underused property types from old churches to neglected big box retail buildings and aging shoppettes on high traffic corridors.



Evaluate Parking Standards

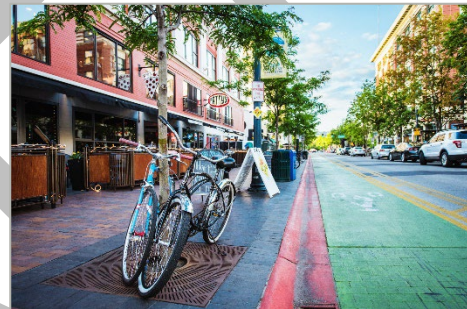
Code users advocated for new parking standards to shift away from the current auto-centric standards by reducing parking requirements and strengthening siting, access, and screening requirements. The City



currently receives many requests for waivers of minimum and maximum parking standards, which generally indicates problems with the existing standards. Integrating shared parking standards and incentives would decrease the amount of space reserved for parking in a development while remaining realistic and sensitive to the economic need to provide parking options. Like other sections of the Code, the parking standards, including the criteria for parking reductions, should be predictable and should be applied consistently.

Increase Connectivity

Along with the desire to move away from auto-oriented development, citizens emphasized the lack of walkability and access to transit throughout the city. Updated design standards for bicycle and pedestrian options are necessary to produce walkable areas and reduce vehicular traffic. This is especially important in denser environments such as downtown and activity centers, as well as within neighborhoods where amenities are available near homes. Improvements in these areas will require increased coordination with the Ada County Highway District.



Maintain Community Character

Although there was support for more compact and dense development in some parts of the City, citizens were wary that new development might be incompatible with the much-loved character of mature residential neighborhoods throughout the City. There was interest in establishing improved design standards for transition areas between established neighborhoods and nearby commercial centers. Limiting the mass and scale of buildings adjacent to residential neighborhoods and enhancing landscaping and screening requirements along those boundaries would help avoid disruption to existing residential neighborhood character. Additionally, engaging and educating residents about what zoning currently allows in their neighborhoods and how new development proposals could impact them would help facilitate informed discussions and reduce frustration when a new project is proposed.

Improve Review and Decision Procedures

During our initial visit to Boise, we heard a variety of comments about the development review procedures in the City, and many of the concerns stemmed from a perceived lack of predictability and consistency throughout the various (and sometimes overlapping) review processes. These chapters of the Code should be improved with more objective review criteria and clear descriptions of how each review procedure works – with particular focus on describing opportunities for public engagement when multiple reviews are required. Neighborhood meeting requirements were singled out as needing attention in order to reduce the current confusion experienced (and in some cases misinformation spread) by neighbors, developers, staff, and appointed officials. A more transparent, efficient, and objective review process could also help limit the number of variances and waivers requested by applicants.

Although varied in scope, each review procedure has an associated decision-making authority and there was significant interest in clarifying those roles – particularly when a project needs to complete more than one type of review or is subject to overlapping development standards. Clear expectations must be set at

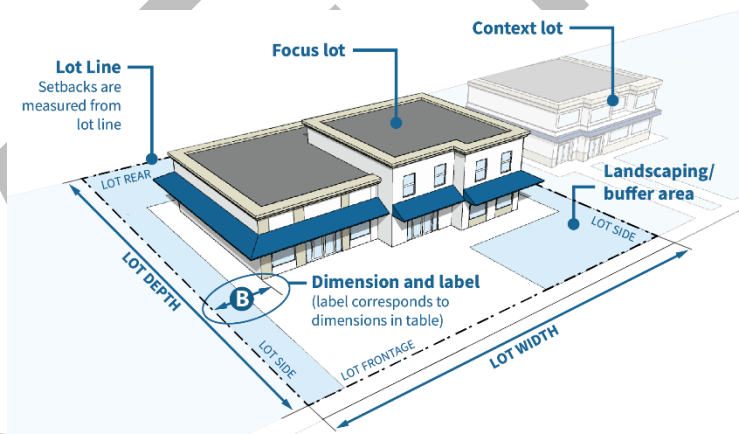
each level of the review process to avoid unpredictable outcomes, and to reduce conflict and distrust between applicants, neighbors, staff, and appointed officials. Focused public outreach and opportunities for collaboration between the decision-making bodies should also be explored.

Refine the Design Review Process

In conjunction with the City's overly detailed design standards, the Design Review process was identified as a potential area for improvement. Citizens perceive that some projects that have been through the Design Review process have not met the conditions placed on them at the time of Design Review approval. In some cases, this may be due to post-approval modifications approved by the City, but in other cases it is probably due to conflicting understandings of those conditions or incomplete inspections. To address this frustration, the Design Review process must be as user-friendly and straightforward as possible, and the review criteria should be refined to be more objective and predictable. The duties and responsibilities of the Design Review Committee should also be clarified and aligned with and understood by other decision-making bodies to avoid conflict as projects move through the larger development review process.

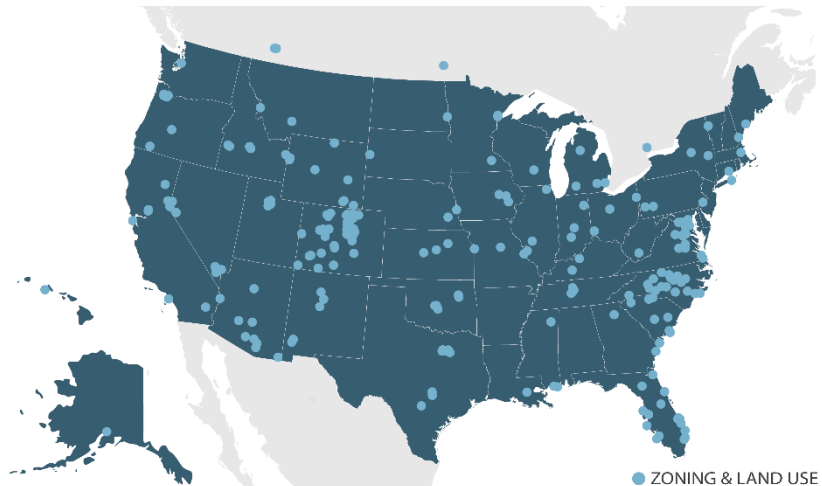
Include More Graphics and Illustrations

One common issue that emerged from our discussions with Boise citizens and code users was the lack of education and information about basic zoning concepts, tools, procedures, and sections of the Code. Illustrations, photos, and flowcharts of complex review procedures should be used more frequently throughout the Code to provide additional clarity on the development standards and to summarize detailed information. Tables and graphics are particularly helpful in communicating dimensional standards (lots, blocks, height, setbacks) for each zoning district as well as clarifying the decision-making authority associated with the different development review procedures. Flowcharts are useful within development review procedures to convey the relationship between common review procedures and specific application types.



2. What We See – Based on National Experience

In addition to listening to a first round of comments from 70 citizens and Code users, the Clarion Team reviewed the current Boise Zoning Ordinance in light of our 28 years of national experiences rewriting development regulations for over 190 communities of all sizes throughout the U.S. and Canada. More specifically, we compared the current Code against best practices in zoning ordinance organization, clarity, transparency, effectiveness,



efficiency, and user-friendliness. We use this information to supplement what we hear locally, because sometimes Code users are not aware of ways the regulations could be improved – simply because they have never experienced living or working with a different Code. The pages below outline some of the major areas in which we think the content, procedures, and structure of the Boise Code could be improved. In some cases, our review addressed the same topics raised by citizens and other Code users, but we focused our review on comparisons with best practices and how divergences from those best practices may be leading to the frustrations expressed during our first round of interviews.

Generally

Before getting to specifics, however, we need to mention a significant underlying issue that needs to be addressed in the Code rewrite – and that is distrust. One of the unusual aspects of our first visit to Boise was the high level of distrust about zoning decisions that appears to exist between citizens, developers, appointed officials, and City Council. Differing opinions about proposed developments are common in all communities, and frustrations that continue over time can erode trust anywhere, but the frequency with which distrust and conflict was mentioned in Boise was unusual. We believe some of the causes of that distrust are found in the Code itself, and the Code rewrite process can help rebuild some of that trust.

One of our key observations about the current Code is the “unevenness” of its content and the wordy complexity of many of its development standards and review criteria. Some chapters – such as Hillside and Foothills Development, the Boise River System Overlay District, Design Review, and Historic Preservation are very detailed and wordy. Other important topics – such as connectivity, walkability, and opportunities for innovative housing - are addressed simplistically if they are addressed at all. To make matters worse, the long lists of detailed development standards overlap each other. An applicant needing to obtain both Design Review and a Conditional Use approval in an overlay zone district would need to navigate his or her way through at least three (maybe more) lists of detailed standards and criteria. The problem is not just the length and complexity of that content, but the fact they will often conflict.

Perhaps because of the complexity of the lists themselves, the criteria in those lists are often worded vaguely – with words like “compatibility” and “consistency”. In spite of multiple lists of standards and criteria used by the Design Review Committee, Planning and Zoning Commission, and Historic Preservation Commission, we were left with the impression that those standards would still allow each

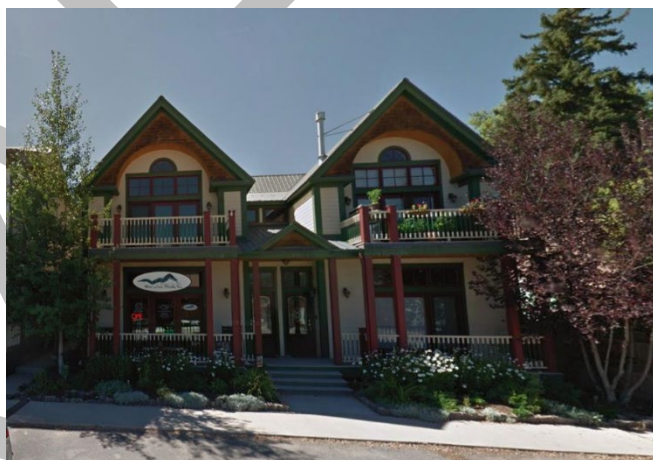
group to approve, condition, or deny almost any development application – it all depends on which of the overlapping and sometimes conflicting criteria are given more weight than others. We believe the result of all these words in zoning decisions are unpredictable to both neighborhood citizens and project applicants - and that leads to distrust in the system as a whole. In some areas, the current Code reads as if more standards, more criteria, and more steps have been added over time to try to “plug the holes” that lead to unpopular outcomes – but we suspect in many cases those added words and steps have only made decision-making more unpredictable. Simplifying, clarifying, and making standards and criteria more objective can go far towards rebuilding trust in the zoning process.

One related issue is – although recently reorganized – there are several structural changes that could make the Boise Zoning Ordinance easier for citizens to understand and use. Several chapters of the Code – such as Historic Preservation and Flood Protection - have not been well integrated with the rest of the Code structure. Review and approval procedures, opportunities for waivers and flexibility, definitions, and criteria are in many cases still embedded in individual topical chapters of the Code rather than being integrated with all other review and approval procedures in Chapters 11-01, 11-02, and 11-03.

Zone Districts

A Dated Menu of Available Districts

The current lineup of Boise zoning districts is poorly matched to the kinds of places encouraged by Blueprint Boise, for several reasons. The current breakdown of zoning districts into Residential, Office, Commercial, and Industrial ignores the strong national trends toward blending many of these uses in mixed-use development. Newer ordinances generally organize the districts into categories of Residential, Mixed-Use, and Special Purpose, in order to create more walkable, integrated areas to live and work and play. In fact, the core of most modern codes is the middle category of Mixed-Use zone districts, which can be designed to cover a wide variety of neighborhoods – in fact, all but those low density neighborhoods that want to remain purely residential and those high intensity assembly and fabrication uses that should not be mixed with residential living.



An Overly Complex Menu of Office, Commercial, and Industrial Districts

In addition, the current zoning district lineup appears overly complex – particularly the large number of overlay districts, many of which have fairly detailed development review standards and criteria. To start with, the menu of nine office and commercial districts and the list of four industrial districts (Chicago has three) could be significantly simplified. The types of parking adjustments reflected in the three parking overlay districts are usually addressed within the parking standards themselves, and not through the use of overlays. We believe that overlay districts should be used sparingly, and often the goal of an overlay district can be achieved through updated standards in the base zoning districts. In some cases it appears that overlay districts were created to address weaknesses in the Code itself, and if the rewrite addresses those issues, the overlay may no longer be needed.

Few Affordable Housing Options

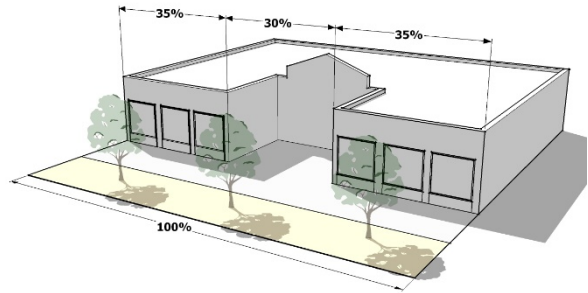
Although Blueprint Boise supports, and many citizens emphasized, the need for a wider variety of housing and more affordable housing options, the current Code includes no districts designed to allow smaller single-family homes. The smallest lot size available for single-family development is in the R-1M district - which is subject to lengthy development standards – but its 4,320 square foot minimum lot size and 36 foot lot width standards are much larger than the 2,500 square foot and 25 foot width standards in many newer Codes (often reflecting the fact that older parts of many cities were already platted and built on that small lot framework).



In addition, the dwelling unit per acre limits on multifamily development in several zone districts tends to drive up housing costs by requiring builders to build fewer, larger units within a given building size, rather than responding to market pressures by building the smaller units that buyers and renters can afford. Many newer Codes have also moved away from Floor Area Ratio (FAR) measures, especially in more urban scale districts, in favor of building envelope and lot coverage controls, because the combination of both types of controls on density tends to encourage over-consumption of land.

Few Building Form Controls

Although Blueprint Boise includes several goals related to street-oriented development, walkability, and pedestrian-friendly development, the current Code includes few tools to achieve those results. Although the PC district appears to have been created with some of these objectives in mind, it reads as a complex add-on with limited applicability. Instead of creating these complex standards, many newer development codes integrate tools to create pedestrian-friendly development – such as build-to lines/maximum setbacks, requirements for doors and windows facing the street, and parking lot location requirements – into the basic development standards for many multifamily and mixed-use zoning districts.



Dated Institutional District Controls

The current Health Services and University districts appear to include one-off combinations of select development standards designed around specific needs and concerns about those types of institutions at the time the districts were created – standards that can easily become dated as institutional needs change. Many newer Codes include more flexible development standards and incentives that allow broad flexibility for complex institutions to create the types of new facilities they need to thrive while protecting surrounding neighborhoods from adverse impacts related to the scale, height, traffic, and parking related to these valuable institutions.

Poor Communication of Intended Neighborhood Character

Finally, the descriptions of the different zoning districts do not help communicate the intended character or the key development parameters very well. A lack of drawings, photos, or illustrations makes it difficult for citizens to understand what types of development are allowed in their neighborhood or to evaluate whether a proposed new development fits in with that character. Many newer Codes use a two-page spread for each zone district to communicate graphically and visually what types of development can be

expected. An example of that approach from another community is shown below, and we recommend the Boise Code be revised to incorporate this two-page spread layout.

SAMPLE ONLY
Chapter 146-2: Zoning Districts

2.3. Mixed-Use Districts
2.3.1. Mixed Use City Center District (MU-CC)


2.3.1. MIXED USE CITY CENTER DISTRICT (MU-CC)

A. Purpose

Traditional font

The purpose of the Mixed Use City Center district is to establish an identity for the city through the establishment of a full-service central district with business, residential, employment, and government services. The district is intended to create a unique place by encouraging the use of special land planning principles and high-quality design. The City Center district is created in recognition of the economic and cultural advantages of an intensive, planned, mixed-use City Center of sufficient size to provide non-residential activities and high-density residential uses.

Purpose statement



Photograph - vision for district

B. Dimensional and Other Standards

Table 2.3.1-1: C/T District Dimensional Standards

Project Standards		Value
Lot Standards		3,000 sq ft
1. Lot depth, minimum		100 feet
2. Lot width, minimum		30 feet
Setbacks, Minimums		
Front:		
3. Adjacent to sub-arterial street		10 feet
4. Adjacent to collector street		5 feet
Side:		
5. Adjacent to commercial or industrial district		0 feet
6. Adjacent to residential district		5 feet
Rear:		
7. Adjacent to alley		0 feet
8. Adjacent to commercial or industrial district		0 feet
9. Adjacent to residential district		5 feet
Building Standards		
10. Height, principal building, maximum		36 feet
11. Height, accessory building, maximum		20 feet

Dimensional standards table - keyed to graphic on following page

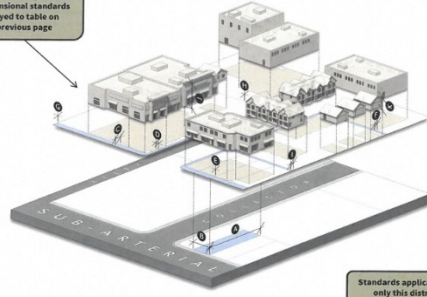
Unified Development Ordinance, Module 1
Aurora, CO

Staff Draft - March 2016
Page 5

SAMPLE ONLY
Chapter 146-2: Zoning Districts

2.3. Mixed-Use Districts
2.3.1. Mixed Use City Center District (MU-CC)

Exploded diagram for dimensional standards keyed to table on previous page



Standards applicable to only this district

A. Other Standards

Only land within the area bounded by Interstate 225, Sixth Avenue, Chambers Road and Mississippi Avenue shall be rezoned to the City Center district. All land designated with City Center district rezoning shall also be included within one of the following subareas:

1. **Core.** The core is the central area of the City Center where the greatest intensity of development shall occur. Major centers of employment and public facilities shall be functionally integrated with high density and commercial areas.
2. **Fringe.** Surrounding the core area is the fringe, containing uses in different proportions, and at a lesser density. Higher density residential uses are intended to comprise a greater proportion of the total development in the fringe than in the core, with lower densities in the fringe.
3. **Periphery.** The periphery is the outer area of the City Center surrounding the fringe and the core, and will be primarily residential. Commercial and office activity will be compatible with adjoining residential areas, and should be primarily intended to serve the surrounding residential neighborhood.

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Permitted Uses

A Thin Menu of Innovative Housing Options

In addition to not allowing or encouraging small lot single-family housing development, the list of permitted uses in the current Boise Zoning Ordinance does not address many of the innovative housing options included in many modern development regulations. The Code does not address or allow cottage developments, tiny houses, co-housing development, or live-work units. Although it mentions triplexes and fourplexes, those are treated as varieties of multifamily housing, while an increasing number of newer Codes treat them as forms of “Missing Middle” housing that should be allowed in a wider range of residential zone districts. In contrast, Flagstaff, Arizona, identifies and permits 15 different types of innovative (and generally more affordable) housing options. On the other hand, the Boise Codes contains loopholes that have allowed poorly designed narrow frontage houses and multi-bedroom duplexes to occur in some areas where they are inconsistent with surrounding character and (at least until recently) did not have the design and development standards in place to mitigate those adverse impacts.



Procedural Barriers to Multifamily Housing Development

The current Code also creates significant barriers to development of some types of multifamily development that will be needed to address current affordability challenges. The current permitted use tables categorize multifamily uses in terms of dwelling units per acre, which (as noted above) tends to drive up housing prices. More significantly, multifamily housing development standards are exceptionally lengthy and detailed, and the use itself is listed as a conditional use in almost all of the multifamily, office, and commercial districts, which adds time and uncertainty to the development approval process. In contrast, almost all newer development codes allow multifamily housing as a permitted use in many or all multifamily zone districts, subject to design and development standards. An increasing number of new Codes also allow the market to determine how many units are created within defined multifamily building envelopes and parking requirements.



Dated Social Service and Care Uses

The current list of group living uses appears dated and may not cover the expanding range of housing-and-services products being created to respond to our aging society. As an example, the current Code does not explicitly address continuum-of-care facilities or housing developments that provide a mix of independent living, assisted living, social services, and medical care. Importantly, in those cases where the current Code does define group living and care uses, they are almost never permitted in most of the residential zone districts, which reduces opportunities for Boise's citizens to "age-in-place" in the neighborhoods they love. Finally, although the current provisions for child care are exceptionally detailed, there is almost no mention of adult day care while most newer Codes provide substantial opportunities for adult day care facilities.

Overly Detailed Commercial and Industrial Use Categories

Traditionally, many zoning ordinances tried to define every use that might possibly be proposed and to develop regulations to address the potential impacts of each of them. But the market economy has shown that it can invent new uses and combinations of uses faster than the zoning codes can be updated to list or regulate them. More



importantly, advances in environmental controls mean that many uses that used to be considered "heavy" or "dirty" no longer have significant environmental or traffic impacts on their surroundings. As a result, almost all newer Codes use fewer, broader, more flexible lists of land uses that allow significant freedom for providers of goods and services to innovate and to adjust to changing market demands. In Boise, the lists of commercial and industrial uses are dated and overly detailed. Interestingly, although the current Code lists a wide range of specific industrial activities, they are almost all allowed or conditionally allowed in exactly the same zone districts. These lists should be consolidated and significantly simplified to enable Boise to better compete in the rapidly changing global economy. In addition, the broad availability of commercial uses in industrial zones should be re-evaluated in order to preserve key industrial lands for their intended purposes. While some industrially-zoned lands may be appropriate for development or

redevelopment as business parks that include a broad range of office, research, commercial, and industrial uses, other lands may be uniquely suited for and important to retain for industrial uses.

Overly Complex Accessory Use and Home Occupation Standards

In many cities, a surprisingly high volume of zoning questions, complaints, and enforcement activity concern accessory uses (including accessory dwelling units and home occupations) and accessory structures like backyard sheds, pools, patios, decks. To reduce confusion and complaints, it is important those regulations be clear, objective, and easily understood. In Boise, many of the development standards for accessory uses do not meet that test. The classification of accessory structure regulation based on the size of the structure is unusual and not intuitive to many citizens. The standards for accessory dwelling units are quite detailed and much longer than those used by many other medium-sized cities across the U.S. The same can be said for regulations related to home occupations, which could be significantly simplified without risking adverse impacts on surrounding neighborhoods.



Development and Design Standards

Parking and Loading Standards Need Refinement

While Boise's standards for both minimum and maximum parking are fairly detailed, we heard that requests for variances and adjustments to both requirements are received frequently. In some cases, the current minimum parking standards appear high (for example the 1 per 3 seat standard for eating and drinking establishments and the 1 per 750 square foot standard for industrial uses). On the other end of the spectrum, the current maximum parking limits of 150% or 175% of minimum requirements do not reflect best practices in that area. Instead of fixed percentages, most newer Codes take a more tailored approach based on the typical needs of different land uses. In addition, newer Codes often exempt smaller parcels from maximum parking limits altogether, because smaller lots offer less risk of "over-parking", because minor amounts of over-parking have few impacts on walkability and street-orientation, and because enforcement of maximum parking limits on smaller facilities often absorbs a disproportionate amount of zoning enforcement time and effort. Both Salt Lake City, Utah, and Bloomington, Indiana, are currently revising their ordinances to make this change. In addition, the current Boise parking standards do not provide automatic reductions in minimum required parking for mixed-use development and shared parking facilities, changes that would both encourage infill development and simplify parking administration.



Lengthy, Detailed, and Wordy Standards

As mentioned in the introduction of this Part 2, many of the development standards in the Boise Code are longer and more detailed, while using vaguer and more subjective terminology, than is often found in newer Codes. That is especially true in Chapter 11-07 (Development and Design Standards). The Hillside and Foothills Development Standards, Design Review, and PC District Standards, in particular, should be reviewed and updated for clarity, objectivity, and brevity. More words covering more topics does not make for better decisions; Fewer, clearer standards using objective terms and measures that do not

overlap other standards and criteria make for better and more predictable decisions that build trust in the integrity of the zoning process.

An Unpredictable Mix of Standards, Criteria, and Waivers

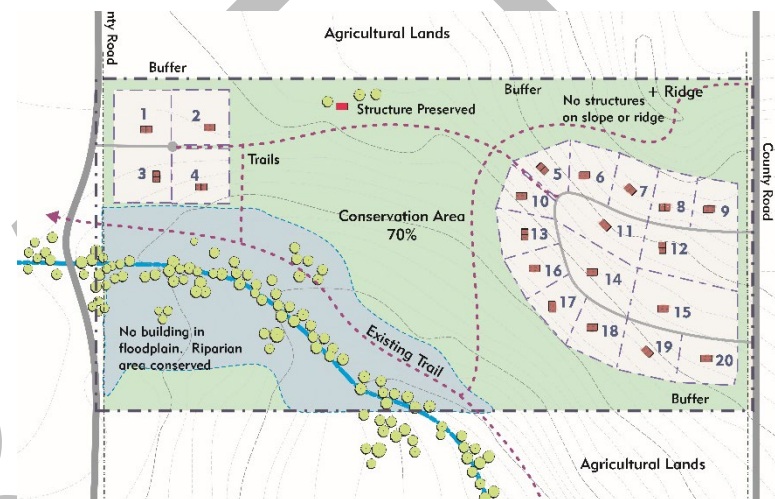
Despite the reorganization of the Boise Zoning Ordinance a few years ago, Chapter 11-07 (Development and Design Standards) contains a confusing blend of general development standards, criteria to guide different types of decision-making, and procedures to waive specific types of parking, landscaping, and other standards. The user-friendliness of the Code could be significantly improved if all decision-making criteria and all procedures for waivers and adjustments appeared in Chapter 11-03 (Review and Decision Procedures). In addition, it would be helpful if the district-specific development standards appeared in the two-page spread in subsection of Chapter 11-04 (Zoning Districts) describing that district. If possible, it would also be helpful if procedures and waivers related to Flood Hazards in Chapter 11-08 were instead grouped with other flexibility and relief provisions in Chapter 11-03.

Subdivision Standards

Although often overshadowed by zoning regulations, subdivision standards are extremely important, because they establish the framework within which Boise will grow, both externally and through infill development. They establish the network of streets, trails, walkways, open spaces, and drainageways, which will in turn determine whether the Blueprint Boise goals for walkability, connectivity, and community health will be implemented in these areas.

Unfortunately, this chapter of the current Code appears to have been mostly added onto, rather than integrated into, the City's development regulations. Like many older subdivision regulations, the standards in this chapter appear to take a mechanical view, rather than an urban design view, of how subdivisions are created. They appear to focus more on technical compliance with platting requirements, traffic safety, required land dedications, and required improvements than on connectivity, variety of development, and public health issues emphasized in Blueprint Boise. There are few if any connections to the connectivity standards in earlier chapters, and the subdivision buffering standards appear to overlap the landscaping standards. In addition, there are few clear links to other portions of the Code addressing the avoidance of sensitive lands or protection of unique or interesting site features.

Most newer Codes consider subdivisions to be an integral part of the land development process and integrate subdivision standards with zoning standards on similar topics. In addition, most newer Codes have a table indicating the stage at which each development standard will be considered – e.g. at subdivision platting, during a master planning process, or at the time of site design – in order to reduce confusion and ensure that each topic is addressed when the information to make good decisions on that topic is available.



Procedures and Administration

Well Organized and Illustrated

Chapters 11-02 (Review and Decision Bodies) and 11-03 (Review and Decision Procedures) are organized to match best practices used in many newer Codes. The organization of “Procedures” in Chapter 11-03-02 into 10 standard steps in the review and decision process, and the inclusion of a flowchart for each of the Specific Procedures in Chapter 11-03-03 helps Boise citizens understand how each review will proceed.

Incomplete Procedural Content

However, Chapters 11-02 and 11-03 are incomplete, because several procedures that can influence the outcome of development applications are not included. The description of the functions and powers of the Historic Preservation Commission and the procedures for historic designation and the approval of certificates of appropriateness appear in the Historic Preservation Districts. Most of the substantive requirements for approval of a Hillside and Foothills Development permit appear in Chapter 11-07-08, and most of the criteria for approval of development in floodplains is found in Chapter 11-08.

Scattered and Unclear Waiver Provisions

It is clear the City has an abnormally high number of variances and waivers that are approved each year. Additionally, many opportunities for waiver or adjustments of development standards are missing from this chapter. Procedures and criteria for waivers of Boise River System standards are found in Chapter 11-05-06, those for adjustments of residential parking and sidewalk standards are found in 11-06-03, waivers of other minimum and maximum parking standards are in 11-07-03, waiver of landscaping requirements are in 11-07-05, waivers of hillside and foothills development standards are found in 11-07-08, and adjustments to subdivision regulations are found in Chapter 11-05-09. In addition, Chapter 11-03-04-13 provides an additional Exception process and the Planned Unit Development process provides additional ways to package several adjustments and further diverge from the use, development, and design standards that would otherwise apply to a project site.

This scattering of waiver and adjustment provisions is important to examine for two reasons: First, because they increase the likelihood that development approvals will seem unpredictable to Boise’s citizens and to neighbors of the proposed development – and unpredictable outcomes is one of their chief complaints. Second, these waiver opportunities can overlap with each other; a given application may request multiple waivers, and it can become difficult for staff and applicants, as well as citizens, to determine which waiver criteria will apply or which standard is more important, how they relate to each other, and when and where to appear to support or object to those requests for waivers.

Incomplete and Overlapping Decision Criteria

As noted in the introduction to Part 2 of this document, the weaknesses listed above are compounded by the fact that many decision criteria for different types of applications are very wordy and detailed, but use vague terminology that makes it difficult for citizens to tell what will and will not be approved. That unpredictability is enhanced because the general decision criteria in Step 7 of Chapter 11-03-03-6 (which apply when the Code does not list more specific criteria) are themselves fairly general and vague.

**Figure 11-03.3
Rezoning Procedure**



Stronger general decision-making criteria would enable the application-specific criteria to be simplified and improve citizen's ability to predict what is and is not consistent with the Code. While each list of decision criteria in the Code may have been created with good intentions – and may in fact address most of the concerns that arise in that type of development application – when applied in combination they create a decision-making system that is not clear or transparent, and the resulting unpredictability has created an atmosphere of distrust and frustration among citizens, applicants, staff, appointed boards, and City Council.

Definitions

While often an afterthought, a good definitions chapter is key to the transparency, efficiency, and predictability of any development code. After the current dated lists of permitted and conditional uses is simplified, each of those uses should be defined clearly. Regulatory text should be taken out of the use definitions and instead listed in zone district, development, or design standards. In addition, all definitions in the Code should appear in Chapter 11-02. While it is natural for specialized review bodies such as floodplain regulators, historic preservation review bodies, design review bodies, wireless communication staff, and airport authorities to want all of the definitions they work with to appear next to their specific development standards and procedures, this is a disservice to citizens and other Code users. Instead of appearing in scattered locations, topic specific definitions -- like those related to floodplains -- can appear in a discrete section of Chapter 11-02 under the letter F titled "Floodplain-related Definitions," where they can be easily located by citizens, applicants, and staff. Doing so significantly reduces the chances that a citizen or neighbor will review the definitions chapter, not find a definition, and invest time and energy trying to engage in a development review process without knowing the term is in fact defined somewhere else in the Code. Finally, many definitions would benefit from illustrative graphics, and those should be added during the Zoning rewrite process.

Appendix A: Detailed Recommendations for Specific Changes

Supplementary to the summarized feedback described in the Diagnostic and Solutions Report, we received a variety of detailed recommendations or comments related to specific sections of the code to consider as the Code is rewritten. The following input is organized by its relevance to the existing sections of the Boise Development Code.

Chapter 11-01: General Provisions

- There are issues with annexing properties and assigning a holding zone – zone it immediately to what the comprehensive plan advises.
- Review areas of change and stability in Blueprint Boise for how that might inform processes.
- Clarify the references to plans and other policies outside the code – are they regulatory or advisory?
- Push the provisions of the Transportation Action Plan as much as possible.

Chapter 11-02: Review and Decision Bodies

[No specific recommendations]

Chapter 11-03: Review and Decision Procedures

- Require staff to attend neighborhood meetings.
- Require Design Review for:
 - Office/commercial uses larger than 5,000 square feet.
 - Industrial uses larger than 10,000 square feet.
 - Any development adjacent to residential.
- The degree to which additions and modifications can modify initial Design Review approvals should be clarified.
- Draft specific criteria for small projects required to go through Design Review.
- Require a thorough in-process and project completion inspection for projects that are approved through Design Review.
- Add a demolition review process.

Chapter 11-04: Zoning Districts

- Rezone the tank farm.
- Specific Districts:
 - R1M allows smaller lots, but a disincentive for developing in that zone is the requirement for alleys.
 - Review apartments in L-O District.
 - Evaluate the allowance of residential in L-O district through CU. It is often utilized to achieve density and is located in areas where residential may not be appropriate.
 - T-1 district is candidate for elimination (one area district).
 - M-1, M-2, M-3, M-4 could be collapsed into fewer districts (e.g., light industrial and more intense industrial). Potentially reduce from 4 to 2.
 - PC zoning downtown may be applicable along certain roadways that may include but are not limited to Broadway Avenue.
 - Support for PC zone recently enacted along State Street. Need more areas so designated.
 - R-O need better standards for active use on ground floor.
 - Evaluate C-1 and C-2D zones south of university.
- Allow smaller lot sizes in residential areas so that zoning tools respond to market.
- Need standards that reflect tiny houses as accessory, temporary and primary residences.
- Integrate form base zoning in suburban locations: require orientation of the door to the street.
- Planned Unit Developments:
 - It is extremely difficult to do PUD with single-family development because base zoning doesn't allow desired lot sizes (3,200 sq. ft. to 4,000 sq. ft.).
 - The degree to which PUDs may exceed the density of underlying zoning (particularly for duplexes and substandard lots should be clarified.
- Overlay process has begun from BSU, but elements of that could be adopted as part of this project.
- Zone for anticipated growth of University.

Chapter 11-05: Overlay and Specific Plan Districts

- Airport overlay standards need to be incorporated in zoning.
- Need new corridor zoning or overlay for certain roadways that include but are not limited to State Street.

Chapter 11-06: Use Regulations

- Need new standards or classification for individually leased rooms in duplexes with one kitchen.
- Evaluate the range of uses for industrial zones.
- Look at setback and parking restrictions for ADUs.
- Ensure height and square footage definitions are consistent across departments (e.g. planning, building and fire).
- Evaluate the landscaping, setbacks and site coverage requirements for fourplexes.
- Need better multifamily design and development standards.
- Look at the design of storage units to improve aesthetic impact.
- The degree to which commercial uses can exist on outdoor rights-of-way, and the degree to which clear passages for pedestrian access must be preserved around those commercial uses, should be clarified.
- Develop identified roadways that include but are not limited to Broadway Avenue with mixed-use with residential above.
- Car oriented uses (service stations, drive throughs, auto-sales) need to be eliminated from PC and C-1 or neighborhood Commercial zones as well as other key pedestrian-oriented roadways.

Chapter 11-07: Development and Design Standards

- Parking structures should not be located on corners.
- Design against dead zones.
- Planters installed blocking door swing areas for ADA parking stalls.
- Evaluate sidewalk design and improve code enforcement within the public right-of-way downtown to ensure compliance with ADA standards and promote walkability.
- Add transit level of service in requirements in code.
- Need more code enforcement officers to ensure that approved buffer and screening measures are maintained.
- Make it easy to replicate the North End neighborhood development of mixed-use and housing.
- Foothills development:
 - Height: evaluate transition standards and waiver requirements. Impose minimums in certain areas.
 - Implement Blueprint Boise's aspirations for hillside and foothills development standards.
- Evaluate the FAR requirements downtown – it is a barrier to development.

Chapter 11-08: Flood Hazard Regulations

- Add wildfire mitigation regulations. Wildland Urban Interface Guidelines should be clearly communicated early and often.

Chapter 11-09: Subdivision Standards

[No specific recommendations]

Chapter 11-010: Sign Standards

[No specific recommendations]

Chapter 11-011: Nonconformance

- Allow for “good” nonconformities.

Chapter 11-012: Definitions

[No specific recommendations]

Chapter 11-013: Adopted Specific Plans

[No specific recommendations]