

# BOISE IDAHO



## Zoning Code Rewrite Module 1: Zoning Districts & Allowed Uses Public Draft

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**CLARION**

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# Chapter 11-01 General Provisions

[To be drafted in Module 3, Administration and Procedures]

## Commentary:

This Chapter will include a cross reference to either the City's website or an Administrative Manual where all existing application submittal requirements will be relocated. This will make it easier for the City to revise submittal requirements in the future as technology changes without amending the Code amendment, and will make the Code shorter and easier for citizens to read and understand.

11-01-01. Title and Authority<sup>1</sup>

11-01-02. Effective Date

11-01-03. Purpose<sup>2</sup>

11-01-04. Applicability<sup>3</sup>

11-01-05. Area of City Impact<sup>4</sup>

11-01-06. Relationship to Other Laws<sup>5</sup>

11-01-07. Relationship to Private Covenants<sup>6</sup>

11-01-08. Transition from Prior Development Code<sup>7</sup>

11-01-09. Severability<sup>8</sup>

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<sup>1</sup> Current 11-01-01.

<sup>2</sup> Current 11-01-03.

<sup>3</sup> Current 11-01-04.

<sup>4</sup> Current 11-01-07.

<sup>5</sup> Current 11-01-05.

<sup>6</sup> New.

<sup>7</sup> Current 11-01-02 Prior Rights and Permits.

<sup>8</sup> Current 11-01-06.

# Chapter 11-02 Zoning Districts

## Commentary:

General comments applicable to this Module 1 draft Code:

- Throughout the draft there are footnotes that identify any changes from the current Zoning Code, or further commentary related to that particular provision.
- We generally use the term “Code” in place of “Title” or “Ordinance.”
- A reference to a Section or other provision that is followed with “<>” means that the cross-reference to that specific Section or provision will be inserted once that part of the Code has been drafted. For example, a reference in this Module to the Conditional Use procedures will be provided in the consolidated draft once the procedures have been drafted in the third Module.
- Where proposed zoning districts reflect the elimination of an existing district, the lands currently located in that district will be redesignated into the new zoning district most similar in character, use, and scale to the existing district.
- Throughout the Code, we spell out numbers one through nine and use numerals for numbers 10 and larger.
- Many of the existing regulations that are carried forward relatively intact, were still revised for clarity and to improve user-friendliness, often without footnote.
- This document contains numerous references to Module 2 and Module 3; Module 2 will cover Development and Design Standards and Module 3 will cover Administration and Procedures.

## 11-02-01. Zoning Districts Established

### Commentary:

**Generally.** This Chapter includes the basic standards describing the new lineup of zoning districts in Boise. As recommended in the Final Diagnostic and Solutions Report, the list of zoning districts was revised to rename some districts, consolidate other districts, and add some new districts to better support the kinds of places encouraged by Blueprint Boise.

**District organization.** Each zoning district includes a purpose statement, a table indicating what minimum and maximum dimensional standards apply to lots and buildings within that district, and an illustration of how those dimensional standards are applied to buildings and lots, and demonstrating the general character and context of that district in terms of bulk and layout.

**Graphics.** Each zoning district includes a placeholder directly following the Purpose statement for a graphic that is intended to depict the general character of the zoning district. This graphic will either be a 3D graphic rendering or photos of real development in Boise. Each zoning district also includes an axonometric drawing and the labels on this drawing align with the lot and building standards tables described below.

**Lot and building standards.** Based on the consolidation of districts, we will be adjusting many of the existing lot and building dimensional requirements. For now, the values in each table are left blank. The lot and building standard adjustments will be made during the drafting of Module 2, and once completed, those lot and building standards will be repeated in the smaller summary tables in this Chapter.

## 1. Summary Table of Zoning Districts<sup>9</sup>

The incorporated area of Boise City is divided into the zoning districts show in Table 11-02.1, below.

TABLE 11-02.1: BOISE ZONING DISTRICTS	
CURRENT DISTRICTS	PROPOSED DISTRICTS
	<b>Residential Districts</b>
A-1 (on hillsides)	<b>R-1L</b> Large-Lot Residential
R-1A R-1B	<b>R-1B</b> Suburban Residential
R-1C	<b>R-1C</b> Urban Residential
R-1M R-2	<b>R-2</b> Medium Density Residential
R-3	<b>R-3</b> High Density Residential
	<b>Mixed-Use Districts</b>
N-O C-1 L-O PC	<b>MX-N</b> Mixed-Use – Neighborhood Scale
R-O C-2 C-3 C-4 HS T-1	<b>MX-A</b> Mixed-Use Activity Center If located near Blueprint Boise's mapped activity centers OR <b>MX-S</b> Mixed-Use Street-Oriented If located outside of those activity centers
U	<b>MX-U</b> Mixed-Use University
C-5	<b>MX-D</b> Mixed-Use Downtown
	<b>Special Purpose Districts</b>
T-2 M-1	<b>I-1</b> Light Industrial District
M-2	<b>I-2</b> Heavy Industrial District
A-2	<b>O-P</b> Open Land, Park
[currently processed as Conditional Uses]	<b>PUD</b> Planned Unit Development District
	<b>Overlay Districts</b>
<b>Conservation Overlay Districts</b>	<b>Character Protection Overlay Districts</b>
HP	<b>HC-O</b> Hyde Park Character Overlay
NNE	<b>NC-O</b> Near N. End Character Overlay
<b>Neighborhood Overlay Districts</b>	
BSN	<b>BC-O</b> Big Sky Overlay

<sup>9</sup> New.

TABLE 11-02.1: BOISE ZONING DISTRICTS	
CURRENT DISTRICTS	PROPOSED DISTRICTS
S	<b>SC-O</b> Sycamore
Design Overlay Districts	Design Review Overlay Districts
D	Convert to building design standards applicable to the same use and update Design Review process
DD	
C	<b>CD-O</b> Capitol Blvd. Design Overlay
HD	<b>HD-O</b> Historic Design Overlay
Waterways Overlay Districts	Sensitive Lands Overlay Districts
Airport Influence Areas (from Blueprint Boise)	<b>AI-O</b> Airport Influence Area Overlay
Boise River System Overlay District	<b>BR-O</b> Boise River System Overlay
Flood Protection Overlay Districts	<b>FP-O</b> Flood Protection Overlay
Hillside and Foothills Development Regulations	<b>HS-O</b> Hillside Development Overlay
<b>Specific Plan Districts</b>	
SP-1	<b>SP-1</b> Harris Ranch Specific Plan District
SP-2	<b>SP-2</b> Barber Valley Specific Plan District
SP-3	<b>SP-3</b> Syringa Valley Specific Plan District

## 2. Official Zoning Map

### A. Incorporation of Map<sup>10</sup>

- (1) The location and boundaries of zoning districts are shown upon the Official Zoning Map for the City of Boise.
- (2) The Official Zoning Map shall be maintained by and copies will be obtained through the Planning and Development Services Department and shall be made available for review and inspection.

### B. Rules for Interpretation of Boundaries<sup>11</sup>

Wherever any uncertainty exists as to the boundary of a district, the following rules shall apply:

- (1) Where any boundary line is indicated as following a street, alley, waterway, railroad right-of-way or public way, it shall be construed as following the center line thereof.
- (2) Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be the boundary line.

### C. Amendments to the Official Zoning Map

Changes to the boundaries of any zoning district require an amendment to the Official Zoning Map per Section 11-05-05.15, *Zoning Map Amendment*.

<sup>10</sup> Carried forward current Section 11-04-01.2.A. and C.

<sup>11</sup> Carried forward current Section 11-04-01.2.B.

### 3. Organization of this Chapter<sup>12</sup>

#### A. Base Zoning Districts

##### (1) Content

Sections 11-02-02 through 11-02-04 follow a common structure for each base zoning district in Boise. Each district begins with a purpose statement describing the intended character of the district, followed by the basic lot and building standards that apply to development within that district such as lot size, setbacks, building height, and building form. Other commonly referenced standards that apply to that district (as opposed to a specific use or type of development) are also noted. Chapters and Sections of the Code that contain additional requirements for development in the districts are cross-referenced.

##### (2) Graphics

Each base zoning district is accompanied by at least one graphic depicting how the lot and building standards apply to lots and building forms within the respective district. Such graphics and illustrations are intended to represent the general character of development within the district but are not intended to identify specific projects or locations within that district. The graphics and illustrations are not regulatory and not to be compared to the visual look of a proposed development. They do not reflect all standards from the Code that may apply to a project and are intentionally diagrammatic versus detailed. Where an illustration is inconsistent with the respective table of lot and building standards or other text within this Code, the standards in the table and text shall govern.

#### B. Overlay Districts

- (1) In addition to the underlying base zoning district, some lands may be designated in one or more overlay districts. Where a property is assigned an overlay district, both sets of regulations apply, with those of the overlay controlling in case of conflict. An overlay district may apply additional requirements or allow exceptions to the standard regulations of the base zoning district.<sup>13</sup> Each overlay district title ends with "-O" (for overlay).
- (2) Section 11-02-05 identifies the overlay districts and establishes the purpose and applicable standards that modify the requirements of the underlying base zoning district.

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<sup>12</sup> New Section providing general guidance on the contents of this Chapter.

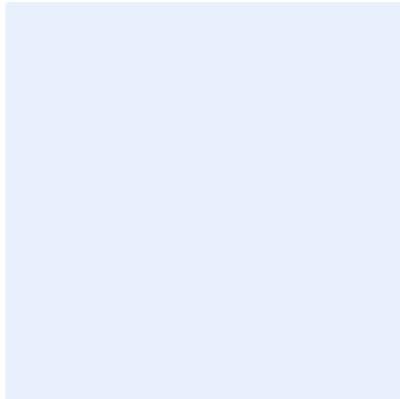
<sup>13</sup> Replaces current Section 11-05-01.1.

**11-02-02. Residential Zoning Districts**

**1. R-1L: Large Lot Residential<sup>14</sup>**

**A. Purpose<sup>15</sup>**

The R-1L district is intended to allow limited residential development on very large lots, each generally containing 40 acres or more, as well as limited agricultural and civic uses, under conditions designed to protect sensitive environmental resources, and with maximum building heights of 35 feet. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



**B. Cross-References to Other Applicable Code Sections**

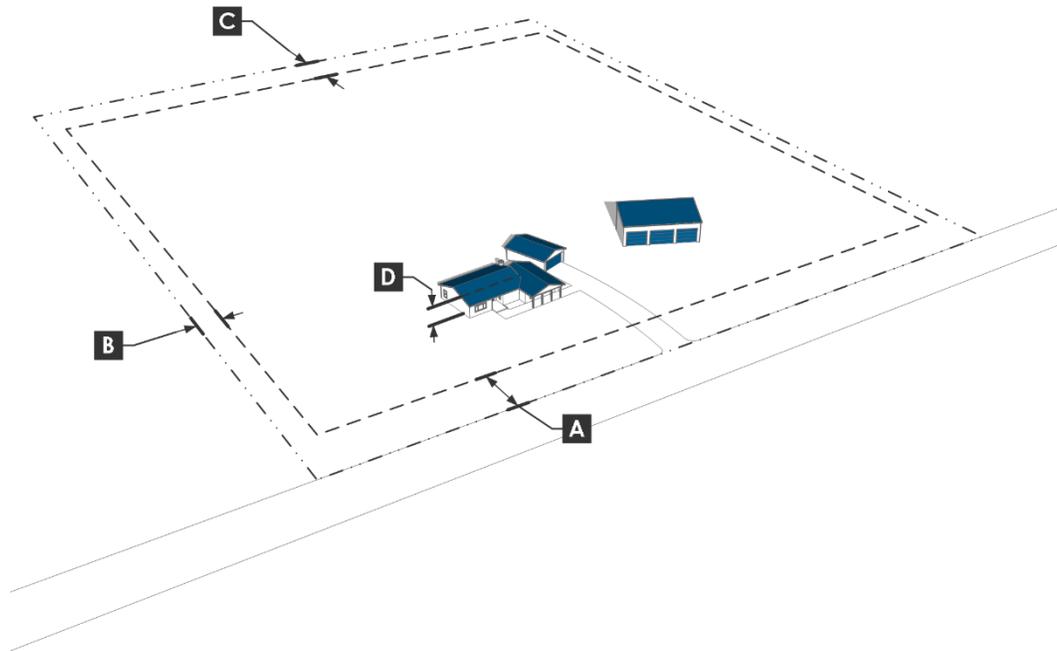
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.2: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>14</sup> Based on current A-1 district, 11-04-02.2, as applied to hillside and other sensitive lands. Although currently labeled as an Agricultural district, this district allows low density single-family residential development not related to agricultural uses, so is more accurately titled as a residential district. Although allowing a minimum lot size of 1 acre when used for some purposes, this base district is most often used in connection with sensitive lands overlays that effectively limit residential development to 1 unit per 40 acres. Although used potentially used to zoning district parks and open spaces, the current A-2 district (proposed to be renamed O-P), is a better land preservation district to use for that purpose.

<sup>15</sup> New.

**C. Dimensional Standards**



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

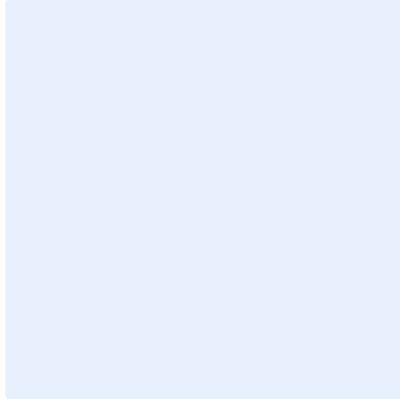
<b>TABLE 11-02.3: R-1L LOT AND BUILDING STANDARDS<sup>16</sup></b>	
<b>DENSITY</b>	
	Density (maximum units/acre)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>16</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

## 2. R-1B: Suburban Residential<sup>17</sup>

### A. Purpose<sup>18</sup>

The R-1B district is intended to accommodate predominantly low-density, single-family residential uses on medium and large-sized lots, generally 9,000 square feet or larger, with maximum building heights of 35 feet, as well as supportive civic and community uses. Allowed uses are described in Chapter 11-03, *Use Regulations*.



### B. Cross-References to Other Applicable Code Sections

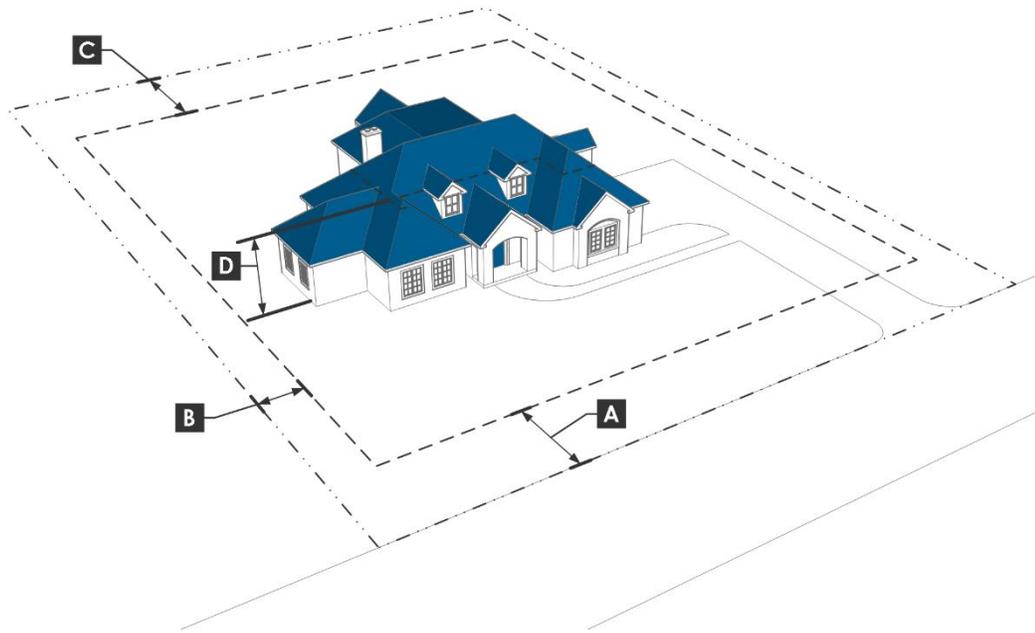
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.4: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>17</sup> Consolidated current R-1A and R-1B districts from current 11-04-03., using the dimensional standards currently applicable to the R-1B district.

<sup>18</sup> New.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

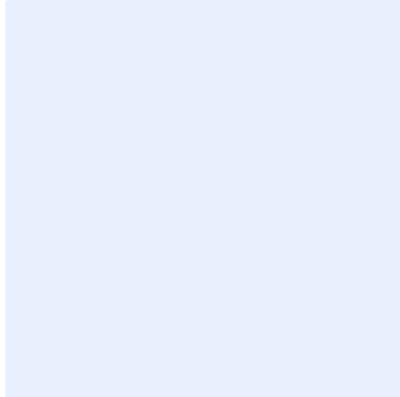
<b>TABLE 11-02.5: R-1B LOT AND BUILDING STANDARDS<sup>19</sup></b>	
<b>DENSITY</b>	
	Density (maximum units/acre)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>19</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**3. R-1C: Urban Residential<sup>20</sup>**

**A. Purpose<sup>21</sup>**

The R-1C district is intended to provide predominantly low-density, single-family residential uses on smaller-sized lots, generally 4,000 square feet or larger, with maximum building heights of 35 feet, as well as supportive civic and community uses. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



**B. Cross-References to Other Applicable Code Sections**

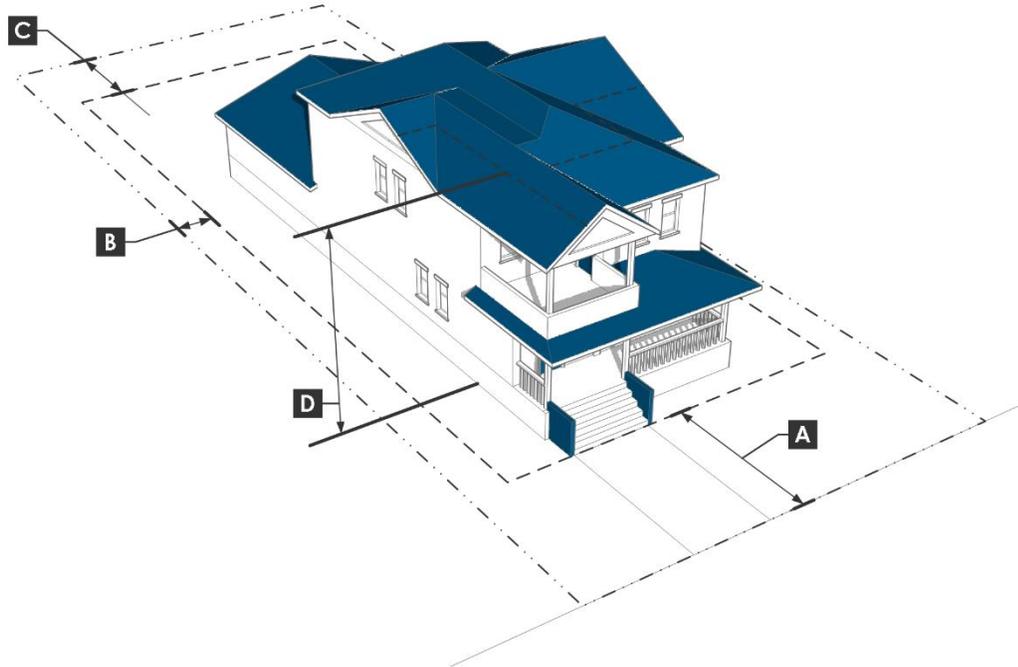
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.6: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>20</sup> Current R-1C district from current 11-14-03.

<sup>21</sup> New. Although dimensional standards for new lots in this zoning districts will be drafted in Module 2, the general minimum lot size is proposed to be reduced from 5,000 to 4,000 sq. ft. to promote housing affordability while remaining generally consistent with the intended character of these areas.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

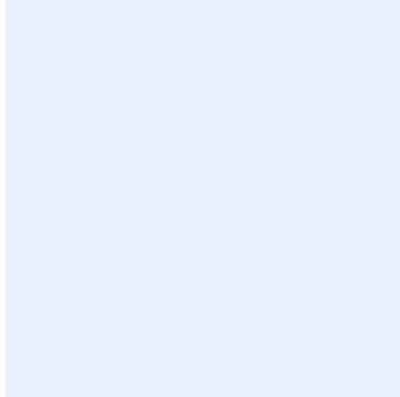
<b>TABLE 11-02.7: R-1C LOT AND BUILDING STANDARDS<sup>22</sup></b>	
<b>DENSITY</b>	
	Density (maximum units/acre)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>22</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**4. R-2: Medium Density Residential<sup>23</sup>**

**A. Purpose<sup>24</sup>**

The R-2 district is intended to allow a flexible mix of low- density detached and attached housing, with maximum building heights of 35 feet, as well as civic and community uses, while ensuring compatibility with surrounding development. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



**B. Cross-References to Other Applicable Code Sections**

All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.8: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>23</sup> Consolidated current R-2 and R-1M districts in Section 11-04-03, with revisions to allow a wider variety of small lot and innovative housing products to promote housing affordability.

<sup>24</sup> Revised and expanded.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

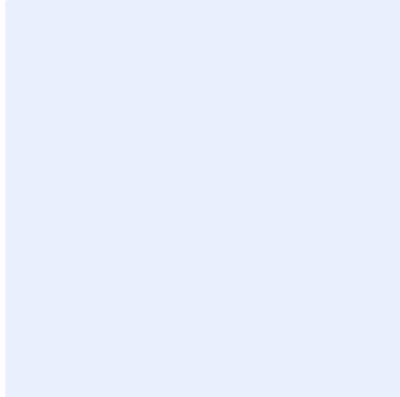
<b>TABLE 11-02.9: R-2 LOT AND BUILDING STANDARDS<sup>25</sup></b>	
<b>DENSITY</b>	
	Density (maximum units/acre)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>25</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**5. R-3 High Density Residential<sup>26</sup>**

**A. Purpose**

The R-3 district is intended to provide higher density residential development in close proximity to retail, employment, transit, and other concentrated uses, with maximum building heights of 45 feet, as well as supportive civic, public, and institutional uses. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



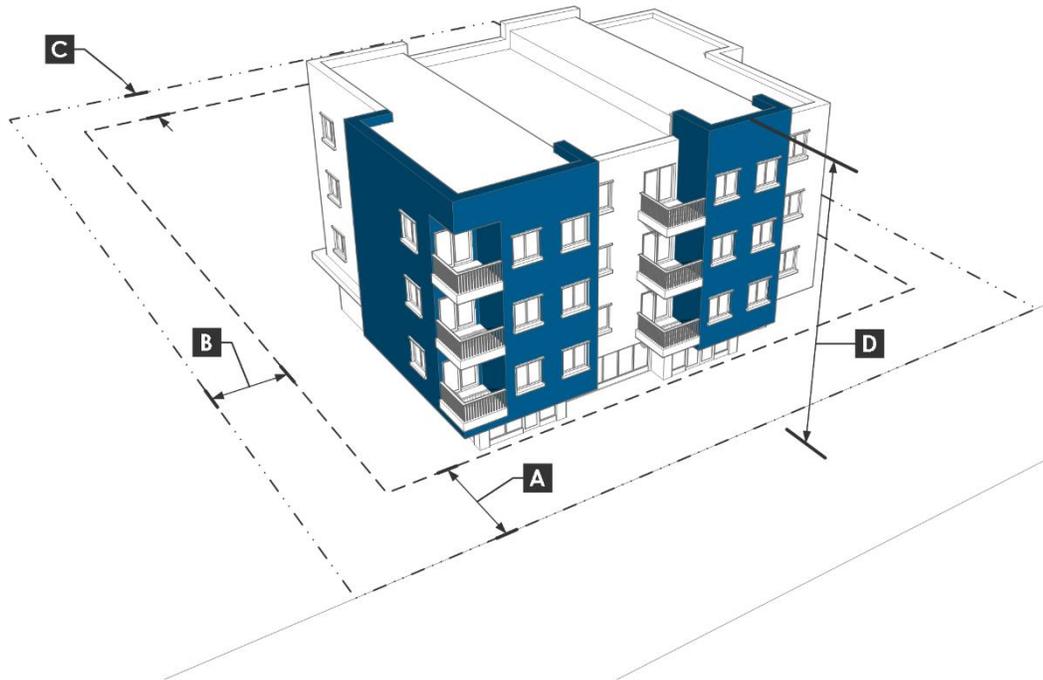
**B. Cross-References to Other Applicable Code Sections**

All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.10: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>26</sup> Based on current R-3 district, Section 11-04-03.1.D.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.11: R-3 LOT AND BUILDING STANDARDS<sup>27</sup></b>	
<b>DENSITY</b>	
	Density (maximum units/acre)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>27</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

## 11-02-03. Mixed-Use Zoning Districts

### Commentary:

Blueprint Boise places significant emphasis on the creation of walkable, mixed use centers that can serve as gathering spaces and focal points to provide needed services and retail at key locations near residential neighborhoods. The plan calls for activity centers of different scales, with larger ones located and allowing development at densities that can support transit ridership. This Chapter recommends the creation of one small-scale activity center zone, two general purpose mixed-use zoning districts (one for centers located at key intersections, and the second to apply along street frontages between those nodes), and one large-scale mixed-use district for the downtown area. The current U (University) district is carried forward and relabeled as a mixed-use district because it is proposed to allow residential uses related to the university.

**MX-N:** The new Mixed-Use Neighborhood Scale district consolidates four existing districts: N-O, C-1, L-O, and PC – all of which are designed to accommodate low-density mixes of residential, office, and neighborhood-friendly retail (non-destination) uses with residential-scale building heights (usually 35 feet or less).

**MX-A:** The new Mixed-Use Activity Center district consolidates six existing districts: R-O, C-2, C-3, C-4, HS, and T-1, and is intended to be used in locations identified as activity centers in Blueprint Boise. This district will allow commercial and/or mixed-use use development to occur, at intensities designed to support transit use. Maximum building heights will be determined in Module 2, and will include provisions requiring that building heights taper down near residential zoning districts. Form standards will require new development to create the types of walkable, mixed-use gathering places called for in Blueprint Boise while “grandfathering” existing development in each of the zoning districts.

**MX-S:** The new Mixed-Use Street-Oriented district consolidates six existing districts: R-O, C-2, C-3, C-4, HS, and T-1 and is designed for properties that are not located in an activity center identified in Blueprint Boise, to accommodate future mixed-use development not located in those centers. Allowed uses are the same as those in the MX-A district. Dimensional standards will be drafted in Module 2, but are intended to be lower than those allowed in MX-A in order to guide future more intense development to defined activity centers in the MX-A district.

**MX-U:** This is a conversion of the current U (University) district more accurately labeled as a mixed-use district.

**MX-D:** This is a conversion of the current C-5 (Downtown) district, also now labeled as a mixed-use district.

## 1. MX-N: Mixed-Use Neighborhood Scale<sup>28</sup>

### A. Purpose<sup>29</sup>

The MX-N district is intended to provide opportunities for a mix of low-intensity, neighborhood-serving office, small scale commercial, institutional, and residential uses that are compatible with and have relatively little impact on nearby residential areas. It is intended to facilitate convenient walkable access, minimize traffic congestion, and reduce visual clutter along arterials and collectors, while fostering pedestrian-oriented design. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



### B. Cross-References to Other Applicable Code Sections

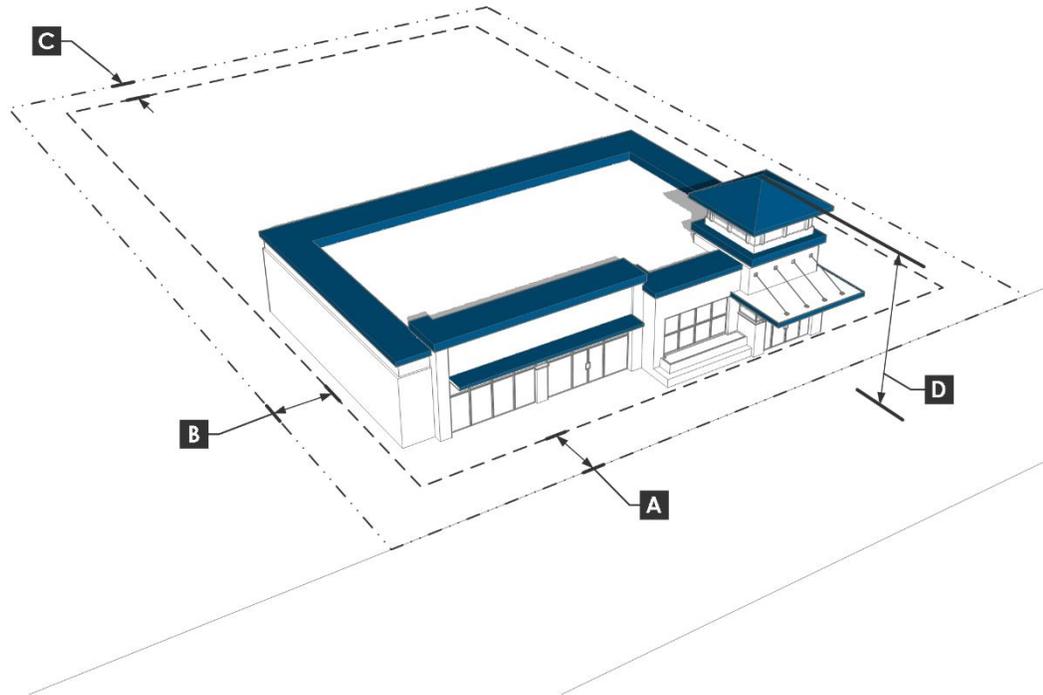
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.12: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>28</sup> Consolidated current N-O, L-O, C-1, and PC districts.

<sup>29</sup> New. Carried forward some content from C-1 and PC purpose statements (11-04-05.1.A. and 11-04-07.2.A.).

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.13: MX-N LOT AND BUILDING STANDARDS<sup>30</sup></b>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>30</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**D. Form and Layout Standards<sup>31</sup>**

Each MX-N district mapped after the Effective Date that was not zoned as an N-O, L-O, C-1, or PC district prior to the Effective Date shall comply with the following standards:

- (1) Each zoning district containing more than 10,000 square feet of contiguous land area under common control or ownership shall contain the following elements as shown in a \_\_\_\_\_ plan approved pursuant to Section <>.<sup>32</sup>
  - (a) An outdoor gathering area containing at least 400 square feet of area, that is clearly visible from an adjacent street, with seating for patrons;
  - (b) At least one pedestrian and one auto connection to the local street system in the adjacent neighborhood(s), which shall permit residents of such neighborhood(s) to enter the district without using a collector or an arterial street.
- (2) No surface parking spaces may be located between the front façade of the building and any street adjacent to the property.<sup>33</sup>
- (3) Each building façade facing a public or private street that contains ground floor non-residential uses shall be constructed within 5 feet of each street-facing lot line and occupies at least 50 percent of width of the primary street frontage.
- (4) Each building façade facing a public or private street that contains ground floor residential uses shall be constructed within 15 feet of each street-facing lot line and occupies at least 50 percent of the width of the primary street frontage.
- (5) Each building façade facing a public or private street with ground-floor non-residential uses shall:
  - (a) Have at least 50 percent of the area between three and eight feet above the ground floor shall be occupied by windows or other transparent building features through which activity inside the building may be viewed.
  - (b) Have at least one door leading directly from building interiors onto the street (without an intervening shared lobby or entrances shared by multiple tenants or uses) for each 100 feet of horizontal façade length.

**E. Additional Standards<sup>34</sup>**

Each MX-N district mapped after the Effective Date shall comply with the following standards:

- (1) Within each contiguous area of land zoned MX-N that is under common control or ownership, at least 30 percent of the approved gross floor area shall be constructed for or designated for non-residential uses.

<sup>31</sup> New, but replacing the very detailed street orientation standards in the current (little used) PC district with simpler standards to require pedestrian friendly design while allowing significant flexibility for architects and site designers. These standards apply prospectively, because lands currently in the N-O, L-O, C-1, and PC districts may not be able to comply with these standards. Some of these standards may be shifted to the development and design standards in Module 2. Module 3 will provide a process for minor administrative variations from these standards where lot or site constraints make compliance difficult.

<sup>32</sup> Form of plan and approval require to be drafted in Module 3.

<sup>33</sup> Subsections 2 through 5 may be relocated to the development and design standards if they will apply to specific building types rather than specific zoning districts.

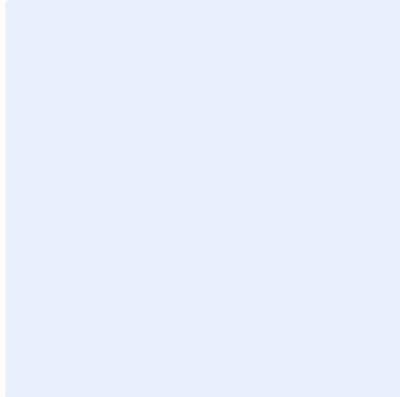
<sup>34</sup> New.

- (2)** A Conditional Use Permit shall be required for any non-residential primary or accessory use operating between the hours of midnight and 6:00 a.m.

## 2. MX-A: Mixed-Use Activity Center<sup>35</sup>

### A. Purpose<sup>36</sup>

The MX-A district is intended to provide opportunities for a mix of medium-intensity, office, commercial, institutional, and residential uses organized as an activity center on one or more corners of a collector-collector, collector-arterial, or arterial-arterial intersection or other locations designated on a plan adopted by the City, and extending approximately 1/8 mile<sup>37</sup> from those intersections, at a scale designed to serve community needs broader than those of nearby neighborhoods. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



### B. Cross-References to Other Applicable Code Sections

All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

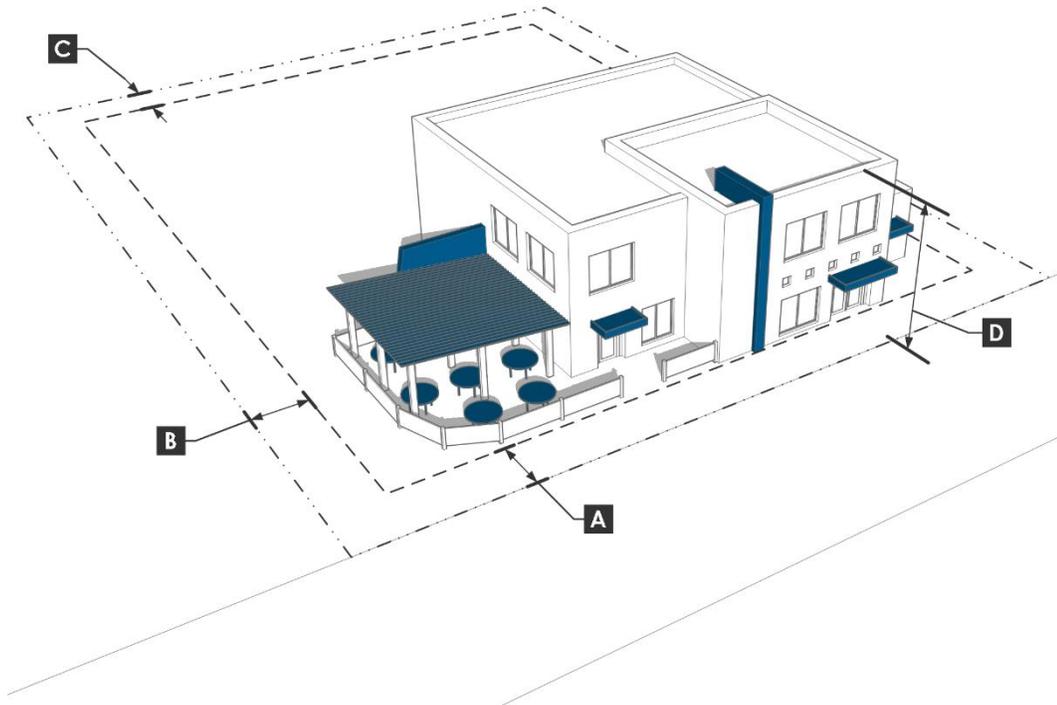
TABLE 11-02.14: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>35</sup> Consolidated elements of current R-O, C-2, C-3, C-4, T-1, and HS districts when located at major intersections.

<sup>36</sup> Replaces the more specific purpose statements for the current R-O, C-2, C-3, C-4, T-1, and HS districts.

<sup>37</sup> Increasing this to 1/4 mile is under discussion.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.15: MX-A LOT AND BUILDING STANDARDS<sup>38</sup></b>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>38</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**D. Form and Layout Standards<sup>39</sup>**

Each MX-A district mapped after the Effective Date that was not zoned as an R-O, C-2, C-3, C-4, T-1, or HS district prior to the Effective Date shall comply with the following standards:

- (1)** Each zoning district containing more than 10,000 square feet of contiguous land area under common control or ownership shall contain the following elements as shown in a \_\_\_\_\_ plan approved pursuant to Section <>.<sup>40</sup>
  - (a)** At least one public plaza or outdoor meeting area clearly visible from an adjacent street and containing at least 800 square feet of plaza or meeting area.
  - (b)** At least one walkable outdoor street that:
    - i.** Is bordered by street trees;
    - ii.** Connects the MX-A zoning district to one of the adjacent arterial or collector streets;
    - iii.** Is bordered along at least 60 percent of its length by buildings with facades no more than 10 feet from the sidewalk; and
    - iv.** Is interrupted by no more than one driveway per 200 linear feet, except as required by Idaho law.
  - (c)** At least one pedestrian connection to the local street system in an adjacent residential neighborhood, which connection shall be designed and located to allow residents of the neighborhood to enter mixed-use and non-residential area of the MX-A district without using an arterial street.
- (2)** No surface parking spaces or auto-oriented ancillary facilities (such as fuel pumps or car washes) may be located between the front façade of the building and any street fronting the property.<sup>41</sup>
- (3)** Each building façade facing a public or private street that contains ground floor non-residential uses shall be constructed within 5 feet of each street-facing lot line and occupies at least 50 percent of the width of the primary street frontage.
- (4)** Each building façade facing a public or private street that contains ground floor residential uses shall be constructed within 15 feet of each street-facing lot line and occupies at least 50 percent of the width of the primary street frontage.
- (5)** Each building façade facing a public or private street or driveway with ground-floor non-residential uses shall:
  - (a)** Have at least 50 percent of the area between three and eight feet above the ground floor shall be occupied by windows or other transparent building features through which activity inside the building may be viewed.

<sup>39</sup> Very detailed standards to promote pedestrian-friendly mixed use in the current R-O district were not carried forward, but are replaced by these simpler standards to promote pedestrian-friendly mixed use while allowing significant flexibility for architects and site designers. Some of these standards may be shifted to the development and design standards in Module 2. Module 3 will provide a process for minor administrative variations from these standards where lot or site constraints make compliance difficult.

<sup>40</sup> Form of plan and approval require to be drafted in Module 3.

<sup>41</sup> Subsections 2 through 5 may be relocated to the development and design standards if they will apply to specific building types rather than specific zoning districts.

- (b) Have at least one door leading directly from building interiors onto the street (without an intervening shared lobby or entrances shared by multiple tenants or uses) for each 100 feet of horizontal façade length.

**E. Additional Standards<sup>42</sup>**

Each MX-A district mapped after the Effective Date that was not zoned as an R-O, C-2, C-3, C-4, HS, or T-1 district prior to the Effective Date shall comply with the following additional standards:

- (1) Within each contiguous area of land zoned MX-A that is under common control or ownership, at least 30 percent of the approved gross floor area shall be designated for or constructed to accommodate non-residential uses.

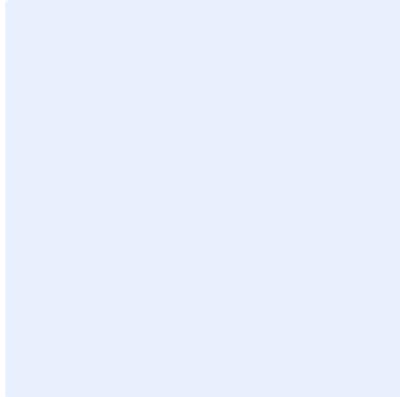
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<sup>42</sup> The very complex use mix standards and options for the current R-O district were not carried forward. Subsection (1) applies a much simpler standard to ensure that any residential uses in these small centers are complemented by a substantial amount of service, retail, or offices. The special PUD standards for R-O were also not carried forward.

### 3. MX-S: Mixed-Use Street-Oriented<sup>43</sup>

#### A. Purpose<sup>44</sup>

The MX-S district is intended to provide opportunities for a mix of medium-intensity, office, commercial, institutional, and residential uses along portions of collector or arterial streets that are located more than 1/8 mile<sup>45</sup> from a collector-collector, collector-arterial, or arterial-arterial intersection or other locations designated on a plan adopted by the City, at a scale designed to serve community needs broader than those of nearby neighborhoods. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



#### B. Cross-References to Other Applicable Code Sections

All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

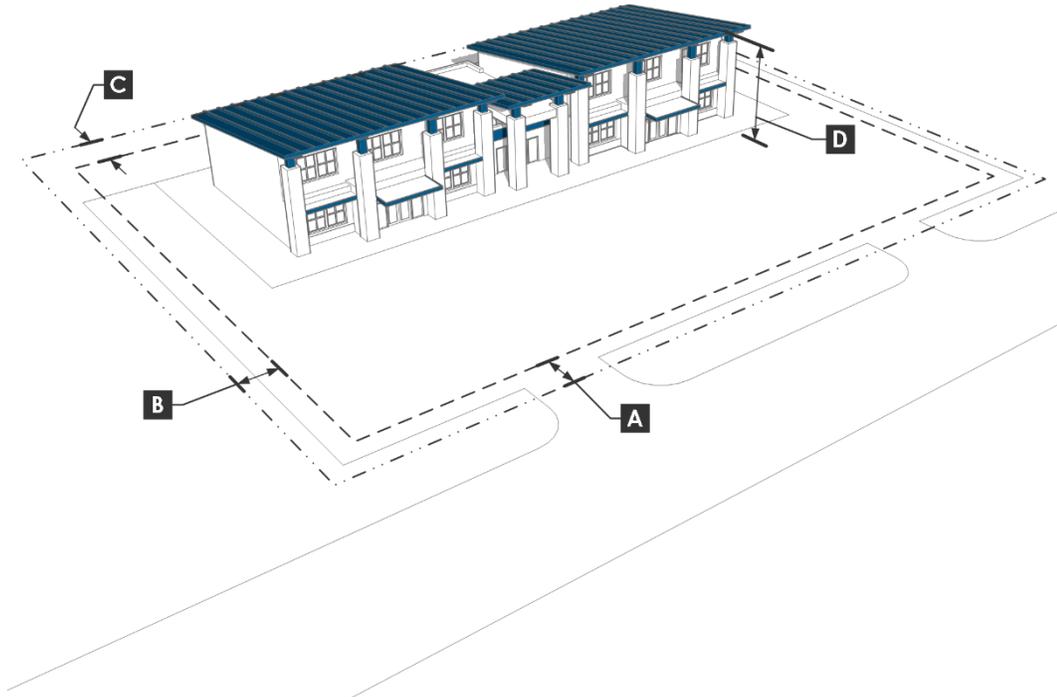
TABLE 11-02.16: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>43</sup> Consolidated elements of current R-O, C-2, C-3, C-4, T-1, and HS districts when located away from major intersections.

<sup>44</sup> Replaces the more specific purpose statements for the current R-O, C-2, C-3, C-4, T-1, and HS districts.

<sup>45</sup> Increasing this to be 1/4 mile is under discussion.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

TABLE 11-02.17: MX-S LOT AND BUILDING STANDARDS <sup>46</sup>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>46</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**D. Form and Layout Standards<sup>47</sup>**

Each MX-S district mapped after the Effective Date that was not zoned as an R-O, C-2, C-3, C-4, T-1, or HS district prior to the effective date shall comply with the following standards:

- (1)** No more than double-loaded row of surface parking spaces, accessed by a single driving aisle, may be located between the front façade of the building and any street fronting the property.
- (2)** No auto-oriented ancillary facilities (such as fuel pumps, car washes, or drive-up windows) may be located between the front façade of the building and any street fronting the property.
- (3)** Each building façade facing a public or private street or driveway with ground-floor non-residential uses shall:<sup>48</sup>
  - (a)** Have at least 50 percent of the area between three and eight feet above the ground floor shall be occupied by windows or other transparent building features through which activity inside the building may be viewed.
  - (b)** Have at least one door leading directly from building interiors onto the street (without an intervening shared lobby or entrances shared by multiple tenants or uses) for each 100 feet of horizontal façade length.

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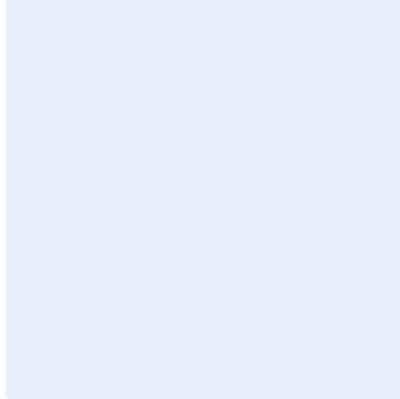
<sup>47</sup> Very detailed standards to promote pedestrian-friendly mixed use in the current R-O district were not carried forward, but are replaced by these simpler standards to promote mixed use while allowing significant flexibility for architects and site designers.

<sup>48</sup> Subsection 3 may be relocated to the development and design standards if they will apply to specific building types rather than specific zoning districts.

#### 4. MX-U: Mixed-Use University<sup>49</sup>

##### A. Purpose

The Mixed-Use University district is intended to allow for the consistent development of Boise State University throughout its planned expansion area. The district is intended to encourage and facilitate planned and integrated expansion on property identified with the University's Master Plan and designated in the Comprehensive Plan.



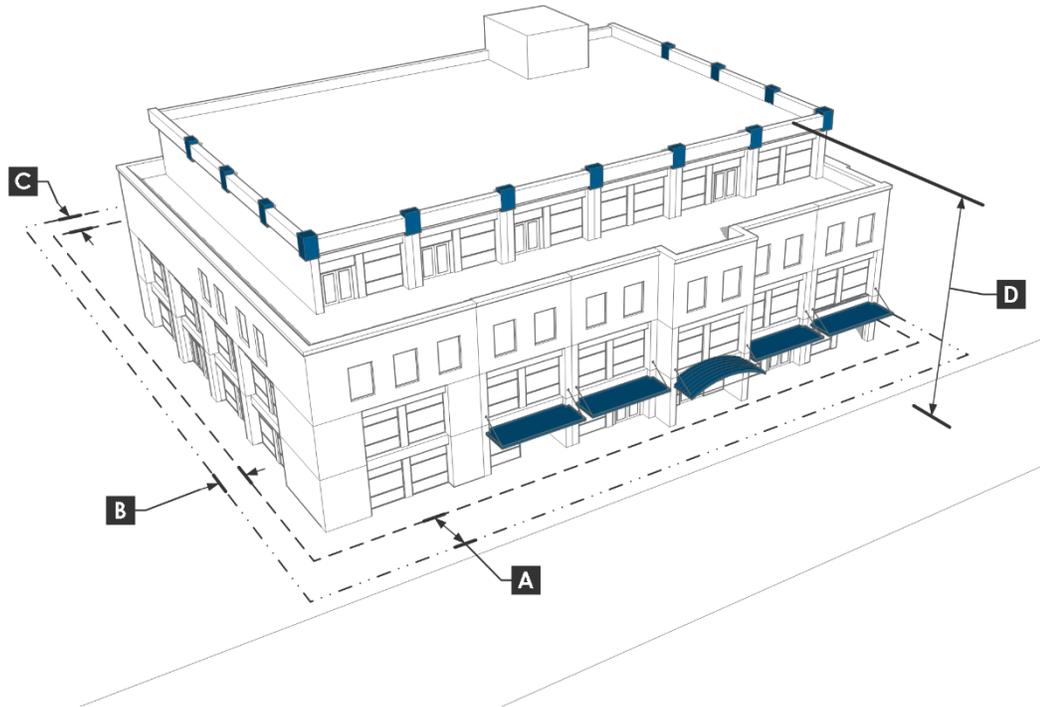
##### B. Cross-References to Other Applicable Code Sections

All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.18: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010
Operation and Maintenance	11-04-011

<sup>49</sup> Carried forward current Section 11-04-07.3, without substantive changes, but renamed as a mixed-use district for accuracy.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.19: MX-U LOT AND BUILDING STANDARDS<sup>50</sup></b>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>50</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

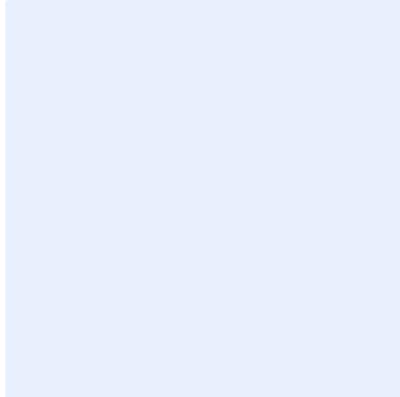
**D. Additional Standards**

- (1)** All uses permitted in the MX-U district shall be directly associated with the operation and maintenance of Boise State University and shall serve primarily the students, faculty, employees, and alumni of the University, or shall be intended to support and facilitate public attendance of educational, arts, sport, or cultural events and offerings of the University.
- (2)** In reviewing all A\* and C applications in the U district, the Planning Director shall require additional parking for all new buildings and all building expansions according to the standards in Section 11-04-07, *Parking and Loading*; or, if no specific standard is listed, at a ratio of one parking space per 250 square feet of gross floor area.
- (3)** Fire access to existing and new buildings shall be shown on all A\* and C application site plans. A letter from the Idaho State Fire Marshal verifying compliance of the building plans with state requirements regarding fire safety shall be submitted to the Planning Director prior to construction.

**5. MX-D: Mixed Use Downtown<sup>51</sup>**

**A. Purpose**

The MX-D district is intended to accommodate the needs of the city's central business district and to provide for activities conducive to a compact, concentrated, and walkable urban downtown mixed-use center. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



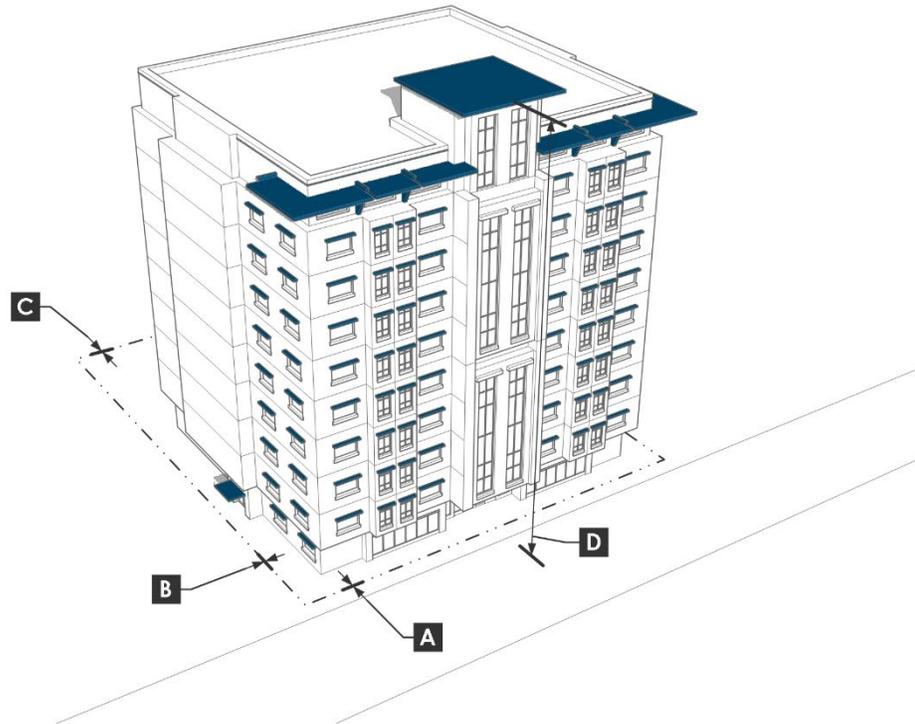
**B. Cross-References to Other Applicable Code Sections**

All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

<b>TABLE 11-02.20: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS</b>	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010
Operation and Maintenance	11-04-011

<sup>51</sup> Current 11-04-05.G (C-5) district, renamed as a mixed-use district for accuracy.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.21: MX-D LOT AND BUILDING STANDARDS<sup>52</sup></b>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>52</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

## D. Form and Design Standards<sup>53</sup>

### (1) Buildings

- (a) At least 70 percent of the ground level, street facing facade(s) must abut and be oriented to a public sidewalk or plaza.
- (b) Each side of each principal building shall be designed to minimize or mitigate glare, reflected heat, and wind impacts on abutting properties.
- (c) Each side of each principal building shall be faced with high quality non-reflective materials such as stone, tile, and brick.<sup>54</sup>
- (d) No surface parking spaces or auto-oriented ancillary facilities (such as fuel pumps or car washes) may be located between the front façade of the building and any street fronting the property.<sup>55</sup>
- (e) Each building façade facing a public or private street that contains ground floor non-residential uses shall be constructed within 5 feet of each street-facing lot line and occupies at least 80 percent of the width of the primary street frontage.
- (f) Each building façade facing a public or private street that contains ground floor residential uses shall be constructed within 15 feet of each street-facing lot line and occupies at least 80 percent of the width of the primary street frontage.
- (g) Each building façade facing a public or private street or driveway with ground-floor non-residential uses shall:
  - i. Have at least 60 percent of the area between three and eight feet above the ground floor shall be occupied by windows or other transparent building features through which activity inside the building may be viewed.
  - ii. Have at least one door leading directly from building interiors onto the street (without an intervening shared lobby or entrances shared by multiple tenants or uses) for each 50 feet of horizontal façade length.

### (2) Sidewalks

A continuous public walkway, located between the face of building and adjacent street or a street vacated for vehicular use, shall be provided, and shall comply with adopted city standards, except that where this Subsection (2) lists more restrictive criteria, in which case this Subsection (2) shall control.

- (a) The minimum width for clear pedestrian movement shall be seven and one-half feet, and the overall width shall be at least 13 and one-half feet unless otherwise specified in the Downtown Streetscape Standards and Specifications Manual.<sup>56</sup>

<sup>53</sup> Current 11-07-06.3, reworded for clarity and internal consistency. Subsection 4 is new and removes requirement that ground floor be designed for retail uses. C-5 FAR bonuses will be consolidated with other bonuses and incentives in Module 2. Subsection (b) was reworded for clarity.

<sup>54</sup> Design standards drafted in Module 2 will allow the Planning Director to approve substitute materials of equal or better durability and visual quality.

<sup>55</sup> Subsections d through g may be relocated to the development and design standards if they will apply to specific building types rather than specific zoning districts.

<sup>56</sup> Reference to manual is new, to reflect current practice.

- (b) Location of pedestrian zone and amenities zone on each sidewalk shall be consistent with those on adjacent lots, and with those on adjacent buildings to the maximum extent practicable.<sup>57</sup>
- (c) The paving pattern and the placement of trees and pedestrian amenities shall be unobstructed.
- (d) The sidewalk surface shall be skid resistant, free of surface obstruction, and of a smooth gradient. The cross slope shall freely drain and not exceed two percent gradient.<sup>58</sup>
- (e) Street trees shall be installed and shall be consistent with tree species on adjacent lots (except when existing trees do not comply with City standards). Street trees shall be two and one-half to three inch caliper, symmetrical, and shall provide no physical or visual obstructions within a clear vision triangle located at corners and alleys. Street tree spacing shall be of a consistent pattern, with a minimum of 21 feet, and a maximum of 40 feet between trees.
- (f) Pedestrian amenities shall be installed and may include benches, bollards, newsstands, kiosks, tree grates, bicycle racks, planters, and trash receptacles. Pedestrian amenities shall be constructed of durable materials; of adequate quantity to meet the intended level of use; and compatible with the design of the space.
- (g) Pedestrian lighting shall be installed, shall be a minimum of 12 feet and a maximum of 16 feet in height, shall replace mid-block high mast lighting, and shall be normally spaced at 60 feet apart unless otherwise required by the Downtown Design Standards.

**E. Additional Standards<sup>59</sup>**

**(1) Rezoning of Land Contiguous to Existing MX-D Zoning District<sup>60</sup>**

Lands located in the Downtown Planning Area contiguous to existing land in the MX-D zoning district may be rezoned into the MX-D zoning district.<sup>61</sup>

**(2) Rezoning of Land Not Contiguous to Existing MX-D Zoning District**

- (a) Land that is not contiguous to land zoned MX-D may be rezoned to MX-D if the land is located in an urban renewal district and the application is accompanied by a development agreement documenting any applicable requirements of the urban renewal district and plan.<sup>62</sup>
- (b) Land that is not contiguous to land zoned MX-D may be rezoned to MX-D if the land is located in the Central Downtown, River Myrtle/Old Boise, Westside

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<sup>57</sup> Reference to adjacent lots is new, and maximum extent practicable standard added for adjacent blocks.

<sup>58</sup> Maximum gradient reduced from 4 percent.

<sup>59</sup> Current 11-04-05.H. Cross-references to MX-D design standards were not carried forward, because revised text and reorganization makes them unnecessary.

<sup>60</sup> City staff are continuing to review (1) whether these unusual and highly specific standards need to be carried forward, and if so (2) whether contiguity includes parcels located across the street from each other, and (3) whether both urban renewal provisions are needed or whether they can be combined and simplified.

<sup>61</sup> Reference to Downtown Planning Area is new.

<sup>62</sup> Removed reference to Conditional Use Permit approval findings as generally inapplicable

Downtown, Shoreline, 30th Street or other future urban renewal districts located within the Downtown Planning Area and:

- i.** The rezoning is for the primary purpose of promoting multifamily housing<sup>63</sup> development;
- ii.** The parcel(s) is in an area of the urban renewal district in which the proposed use(s) is supported by the applicable urban renewal plan and the Comprehensive Plan.
- iii.** Rezoning applications not initiated by the City shall be accompanied by a development plan in which standards for compatibility, land uses, height, bulk, setbacks, and other elements shall be as directed by the applicable urban renewal plan, and those standards shall be incorporated into a required development agreement.
- iv.** The floor area ratio bonus provision in Section [currently 11-07-06.3.D]<sup>64</sup> shall not apply.

**(3) Enclosure of Activities Required**

All warehouse, storage, repair, manufacture, and similar uses or related activities shall be conducted in an enclosed structure.

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<sup>63</sup> Replaced "urban housing" reference with "multifamily housing" for clarity.

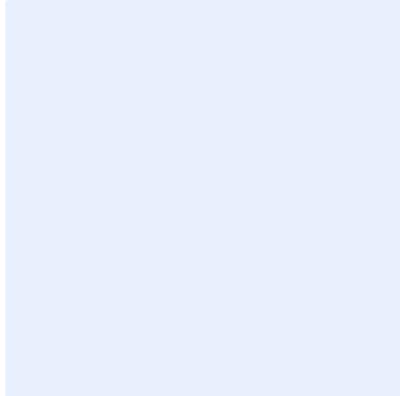
<sup>64</sup> Cross-reference to be updated in Module 2.

**11-02-04. Special Purpose Zoning Districts**

**1. I-1: Light Industrial<sup>65</sup>**

**A. Purpose<sup>66</sup>**

The I-1 zoning district is intended to accommodate light manufacturing, assembly, fabrication, and technology-related land uses that may require significant transportation services but that are generally compatible with nearby commercial and residential areas when accompanied by substantial buffering, screening, and standards designed to mitigate impacts. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



**B. Cross-References to Other Applicable Code Sections**

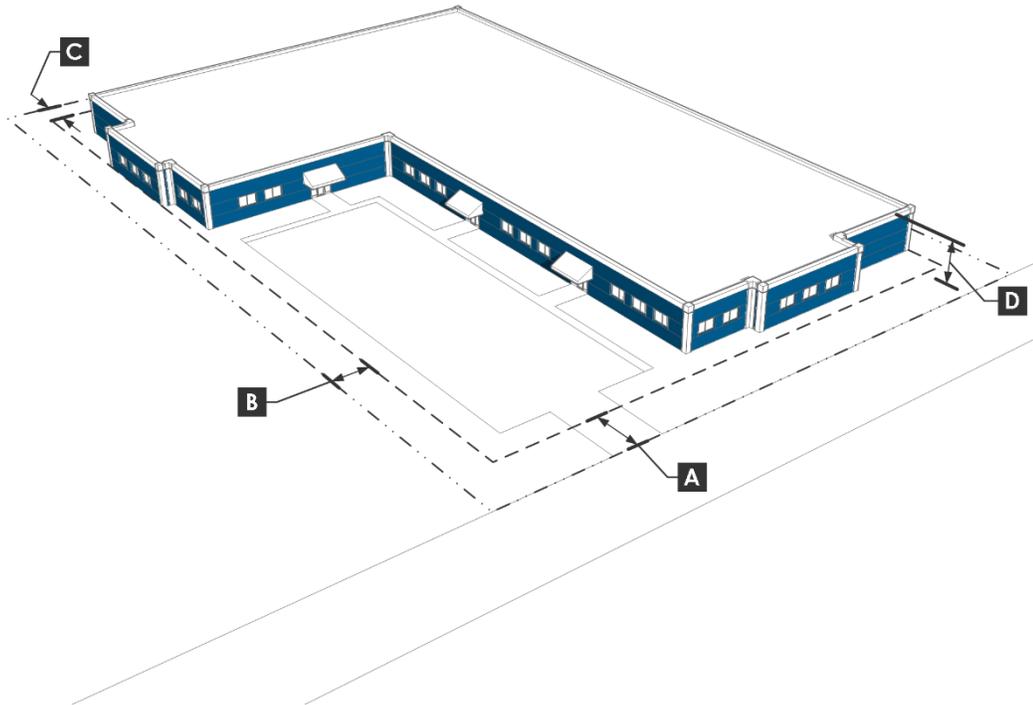
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.22: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>65</sup> Current 11-04-06 (M-1 and T-2), revised as noted. Although specific form and layout standards have not been included in this district, the citywide design standards, as updated in Module 2, will continue to apply to this district.

<sup>66</sup> New.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.23: I-1 LOT AND BUILDING STANDARDS<sup>67</sup></b>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>67</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**D. Additional Standards**

- (1)** No uses that generate, use, treat, store, or dispose of hazardous substances (as set forth in Title 40, Code of Federal Regulations, Parts 116.4, 261.30 et seq., 302.4 and/or 355) are permitted.<sup>68</sup>
- (2)** All operations shall be free of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, water-carried waste, or other emissions.<sup>69</sup>

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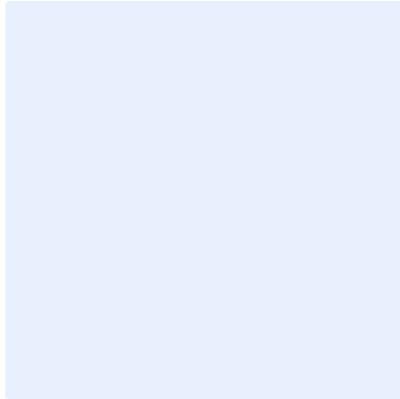
<sup>68</sup> New. This is intended to prohibit materials that are considered hazardous under federal law, and require that they be used only in the heavier I-2 zoning district.

<sup>69</sup> Current 11-04-06.F. These standards may be relocated to Module 2 if they are made more broadly applicable.

**2. I-2: Heavy Industrial<sup>70</sup>**

**A. Purpose<sup>71</sup>**

The I-2 zoning district is intended to accommodate general industrial activity with greater impacts than those in the I-1 zoning district, including uses that require significant heavy transportation services, uses that frequently operate during nighttime hours, and uses that require additional standards to protect health, safety, or general. I-2 lands should be separated from commercial or residential development. Specific allowed uses are described in Chapter 11-03, *Use Regulations*.



**B. Cross-References to Other Applicable Code Sections**

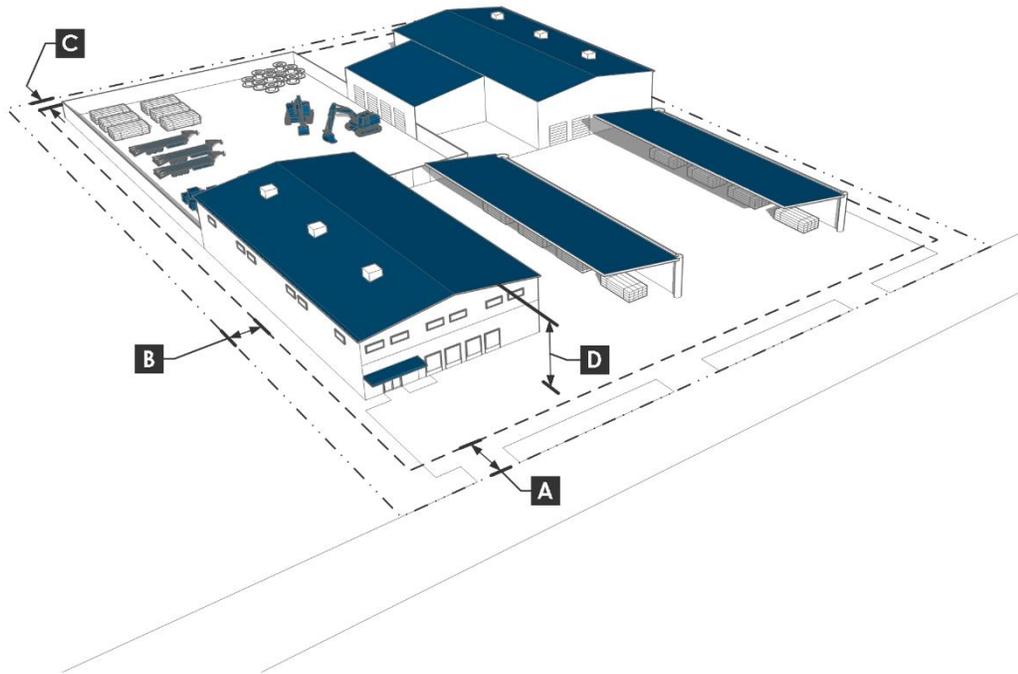
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.24: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>70</sup> Current 11-04-06 (M-2), revised as noted.

<sup>71</sup> New.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

<b>TABLE 11-02.25: I-2 LOT AND BUILDING STANDARDS<sup>72</sup></b>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>72</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

**D. Additional Standards**

- (1)** All permitted uses that generate, use, treat, store, or dispose of hazardous substances (as set forth in Title 40, Code of Federal Regulations, Parts 116.4, 261.30 et seq., 302.4 and/or 355), shall require a Conditional Use Permit.<sup>73</sup>
- (2)** All operations shall be free of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, water-carried waste, or other emissions.<sup>74</sup>

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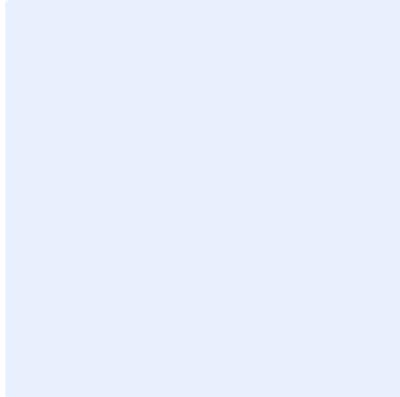
<sup>73</sup> New. The need for conditional use approval for all activities that use these materials is under discussion, and the requirement may be narrowed in the Consolidated Draft.

<sup>74</sup> Current 11-04-06.F. These standards may be relocated to Module 2 if they are made more broadly applicable.

**3. O-P: Open Land, Park<sup>75</sup>**

**A. Purpose<sup>76</sup>**

The O-P zoning district is intended to protect permanent open space. The O-P classification should be applied to property that is not intended for development, or for property the city desires to be subject to stronger development limitations than would be provided by the R-1L district. Lands may be assigned to an O-P district classification to, set aside lands for open space uses, including parks, floodways, riparian areas, steep slopes, and flood control facilities; or to allow and protect grazing operations.



**B. Cross-References to Other Applicable Code Sections**

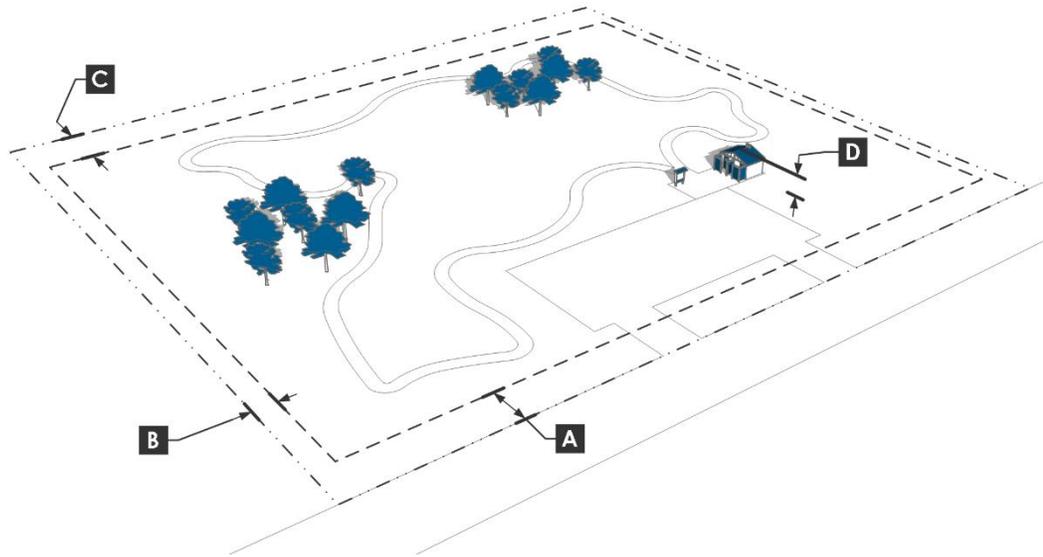
All development shall comply with all applicable Sections of this Code. Cross-references to some of the key Sections are provided below.

TABLE 11-02.26: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Forms and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Access and Connectivity	11-04-06
Parking and Loading	11-04-07
Landscaping, Fencing, Walls, and Screening	11-04-08
Exterior Lighting	11-04-09
Signs	11-04-010

<sup>75</sup> Current 11-04-03 (A-2), with changes as noted.

<sup>76</sup> Revised to clarify that this zoning district is used to protect open spaces from development, not to allow low-density development. Land intended for low-density residential development should instead be zoned into the new R-1L district.

C. Dimensional Standards



The following table is a summary of the district-specific dimensional standards. Complete dimensional standards are included in Section 11-04-03, *Lot and Building Forms and Dimensions*.

Table 11-02.27: O-P Lot and Building Standards <sup>77</sup>	
<b>INTENSITY</b>	
	Floor Area Ratio (FAR) (maximum)
<b>LOT STANDARDS</b>	
	Lot area (minimum)
	Lot width (minimum)
	Lot coverage (maximum)
	Street frontage (minimum)
<b>SETBACKS</b>	
<b>A</b>	Front
	Side Yard Street
<b>B</b>	Side Yard Interior
<b>C</b>	Rear Yard
<b>HEIGHT (MAXIMUM)</b>	
<b>D</b>	Building height

<sup>77</sup> Summary table to be fully populated as part of Module 2. The letters on the left will correspond to the labels on the axonometric dimensional standard graphic.

#### 4. PUD: Planned Unit Development<sup>78</sup>

##### Commentary:

The City's current PUD approach does not reflect best practices, and should be significantly revised. Most newer codes reserve the term Planned Unit Development (PUD) for larger or more complex projects that deviate significantly from underlying zoning district standards, raise unusual/complex compatibility issues, and usually require significant additional amenities or open spaces to mitigate their impacts. Those large/complex applications are generally review by the Planning and Zoning Commission and approval by City Council, but the tool is designed to be used infrequently.

In contrast, the types of approvals currently called PUDs in Boise are often handled through a design alternative process in which minor deviations from underlying zoning standards are handled administratively (with requirements to mitigate any adverse impacts) and larger deviations are approved by Planning and Zoning Commission based on objective criteria that ensure the inclusion of amenities and meaningful/usable open space as well as mitigation of other impacts. In addition, because they are designed to address unique terrain and site conditions that cannot be effectively mitigated by the inclusion of additional amenities, deviations from underlying development standards in the Foothills Planning Area should also be approved by the Planning and Zoning Commission (as they are now) rather than by City Council. These suggested procedures to replace some of the current use of the PUD procedure will be addressed in Module 3. This approach is reflected below, but is still under discussion with staff, and may be revised when Module 3 is drafted. Regardless of the outcome, the terms and conditions of currently approved PUDs will be carried forward and will remain binding on those properties.

##### A. Purpose<sup>79</sup>

The purpose of the PUD zoning district is to accommodate new and imaginative concepts in urban design and land development to promote and improve the health, safety, and general welfare of the citizens of the city in ways consistent with the city's adopted Comprehensive Plan. The primary use of this district is to promote innovative development design that incorporates public amenities that provide significant benefits to Boise residents and that would not be required under other portions of this Code or other adopted city regulations. The PUD zoning district is not intended to allow deviations from the standards and requirements of this Code that are not accompanied by significant additional amenities, or as a substitute for obtaining variances through Section 11-05-05.1, *Non-Administrative Variance*. Areas rezoned to the PUD district shall be subject to a Master Plan, which shall be approved by City Council at the same time as the rezoning to PUD.

<sup>78</sup> New zoning district. The weaknesses and perceived unpredictability of the current PUD process were highlighted in *Diagnostic and Solutions Report*. We recommend that PUDs be approved by City Council and mapped as zoning districts for increased transparency on the zoning map. Criteria for approval of a PD rezoning will appear in Module 3.

<sup>79</sup> Revised to clarify that this zoning district is used to protect open spaces from development, not to allow low-density development. Land intended for low-density residential development should instead be zoned into the new R-1L district.

**B. Eligibility Criteria<sup>80</sup>**

An application for rezoning to a PUD zoning district shall not be accepted by the city unless it complies with the standards for minimum development size and required amenities in this Subsection B.

**(1) Planned Development Size**

The minimum size for a planned development shall be as follows:

- (a)** Residential – two acres.<sup>81</sup>
- (b)** Commercial - one acre.
- (c)** Industrial - five acres.
- (d)** Office - two acres.

**(2) Amenities**

At least three of the following amenities shall be included in the application, unless Subsection (3) below applies:<sup>82</sup>

- i.** Energy conservation measures such as solar energy, heating, or water heating capacity ;
- ii.** Water conservation measures such as the use of drought-tolerant plants;
- iii.** A private recreational facility, such as a swimming pool, tennis court, playground, or picnic area, in scale with the development;
- iv.** A centralized gathering and recreation spaces of an appropriate size for the entire development;
- v.** Low Impact Development design features designed to allow passive treatment of stormwater throughout the development; or
- vi.** Retaining significant and unique natural landforms throughout the development.

**(3) Amenities Waived for Affordable Infill Residential Development<sup>83</sup>**

The amenities listed in Subsection (2) above shall not be required if at least 10 percent of included rental dwelling units are deed-restricted to be affordable to households earning 80 percent of the HUD Area Median Income (AMI) or at least 10 percent of included for sale dwelling units are affordable to households earning 100 percent of the HUD AMI, or

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<sup>80</sup> Current 11-07-06.5.A, B, and F, with changes as noted.

<sup>81</sup> Changed from no minimum.

<sup>82</sup> This updated list of amenities is still under discussion, and may be revised to better reflect Blueprint Boise priorities. Provisions were changed to apply to all applications, not just those over one acre in size, and to require 3 of 7 listed amenities, rather than 2 of 6. Allowance for landscaped open space to count as an amenity, and open-ended authority for PZC to approve other amenities or to waive amenity requirements, were deleted as contributing to public perception that PUDs provide few benefits to the public or the city, and for increased transparency. Increasingly, newer codes include objective standards for required open space, as well as quality and design standards to ensure the quality and usability if the open space, but do not include it as an amenity making development eligible for additional design flexibility. Providing access to the Boise River System and providing a bicycle trail system were also removed from the list of amenities; most newer codes simply include standards requiring these connectivity and circulation, but do not list them as PUD amenities, and the Boise River System overlay already requires the provision of access points for properties within that overlay. Listed amenities iv through vi are new.

<sup>83</sup> New provision to promote affordability for those projects deed-restricted to be affordable, whether or not the applicant is requesting approval of a density increase for that purpose.

a combination of these two requirements covering 10 percent of all included dwelling units

### C. Standards<sup>84</sup>

#### (1) Identification of Base Districts from Which Flexibility is Requested

Each PUD application shall identify which Code base zoning district shall apply in each area of the PUD unless varied by the terms of the PUD.

#### (2) Residential Density

The maximum number of dwelling units shall be calculated by multiplying the number of acres set aside for residential uses by the maximum density number from the tables in Chapter 11-02, *Zoning Districts*.

#### (3) Required Setbacks<sup>85</sup>

The following standards may not be waived or adjusted through the PUD approval process.

- (a) Setbacks along the periphery of the development shall meet those applicable in the applicable base zoning district.
- (b) Along the periphery of the development, the setbacks shall match the types of setbacks in the existing development (for example, side setbacks should be provided adjacent to side setbacks, rear setbacks adjacent to rear setbacks and front setbacks opposite front yards) unless any adverse impacts through the adjacency of difference types of setbacks are adequately mitigated through additional landscaping or buffering.<sup>86</sup>

## 11-02-05. Overlay Districts<sup>87</sup>

The menu of overlay districts has been significantly revised and simplified. The current Boise Zoning Ordinance uses this tool more often than is necessary, because the included provisions could often be included in base zoning district standards drafted to apply only in certain areas or to certain types of development. Overuse of overlay districts complicates Code administration and undermines user-friendliness because (1) the relationship between overlay district standards and base district standards is often confusing, because different terminology is used and often has unpredictable impacts when applied to different base district standards, and (2) more overlay districts create more opportunities for multiple overlays to apply to an individual property, and it is often difficult to determine how to reconcile conflicts between different overlay provisions. For those reasons, we recommend removing several of the current overlay and moving their substantive controls to other portions of the Code.

<sup>84</sup> Current 11-07-06.5.C, D, and F, with changes as noted. List of permitted types of residential development was deleted, since the Allowed Use Table will identify those housing types for each base zoning district.

<sup>85</sup> Allowance for permitted structures was deleted, since the Allowed Use Table indicates base districts allowing attached structures.

<sup>86</sup> "Should" changed to "shall" and allowance for differences with adequate landscaping and buffering was added.

<sup>87</sup> The existing parking overlay districts are not carried forward in this draft. The map in current Section 11-05-05.2. will be relocated to the Parking and Loading standards in Module 2: Development Standards. The alternative to keep the parking overlay districts listed in the Overlay Districts Section is still under discussion. The need for portions of the current University and Health Services Overlays is still under discussion. The current East Fairview Avenue overlay district was adopted as an interim measure pending other Code updates, and is not carried forward.

The need for the current University and Health Care districts to be carried forward is still under discussion, but since virtually all of those overlay provisions concern allowed uses or dimensional standards, we believe any specific controls applicable in those areas can be reflected in Chapter 11-03 (Use Regulations) and Section 11-04-02 (Lot and Building Forms and Dimensions), and those current overlay districts have not been carried forward in this draft.

Although all overlay district boundaries can be found on Boise's Geographic Information System (GIS), many newer zoning regulations include small maps of those districts to promote user-friendliness without a need to access the GIS system. This approach is shown in this draft, but the need for this Code to include overlay district boundary maps is still under discussion.

## 1. Character Protection Overlay Districts<sup>88</sup>

### A. Purpose

Character protection overlay districts are intended to preserve the character of neighborhoods subject to the overlay and to protect unique areas of the city from inappropriate development. A character protection overlay district is usually applied to residential neighborhoods with certain identifiable attributes embodied in architecture, urban design, geography, or history. A character protection district can be used to protect neighborhoods from changes that would otherwise be allowed by the underlying zoning.

### B. Designation of Character Protection Districts

Character protection districts shall be designated by ordinance. Neighborhoods or areas selected for consideration for a character protection district designation shall meet at least one of the following criteria:

- (1) Has a distinctive character with identifiable attributes embodied in architecture, use, urban design, or history that make it a unique and integral part of the city's identity; or
- (2) Has a recognized neighborhood identity and a definable physical character that may have a high artistic value or a relationship to urban centers or historic districts and that makes the area's conservation significant to the city's history or function.

### C. Establishment of Character Preservation District

- (1) Character preservation district provisions may apply additional requirements or allow exceptions to the standard regulations of the base zoning district.
- (2) Prior to adoption of a character preservation district ordinance in a district that may be of historic significance as determined by the Planning Director, the HPC shall have the opportunity to review and comment on the proposed ordinance.
- (3) Prior to recommending an area for designation as a character preservation district, the Planning and Zoning Commission shall:
  - (a) Conduct any necessary studies, research, or investigations; and

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<sup>88</sup> Current Sections 11-05-02.1 (Conservation Overlay Districts) and 11-05-04 (Neighborhood Overlay Districts) have been consolidated. Minor wording changes for internal consistency, and names of base zoning districts and specific uses revised to reflect proposed new names for those uses and districts. The East Fairview Avenue overlay was approved as an interim measure, and is not recommended to be carried forward. Additional Character Protection overlay districts may be designated by City Council action in the future, which avoids the need to create additional base zoning districts for narrow purposes.

- (b) Assess neighborhood and landowner support; and
- (c) Prepare a report containing recommendations.
- (4) Character Protection Districts shall be approved as described in Section 11-05-05.15, *Zoning Map Amendment* for procedures to establish a district.

**D. HC-O: Hyde Park Character Overlay<sup>89</sup>**

**(1) Purpose**

To maintain the historical commercial district as a functioning community asset and maintain a mix of commercial, office and residential uses. The district encourages land uses that are determined to be key to the district's long-term health and sustainability. The district regulations are intended to protect the historical and architectural character of Hyde Park and establish parking standards for this area. Parking requirements are on a graduated scale for certain uses to encourage street-level retail and restaurants as well as second story office uses. Shared parking is encouraged to reduce the need for surface parking.

**(2) Boundary Map<sup>90</sup>**



**Figure 2.1. Hyde Park Character Overlay District Boundaries**

<sup>89</sup> Carried forward current Section 11-05-02.2.

<sup>90</sup> Boundary maps for the various overlay districts will be mapped to a consistent style at the time of Consolidated Draft.

**(3) Uses**

The following uses are prohibited:

- (a) Parking garages; and
- (b) New off-site parking lots. On-site parking lots used as leasable off-site parking that existed prior to March 14, 2006 may continue to be used.

**(4) District Parking Standards<sup>91</sup>**

(a) Parking requirements shall follow Table 11-02.28, below.

TABLE 11-02.28: PARKING ALLOWANCES IN THE C-1CHP ZONE		
LAND USE	GRADUATED SCALE OF USE/UNIT OF MEASURE	REQUIRED PARKING SPACES (C-1CHP)
<b>Restaurant</b>		
	0 - 40 seats	1 space/20 seats
	41 - 80 seats**	1 space/10 seats
	Over 81 seats**	1 space/2 seats
<b>Retail</b>		
	0 - 750 square feet	1 space
	751 - 2000 sq. ft.**	1 space/300 sq. ft.
	Over 2001 sq. ft.**	1 space/200 sq. ft.
<b>Office</b>		
	Street level	100 sq. ft.
	Upper floor	300 sq. ft.

\*\* Parking requirements are cumulative.

- (b) Outdoor or seasonal seating shall be counted as regular seating and is required to meet all parking and zoning code requirements. Existing outside seating shall be considered a legal non-conforming use.
  - (c) The allotment of parking for each business is included in the appendices of this Code.
  - (d) Tandem parking is permitted in rear yards with alley access, provided setbacks and appropriate backup requirements are met.
- (5) All off-site parking shall have a valid contract. This contract shall state:**
- (a) The location of the parking space(s),
  - (b) The contract is binding on all successors and run with the land,
  - (c) How the parking spaces are to be maintained and who is responsible,
  - (d) That the parking cannot be revoked without prior approval of the City, and must show revocation for good cause, and
  - (e) Provide 60 days' notice of termination to the City.

<sup>91</sup> Current Table 11.05.3 (Hyde Park Parking Space Allotment Chart) removed at the request of staff because it is outdated and difficult to update/enforce.

**E. NC-O: Near North End Character Overlay**

**(1) Purpose**

The NC-O District is intended to:

- (a)** Encourage continued residential uses;
- (b)** Protect the historical and architectural character of the neighborhood using adaptive reuse methods;
- (c)** Encourage redevelopment and renovation of established historic institutional uses;
- (d)** Allow for adaptive reuse of existing structures for multiple-family residential and office uses;
- (e)** Minimize demolition of structures for parking lots or new office developments; and
- (f)** Maintain the district as a transitional area between the commercial intensity of downtown and the predominant single-family residential neighborhoods of the north end.

(2) Map and Boundaries

(a) Boundary Map<sup>92</sup>



Figure 2.2. Near North End Character Overlay District Boundaries

(3) Standards

The following restrictions and allowances beyond the requirements of the base zoning district shall apply.

(a) Parking Allowances for Adaptive Reuse in the MX-N<sup>93</sup> And R-3 Zone

Tandem parking may be allowed for the adaptive reuse of a single-family structure for office or multifamily residential or historic institutional use may be granted the following allowances for parking requirements:

- i. Tandem parking in the rear yard, with alley access, is permitted.
- ii. Shared parking agreements and parking joint use agreements are required to the maximum extent practicable.<sup>94</sup>

<sup>92</sup> Deleted boundary description text.

<sup>93</sup> Changes from current L-O district.

<sup>94</sup> Vague "encouraged" text replaced by maximum extent practicable standard – which is defined and more objective.

**(b) Adaptive Reuse Limitation for Additions**

Buildings that are adaptively reused pursuant to the provisions of this Section may be expanded in size up to 50 percent from what existed on August 21, 2001, provided:

- i. The expanded portion is in keeping with the architecture of the existing building; and
- ii. The site is large enough to accommodate the required number of off-street parking spaces without the granting of a variance for setbacks or landscape.

**(c) Off-Site Parking Structure Allowances for Historical Institutional Uses**

Off-site parking structures (garages) designed to blend with the predominate architectural theme of the surrounding area and which include a significant residential component, may be considered by the Commission through the Conditional Use Permit process.

**(d) Standards for Parking Structures and Lots in the NC-O District**

- i. An off-site parking garage for a historical use may be allowed by conditional use permit provided that it is designed to blend with the predominant architectural theme of the surrounding area and that it includes a significant residential component.
- ii. New off-site parking lots are prohibited, except on parcels demonstrated to have been vacant on or before August 21, 2001. This prohibition shall not preclude the use of existing on-site parking lots as "for rent" off-site parking.
- iii. Where the base zoning district is R-3, on-site surface parking lots larger than 2,500 square feet are prohibited, unless incorporated within a new residential use or within and as part of the renovation, redevelopment, or expansion of a historic institutional use. As used in this paragraph, the phrase "incorporated within" shall mean located in an interior or rear yard of a development so that it is not visible from the public street.

**F. BC-O: Big Sky Overlay<sup>95</sup>**

**(1) Purpose**

The Big Sky Overlay District is intended to preserve the large lots and open character of the Big Sky Neighborhood; to retain the rural personality of this unique location; and to encourage agrarian uses through more flexible standards to maintain, protect, and enhance land use and livability.

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<sup>95</sup> Carried forward current Section 11-05-04.1. Definitions of small animals and large animals were relocated to the Definitions Chapter for consistency.

(2) Boundary Map<sup>96</sup>



Figure 2.3. Big Sky Neighborhood Overlay District Boundaries

(3) Residential Standards

(a) Setbacks

- i. New residential buildings, additions to existing residential buildings, and detached outbuildings greater than 500 square feet or 15 feet in height shall be subject to the following setback standards:
  - A. Front setbacks as measured from the property line shall be 35 feet minimum, 85 feet maximum, and within five feet of the average setbacks of the adjacent properties.
  - B. Side and rear setbacks shall be a minimum of 20 feet from the property line.

<sup>96</sup> The R-1A label will be updated to R-1B to reflect the consolidation of zoning districts at the time of Consolidated Draft.

- ii. Detached outbuildings with an area of up to 500 square feet and height less than 15 feet may have a reduced sides and rear setbacks of 10 feet from the property line.

**(b) Enclosed Garage**

Dwelling units, including each unit of a duplex, shall have an enclosed garage with an interior dimension of at least 20 feet wide by 20 feet long.

**(c) Entrances to Residential Units**

Front doors of residential units shall face the street.

**(d) Two-Family Dwelling Standards**

Duplexes in the BC-O district shall be subject to the specific design criteria as per Section <> and agricultural and setback standards described in Subsection (4), below.

**(4) Livestock Standards**

The keeping of livestock and agricultural uses in the BC-O district shall be subject to the standards of Section 11-03-03.6.F, and the standards in this Section. Where the standards of this Section conflict with 11-03-03.6.F, this Section shall control.

**(a) Allowed Uses**

The keeping of livestock, small animals, and similar or related agricultural uses are allowed in the BC-O district subject to the regulations of this Section.

**(b) Minimum Lot Area for Large Animals**

A minimum lot area of one-half acre is required for large animals as defined.

**(c) Animal Reserve Area**

A minimum area of one-half acre is required for the keeping and care of two animal units. Stables, paddocks, barns, and similar structures may be counted as part of the reserve area, but structures other than those related to the care of animals shall not be counted as part of the reserve area.

**(d) Minimum Lot Area and Location for Small Animals**

No minimum lot area is required for keeping small animals. All animal units and small animals shall be kept behind the front of the principal dwelling.

**(e) Animal Density Standards**

- i. The maximum animal density shall be two animal units per one-half acre of reserve area. Additional reserve areas must be added in one-half- acre increments to calculate the allowed number of animal units allowed on a particular parcel.
- ii. The keeping of chickens in conjunction with the keeping of large animals is an exception to animal density standards. Up to six mature chickens may be kept simultaneously in addition to the large animals allowed per lot based on the density standard.

**(f) Setbacks and Enclosures**

- i.** Concentrated feeding areas and buildings housing animals shall be located behind the front of the principal dwelling. Buildings for housing animals must also comply with the setback standards for the Big Sky Neighborhood Overlay.
- ii.** Livestock shall be kept within enclosures such that said livestock is prevented from encroaching on, and/or damaging, neighboring properties, fences, or vegetation; or public streets. Enclosures may include fences, corrals, barns, pens, etc.

**(g) Best Management Practices (BMPs)**

To protect surface and ground water quality and to avoid any adverse impact to wells, irrigation ditches, and other beneficial uses. A BMP is defined as a practice or combination of practices which are the most effective, practicable means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals. The following BMPs must be met.

**i. Fencing**

Enclose one or more areas on the site with a permanent fence or structure to function as a barrier to livestock and other animals as needed in order to prevent access to and protect streams, canals, and ditches from trampling, erosion, and contamination.

**ii. Filter Strips for Streams, Canals and Ditches**

Maintain a gently sloping strip of ground over vegetation to filter runoff from that portion of the site occupied by animals. Filter strips shall distribute waste matter uniformly across the high end of the strip and allow waste to flow through and across the strip; promote the filtering of nutrients, runoff water, and other materials through the grass in a manner in which they are absorbed by the soil, an ultimately taken up by the plants.

**iii. Runoff Control System**

Employ a combination of practices to prevent animal waste runoff to surface water and adjacent properties. Practices may include diversion of runoff from the lot, roof runoff systems, lot shaping, settling basins, and filter strips or buffer areas.

**iv. Liquid and Solid Waste Management System**

Employ a system for managing liquid and solid waste in a manner that:

- A.** Ensures fecal matter and other solid wastes do not create or promote nuisances, odors and disease-carrying insects and animals; and
  - B.** Does not degrade air, soil, or water resources: The appropriate system shall typically include the frequent spreading of liquid and solid waste, composting of manures, and off-site disposal.
- v.** Additional BMPs shall be required if those listed above are shown to be ineffective. If a resident does not properly maintain or utilized BMPs, then the resident shall immediately cease the keeping of animals as defined in this Code.

The owner or resident can consult the following agencies for additional technical assistance:

- A. Ada Soil Conservation District.
- B. Natural Resources Conservation Service.
- C. Idaho Soil Conservation Commission.
- D. University of Idaho Extension Service.
- E. Boise City Public Works Department.

### G. SC-O: Sycamore Overlay

#### (1) Purpose

To preserve and encourage land use and development that is consistent with the semi-rural, agricultural character and lifestyle of the Sycamore neighborhood, while promoting the public health, safety, and general welfare of present and future residents of the neighborhood and Boise City.

#### (2) Boundary Map<sup>97</sup>

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<sup>97</sup> The R-1A label will be updated to R-1B to reflect the consolidation of zoning districts at the time of Consolidated Draft.



Figure 2.4. Sycamore Neighborhood Overlay District Boundaries

### (3) Specific Standards

#### (a) Setbacks

In the SC-O overlay district, excluding lots fronting on 39th, Catalpa, and Taft Streets, the required setback for buildings and parking areas on vacant or undeveloped lots is determined by the average setback of the principal building on the two adjoining lots abutting the same street. In no case shall the required setback be less than 20 feet or greater than 40 feet. Additions to existing buildings in the SC-O overlay district are also subject to this setback standard.

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**(b) Agricultural Standards**

The keeping of livestock, small animals, and similar or related agricultural uses in the S overlay district shall be subject to the generally applicable use standard of Section 11-03-03.6.F, and the standards in this Section. Where the standards of this Section conflict with the generally applicable standards, this Section shall control.

**i. Allowed Uses**

The keeping of livestock, small animals, and similar or related agricultural uses are allowed subject to the regulations of this Section.

**ii. Minimum Lot Size**

A minimum lot or parcel size of 21,780 square feet (one-half acre) is required for large animals as defined in this Section. The area of the lot or parcel used for any human dwelling shall be included when computing the one-half acre minimum lot size needed to qualify for large animals.

**iii. Animal Reserve Area**

A minimum animal reserve area of 10,890 square feet (one-quarter acre) is required for the keeping and care of large animals. Stables, paddocks, barns, and similar structures may be counted as part of the reserve area, but structures other than those related to the care of animals shall not be counted as part of the reserve area.

**iv. Area for Small Animals**

No minimum lot area is required for keeping small animals as defined in this Section, although small animals are subject to the animal density standards. All small animals as defined shall be kept behind the front of the principal dwelling.

**v. Animal Density Standards**

- A.** The maximum animal density for large animals shall be one animal unit per one-quarter acre of reserve area. The reserve area shall be used to calculate the allowed number of large animals allowed on a particular parcel. For reserve areas larger than one-quarter acre, the one animal unit: one-quarter acre ratio shall be applied to determine the allowed number of animals. Shared reserve areas on adjacent lots may be added to the owner's reserve area to calculate the number of large animals allowed on the owner's lot.
- B.** The maximum animal density for small animals shall be one animal unit per one-quarter acre of land area behind the front of the principal dwelling. The area used for calculating the allowed number of small animals shall not include land occupied by any building not used for housing said animals. For areas of land different from one-quarter acre, the one animal unit: one-quarter acre ratio shall be applied to determine the allowed number of animals.
- C.** The keeping of chickens in conjunction with the keeping of large animals is an exception to animal density standards. Up to six chickens may be kept simultaneously and in addition to the large animals allowed per lot based on the density standard.

- D.** No more than one rooster shall be kept on any single parcel, regardless of the size of the parcel.

**vi. Site Plan**

As deemed necessary, the Planning Director may require the owner or resident to submit a site plan, subject to approval, for the purpose of determining the amount of land available on a particular site for the keeping of animals pursuant to the standards of this Section.

**vii. Setbacks for Concentrated Feeding Areas, Buildings, and Pasture and Reserve Areas**

Concentrated feeding areas and buildings housing animals shall be located behind the front of the principal dwelling and a minimum of ten feet from all property lines. Fully enclosed buildings must comply with the setback standards for the base zone and, therefore, may in some cases be set back less than ten feet from the property line. Pasture or reserve areas shall be located behind the front of the principal dwelling, and may otherwise be located at the side and rear property line.

**viii. District Perimeter Setback**

Animal reserve areas for large animals shall be set back a minimum of 30 feet from any residential lot located outside the S district.

**ix. Enclosures Required**

Livestock shall be kept within enclosures that prevent animals from encroaching on neighboring properties or public streets. Enclosures may include fences, corrals, barns, pens, etc.

**x. Best Management Practices**

The owner or resident shall utilize Best Management Practices (BMPs) to protect surface and ground water quality and to avoid any adverse impact to wells and other beneficial uses. A BMP is defined as a practice or combination of practices that are the most effective, practicable means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality goals. Any owner or resident intending to keep livestock and other animals pursuant to this Section shall implement the following BMPs:

**A. Fencing**

Enclose one or more areas on the site as needed with a permanent fence or structure to function as a barrier to livestock and other animals to prevent access to and protect streams, canals, and ditches from trampling, erosion, and contamination.

**B. Filter Strips for Streams, Canals, and Ditches**

Maintain a gently sloping strip of ground cover vegetation to filter runoff from the portion of the site occupied by animals. Filter strips shall distribute waste matter uniformly across the high end of the strip and allow waste to flow through and across the strip and shall promote the filtering of nutrients, runoff water, and other material through the grass so

that they can be absorbed by the soil and ultimately taken up by the plants.

**C. Runoff Control System**

Employ a combination of practices to prevent animal waste runoff to surface water and adjacent properties. Practices may include diversion of runoff from the lot, roof runoff systems, lot shaping, settling basins, and filter strips or buffer areas.

**D. Liquid and Solid Waste Management System**

Employ a system for managing liquid and solid waste in a manner that: a) ensures fecal matter and other solid wastes do not create or promote nuisances, odors and disease-carrying insects and animals, and b) does not degrade air, soil, or water resources. The appropriate system shall typically include the frequent spreading of liquid and solid waste, composting of manures, and off-site disposal.

**xi. Additional BMPs**

Additional BMPs shall be required if those BMPs listed above are shown to be ineffective. The owner or resident can consult the following agencies for additional technical assistance:

- A.** Ada Soil Conservation District Natural Resources Conservation Service
- B.** Idaho Soil Conservation Commission
- C.** The University of Idaho Extension Service
- D.** Boise Public Works Department.

**xii. Periodic Assessment**

At five-year intervals,<sup>98</sup> the residents and property owners in the SC-O District and the Planning Director shall assess the impact and effectiveness of the standards of this Section in protecting residents and owners of the district and those outside the district from unwanted impacts.

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<sup>98</sup> Increased current three-year intervals to five-year intervals to simplify administration.

## 2. Design Review Overlay Districts<sup>99</sup>

### A. CD-O: Capitol Boulevard Design Overlay<sup>100</sup>

#### (1) Purpose

The City recognizes the importance of Capitol Boulevard and desires to protect and enhance its special character. Capitol Boulevard is one of the principal gateway streets in the State of Idaho. It links two of the most important historic buildings in the city - the State Capitol and the Boise Depot. In between these buildings lie a variety of uses that are of importance to the community, including cultural centers and parks, Boise State University, hotels, retail establishments, and restaurants.

#### (2) Boundary Map<sup>101</sup>

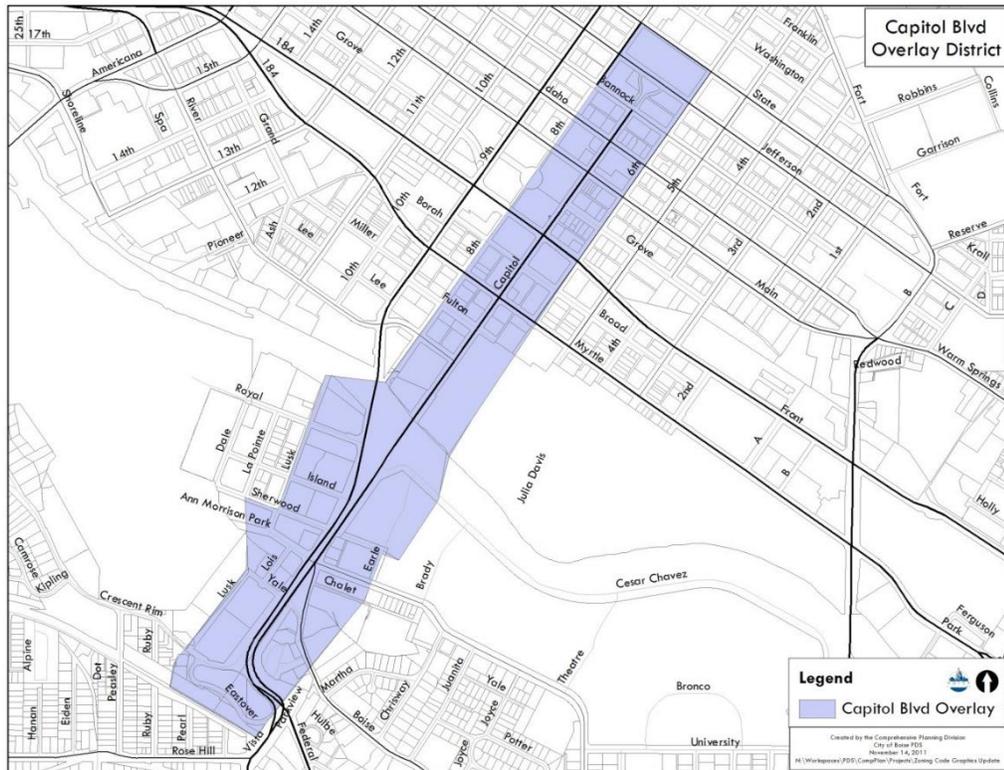


Figure 2.5. Boundary of Capitol Boulevard Special Design District

<sup>99</sup> Removed the East Fairview Design Overlay in its entirety as it was intended to be an interim overlay district.

<sup>100</sup> Carried forward current Section 11-05-03.1. The current D (Design Review) overlay district and the current DD (Downtown Design Review) overlay district do not appear in this Section. Since these extensively used design standards collectively apply to all buildings of defined types throughout the city, the required design standards will be consolidated with other building-specific design standards in Module 2 (Development and Design Standards). This allows the remaining current design review overlays, (Capitol Boulevard and East Fairview) to be mapped and treated as more specific and detailed design standards for discrete areas that supersede the general design standards (from the previous D and DD districts) that apply to specific types of buildings in those areas). The current Design Review process will continue to apply, and would apply either the relocated and updated D and DD design standards in Module 2 or the Capitol Boulevard and East Fairview standards in this Section, unless a decision is made to recommend changes to that system when Module 3 (Administration and Procedures) is drafted.

<sup>101</sup> Deleted boundary description text.

**(3) District Subareas**

The District is divided into four areas:

**(a) Downtown Corridor**

Both sides of Capitol Boulevard from centerline of Front Street north to the centerline of State Street.

**(b) Central Corridor**

Both sides of Capitol Boulevard from centerline of Front Street south to the Boise River.

**(c) Entrance Corridor**

East side of Capitol Boulevard from the Boise River to the Depot.

**(d) Exit Corridor**

West side of 9th Street and Capitol Boulevard from the Boise River south to the Depot.

**(e) Subareas Boundary Map**



Figure 2.6. Subareas Map of Boulevard Special Design District

#### (4) Design Review Permit

Design is required for the following:

- (a) Increase in building size by 10 percent or in parking lot size by 25 percent.
- (b) Replacement of more than 25 percent of a building.
- (c) Any new building or parking lot.
- (d) A facade remodel that utilizes different materials and design features (A color change or the addition of non-permanent features such as fabric awnings are not subject to design review.)

#### (5) Standards

##### (a) Streetscape Requirements

Streetscape improvements for Capitol Boulevard shall comply with the adopted Capitol Boulevard Streetscape Master Plan Master Plan.

##### i. Applicability

The streetscape improvements shall be required and shown on the development plans when:

- A. Constructing a new building or parking lot;
- B. Constructing an addition greater than 30 percent of the original square footage of the building, provided the addition is greater than 2,500 square feet gross floor area; or
- C. Constructing a parking lot addition along Capitol Boulevard that is greater than 50 percent of an existing parking area.

##### ii. Standards

##### A. Downtown Corridor from Jefferson Street to Front Street

For each Section of the Corridor, required improvements include, but are not limited to:

- (i) Brick streetscape shall remain along the west side of Capitol Boulevard from Bannock Street to Front Street.
- (ii) Streetscape upgrades consistent with the "Urban Sidewalk - Brick" prototype in the Capitol Boulevard Streetscape Master Plan along the east side of Capitol Boulevard from Bannock Street to Front Street shall be considered at the time of application review.
- (iii) Ten foot wide detached sidewalk and nine foot wide landscape strip adjacent to the street, with street trees, shrubs, and historic street lights along both sides of Capitol Boulevard from Bannock Street to Jefferson Street.

##### B. Central Corridor Front Street to Fulton Street

- (i) For each Section of the Corridor, required improvements include, but are not limited to:
- (ii) Relocated curb to form a 52 foot wide road Section measured curb to curb.

- (iii) Sidewalks with brick dry-laid pavers.
- (iv) Planters with street trees, shrubs, and low steel fencing, as shown in the Capitol Boulevard Streetscape Master Plan.
- (v) Furnishing zone with historic street lights as shown in the Capitol Boulevard Streetscape Master Plan.
- (vi) Benches, litter receptacles, movable planters, bicycle racks, & newsstands as shown in the Capitol Boulevard Streetscape Master Plan.
- (vii) Kiosks, public art, and transit stops may be considered.

**C. Central Corridor Fulton Street to the Boise River**

For each Section of the Corridor, required improvements include, but are not limited to:

- (i) Relocated curb to form a 52 foot wide road Section (curb to curb).
- (ii) Concrete sidewalks.
- (iii) Landscape strips with lawn and street trees.
- (iv) Historic street lights.

**D. Entrance and Exit Corridors**

For each Section of the Corridor, required improvements include, but are not limited to:

- (i) Concrete sidewalks.
- (ii) Landscape strips with lawn, shrubs, or street trees.
- (iii) A second row of deciduous trees.
- (iv) Historic street lights.
- (v) Bus stop shelters at select locations.

**(b) Building/Structure Setbacks**

**i. Downtown Corridor**

The setbacks of the underlying zone shall apply, except a 25 foot setback from the property line is required along Capitol Boulevard for any portion of a structure that is 45 feet or higher.

**ii. Central Corridor**

Minimum setbacks shall be as follows:

- A.** 45 feet from the centerline of Capitol Boulevard for structures up to 45 feet in height.
- B.** 75 feet from the centerline of Capitol Boulevard for any portion of a structure that is higher than 45 feet.
- C.** Only approved awnings, canopies, or similar projections may encroach into the public right-of-way.

**iii. Entrance and Exit Corridors**

Minimum setbacks shall be as follows:

- A. 20 feet from the property line along Capitol Boulevard for structures less than 45 feet in height.
- B. 35 feet from the property line along Capitol Boulevard for any portion of a structure that is higher than 45 feet.

**iv. Required Improvements Within Entrance and Exit Corridor Setback Areas**

At-grade setback areas shall include landscaping, and one or more of the following:

- A. An extension of the streetscape, such as a pedestrian space or a plaza utilizing benches, pavers, and other design elements;
- B. Sculptures, public art, or architectural design features;
- C. Canopies and other external decorative features, provided they do not encroach more than 30 percent into the setback;
- D. Sign(s); and
- E. Low decorative masonry walls of three feet or less (see also Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*).

**(c) Parking Lot Setbacks and Requirements**

**i. New Structures/Lots**

New detached structures and parking lots along Capitol Boulevard shall comply with the following:

**A. Downtown Corridor**

Parking lots shall be located below or behind buildings facing Capitol Boulevard.

**B. Central, Entrance, And Exit Corridors**

Parking is allowed along the sides of the building provided the width of the parking area does not exceed 50 percent of the site frontage along Capitol Boulevard. Parking may not be located closer to Capitol Boulevard than the building, and shall not be allowed closer than 20 feet from Capitol Boulevard.

**ii. Parking Lot Screening**

Parking lots shall be screened using one or more of the following, unless otherwise approved by the DRC.

- A. Decorative masonry screen walls - that may include wrought iron fencing. The maximum length without modulation may not exceed 30 feet.
- B. Landscaping plantings that provide year-round screening.

**(d) Building Design**

Buildings shall be designed to the highest standards with consideration of the following:

- i.** All building facade materials should be high quality to enhance the appearance of Capitol Boulevard including, but not limited to stone, brick, or tile.<sup>102</sup> The same facade materials or other architecturally compatible facade materials should be used for all exposed building walls and other architectural features.
- ii.** Architectural style is not to be restricted; however the appearance of the building shall be reviewed based on the use of materials and color, the quality of design, use of architectural details, and compatibility with the overall Boulevard development.
- iii.** Blank walls facing Capitol Boulevard are not allowed.
- iv.** Buildings located on corner sites that can be viewed from Capitol Boulevard should be given significance through the use of architectural elements, special materials, or height.
- v.** Distinctive roof or other termination of the building facade.
- vi.** Windows, doors, eaves, and parapets should be proportional to one another.
- vii.** New buildings and any modifications to historic buildings shall comply with the "Design Guideline for Boise City's Historic Commercial Districts" and the Secretary of the Interior Guidelines.
- viii.** Canopies and awnings at street level should not be illuminated and should be functional for purposes of pedestrian use.
- ix.** Mechanical equipment should be well screened from public right-of-way with materials that are harmonious to the building.
- x.** Utilities shall be installed underground, except for transportation facilities.

**(e) Lighting**

Low pedestrian/landscape lighting is encouraged and street lighting shall conform to the Capitol Boulevard Streetscape Master Plan.

**(f) Vehicular Access**

- i.** Curb cuts shall be limited to encourage pedestrian activity.
- ii.** Access points shall be defined with landscaping or other decorative elements.

**(g) Restrictions Along Capitol Boulevard**

The following shall not front on to Capitol Boulevard:

- i.** Off-street service/loading areas;
- ii.** Trash dumpsters;
- iii.** Outdoor storage areas;
- iv.** Fuel pumps; and
- v.** Drive-up windows.

**(h) Signage**

Sign standards for the C District shall be as indicated in Section 11-04-010, *Signs*.

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<sup>102</sup> Examples of qualifying materials have been added.

**B. HD-O: Historic Design Overlay<sup>103</sup>**

**(1) Purpose**

The purpose of the HD-O is to promote the educational, cultural, and economic welfare of the public by engaging in a comprehensive program of historic preservation to promote, preserve and protect historic buildings, structures, sites, monuments, streets, squares, and neighborhoods which serve as visible reminders of the historical, archeological, architectural, educational, and cultural heritage of the city. It is the further purpose of this Section for the social, economic, and environmental advantages of the city to promote the use and conservation of such property, to stabilize and improve property values in historic areas, and to encourage new buildings and developments that will be harmonious with the existing historical, archeological, architectural, educational, and cultural buildings, structures, sites, streets, squares, and neighborhoods.

**(2) Applicability<sup>104</sup>**

These provisions apply to all properties in the HD-O zoning district. In the case of properties located in both the HD-O district and Character Protection overlay district listed in Section 11-02-05.1, the provisions of this Section 11-02-05.2.B shall apply, and the provisions of Section 11-02-05.1.

**(3) Criteria for Designation**

Historic Districts and Historic Landmarks shall be designated by ordinance as described in Section <>.<sup>105</sup> The buildings, sites, structures, and objects of an historic district shall meet one of the following three criteria:

**(a) Historical or Cultural Importance**

- i.** Has significant character, interest, or value, as part of the development, heritage or cultural characteristics of the city, state, or nation; or is associated with the life of a person significant in the past; or
- ii.** Is the site of an historic event with a significant effect upon society; or
- iii.** Exemplifies the cultural, political, economic, social, educational, or historic heritage of the community; or
- iv.** By being part of or related to a street, square, park or other distinctive area, should be developed or preserved according to a plan based on historic, cultural, or architectural motif; or

<sup>103</sup> Carries forward selected parts of current Section 11-05-09. All content from Sections 11-05-09.2 through 09.5 related to the organization and powers, and funding of the Historic Preservation Commission, and all content from Sections 11-05.09.6 through 10 related to the procedures it follows to designate historic districts and landmarks, reclassify historic properties, removing historic designations, approving demolitions of historic structures, and approving changes of use for historic properties, will be addressed in Module 3 (Administration and Procedures) where they can be consolidated with other procedural to avoid repetition and resolve unnecessary differences in procedures. All content related to application forms and submittal requirements will be relocated to the Administrative Manual.

<sup>104</sup> New provisions to avoid the need to apply and reconcile two (often conflicting) sets of design standards. This carries forward the general practice of not applying other design standards in designated historic protection districts.

<sup>105</sup> Procedure to be drafted in Module 3: Administration and Procedures.

- v. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or city; or

**(b) Architectural Importance**

- i. Portrays the environment in an era of history characterized by a distinctive architectural style; or
- ii. Embodies those distinguishing characteristics of an architectural-type or engineering specimen; or
- iii. Is the work of a designer, architect, or craftsman whose individual work has significantly influenced the development of the city, state, or nation; or
- iv. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

**(c) Archeological Importance**

- i. Has yielded or may be likely to yield, information important in pre-history or history.
- ii. Contains or is likely to contain physical remains, such as fossils, relics, monuments, art, or symbols, of past human life and activities.

**(4) State Property<sup>106</sup>**

Nothing in this Section 11-02-05.2.B or portions of Chapter 11-05 *Administration and Procedures* related to the historic preservation or designation shall be construed to allow the designation, regulation conditioning, restriction or acquisition of historic buildings, structures, sites or areas, or other properties or facilities owned by the state or any of its political subdivisions, agencies or instrumentalities.

**(5) Acquisition of Property**

All lands, buildings, structures, sites, or areas acquired by funds appropriated by the city shall be acquired in the name of the city unless otherwise provided by the governing board. So long as owned by the city, historic properties may be maintained by or under the supervision and control of the city.

**(6) Acquisition of Historic Easements**

- (a)** The city may acquire, by purchase or donation, historic easements in any area within the jurisdiction of the city wherever and to the extent City Council determines that the acquisition will be in the public interest.<sup>107</sup>
- (b)** The City Council shall seek a recommendation from the Historic Preservation Commission regarding the historic easement and proposed resolution.

**(7) Ordinary Repairs; Public Safety**

Nothing in this Section 11-02-05.2.B or portions of Chapter 11-05 *Administration and Procedures* related to the historic preservation or designation shall be construed to

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<sup>106</sup> Subsections (3) through (10) carry forward current 11-05-09.11 through 11-05-9.17. Subsections (9) and (10) were reworded to avoid repetition.

<sup>107</sup> Definition of Historic Easement was moved to definitions Chapter.

prevent the ordinary maintenance or repair of any exterior feature in a historic district, or of any historic landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature when the Building Official shall certify such is required for the public safety because of an unsafe or dangerous condition.

**(8) Maintenance and Repair Required; Demolition by Neglect<sup>108</sup>**

- (a) Any property located within an historic district, historic district - residential or designated as a landmark shall be preserved by the owner, or such other person or persons as may have the legal custody or control of the property, against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control of the property shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of the Historic Preservation Commission has a detrimental effect on the historical characteristics of the property or district.
- (b) The deterioration of exterior walls or other vertical supports;
- (c) The deterioration of roofs or other horizontal members;
- (d) The deterioration of exterior chimneys;
- (e) The deterioration or removal of exterior finishes or fenestration;
- (f) The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
- (g) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- (h) If the Historic Preservation Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Boise City Building Division to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record 28 days from the date of mailing of such notice to commence work to correct the specific defects as determined by the Commission.
- (i) If the owner(s) fail to commence work within the time allotted as evidenced by a Building Permit, the Historic Preservation Commission shall notify the owner(s) in writing to appear at a public hearing before the Commission at a date, time, and place to be specified in said notice, which shall be mailed at least 28 days before the said hearing. The Commission shall also notify in writing adjacent property owners and the registered neighborhood association of such hearing. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the City Attorney to commence legal action against the owner(s) if the

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<sup>108</sup> This content may be moved to Section 11-04-011 *Operations and Maintenance*, and/or 11-05-07 *Violations, Enforcement, and Penalties* in order to consolidated materials on the same topic and to avoid confusion as to which applies.

necessary repairs are not completed within 90 days or a time frame as specified by the Commission.

**(9) Exemption from Fire or Building Codes**

The City Council, in order to promote the preservation and restoration of any historic landmark, or property within a historic district may, upon the recommendation of the Historic Preservation Commission, exempt an historic landmark or property within a historic district from the application of the City Fire or Building Codes upon compliance with the criteria for exemption set forth in said codes and upon a finding that non-exemption would prevent or seriously hinder the preservation or restoration of said historic landmark or property in a historic district. Upon rescission of a historic designation, any code exemption herein granted shall be revoked effective the date of rescission.

**(10) Notice of City Departments and Other Agencies**

In addition to all other transmittals and notices required by this Section 11-02-05.2.B, within seven calendar days after the designation by ordinance of any historic district or landmark, the Historic Preservation Commission shall notify all departments of the city and other governmental agencies having a regulatory or legally prescribed duty affecting such district or landmark. The notice shall state the fact of such designation, identify the boundary of the district, or the address of the landmark, and shall summarize the effect such designation will have.

**(11) Register of Historic Districts and Landmarks**

The Historic Preservation Commission shall maintain a current register and map of all historic districts and landmarks which have been designated by ordinance. Such register and map shall be made public and available to the city departments, other governmental agencies, and any interested person.

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**3. Sensitive Lands Overlay Districts**

**A. AI-O Airport Influence Area Overlay<sup>109</sup>**

**(1) Purpose**

The Airport Influence Area Overlay is intended to:

- (a)** Promote development that is compatible with and compliments airport operations
- (b)** Ensure all development complies with noise standards for development
- (c)** Ensure future development within the Airport Influence Area is designed in accordance with the Airport Master Plan.

**(2) Boundary Map**

[To be inserted]

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<sup>109</sup> New overlay based on the Airport Influence Area Design Principles in Blueprint Boise, including general design principles and Airport area policies. Further revisions to the proposed text may be made for accuracy in the Consolidated Draft.

### (3) Design Standards

All new development and existing structures within the Airport Influence Areas identified by the most recent 14 CFR Part 150 Noise Compatibility Program sound study must comply with the following:

- (a) All new residential development and new schools in Airport Influence Area A that are affected by average sound levels in the 60-65 DNL and/or aircraft traffic patterns below 1,000 feet are required to provide a sound level reduction of 25 dB.
- (b) All development within Airport Influence Area B is affected by average sound levels in the 65-70 DNL and/or aircraft traffic patterns below 1,000 feet. Residential development is not allowed within Area B. All compatible uses are required to provide sound insulation in noise sensitive areas of a facility.
- (c) All development within Airport Influence Area B-1 is affected by average sound levels in the 60 DNL and/or aircraft traffic patterns below 1,000 feet. New residential development is required to provide a sound level reduction of 30 dB. For new residential development, the maximum density is five residential units per acre with additional density being considered on a case-by-case basis pursuant to Section <>. <sup>110</sup> No new schools or universities are allowed. Commercial uses are compatible but are required to provide sound insulation in noise sensitive areas of a facility.
- (d) All development within Airport Influence Area C is affected by average sound levels greater than 70 DNL. The approved Airport Noise Compatibility Plan identifies that existing residential uses in this area are to undergo sound insulation. Residential uses in this area will be considered non-conforming and no new residential development is allowed. Non-noise sensitive manufacturing, industrial and commercial uses are allowed but are required to provide sound insulation in noise sensitive areas of a facility.

## B. BR-O: Boise River System Overlay

### (1) Purpose

The Boise River System Overlay District is intended to:

- (a) Ensure protection from flooding.
- (b) Allow for conveyance of the 100-year flood without property damage or loss of life.
- (c) Preserve, protect, and enhance the abundance and diversity of fish, wildlife, and riparian resources.
- (d) Control runoff and pollution so as to protect water quality of the river and its tributaries.<sup>111</sup>
- (e) Protect the Boise river as a public asset to the city and a major amenity for its citizens.
- (f) Maintain the Boise river greenbelt.

<sup>110</sup> Appropriate procedure to be identified in Module 3.

<sup>111</sup> Reference to tributaries added.

- (g) Ensure that development is designed to enhancement and protect rivers riparian, fish, wildlife, and recreational values.
- (h) Provide and maintain continuous public access to and along the river including appropriate facilities for parking of bikes and motor vehicles.

**(2) Applicability<sup>112</sup>**

The following standards and regulations of uses within the district apply:

TABLE 11-02.29: REGULATIONS AND USES					
LAND CLASSIFICATION	FLOODPLAIN REGULATIONS	USE STANDARDS OF BOISE RIVER REGULATIONS [11-02-05.3.B(7)]	MITIGATION SECTION OF BOISE RIVER REGULATIONS [11-02-05.3.B(10)]	ENHANCEMENT SECTION OF BOISE RIVER REGULATIONS (WHERE APPROPRIATE) [11-02-05.3.B(11)]	BOISE RIVER DEVELOPMENT SYSTEM PERMIT REQUIRED [11-02-05.3.B(9)]
Class A	Yes	Yes	Yes	Yes	Yes
Class B	Yes	Yes	Yes	Yes	Yes
Class C	Yes	Yes	No	Yes	Yes

**(3) Map and Boundaries**

**(a) Boundary Map**

[Reserved]

**(b) Districts**

The Boise River System Overlay district shall include the following areas:

**i. Floodway and Floodway Fringe Overlay Districts**

Lands within the 100-year floodplain boundaries adjacent to the Boise River, including lands designated within the Floodway (F) and Floodway Fringe (FF). These boundaries adjacent to the Boise River are determined by the FEMA Flood Boundary and Floodway Map. A copy of this map is available at the Development Services Department and on the City’s website. The Director with recommendation from the City Engineer shall provide boundary interpretations where necessary. These areas are subject to the standards in Section 11-02-05.3.C *FP-O Flood Protection Overlay* and the standards in Subsections (4) – (10), below.

**ii. Alluvial Overlay District**

Tributary floodplains and associated alluvial fans (AO zones) standards are addressed in Section 11-04-05.

<sup>112</sup> Deleted current Section 11-05-06.1.B(1) and moved to Administrative Manual.

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**(4) Boundary Descriptions**

**(a) Floodway (F) District Boundary**

The Floodway District shall have the boundaries as follows: The Channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as shown in the Flood Insurance Study for Boise City, Idaho.

**(b) Flood Fringe (FF) District Boundary**

The Floodway Fringe District shall have boundaries as follows: The area between the floodway boundary and the boundary of the 100 Year Flood.

**(c) Area of Shallow Flooding (AFS) District Boundary Description**

The Area of Shallow Flooding District shall have boundaries as area shown on the Flood Insurance Rate Map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**(5) A, B, And C Lands and Waters Classifications**

The BR-O overlay district includes lands and waters that provide natural resource functions and values including the preservation of fish and wildlife amenities shall be classified as "Class A, B, or C lands and waters."

**(a) Class A, B, And C Lands and Waters Established**

- i.** A set of master maps delineating class A, B, and C lands and waters is located in the Planning and Development Services Department or on the City's website. The precise boundaries shall be determined on a case-by-case basis based on available maps, studies, outside agency input and on-site inspections.
- ii.** The Boise River Fish and Wildlife Habitat Study, (Sather-Blair, et al, 1983), shall be used as a reference that provides objectives for preservation and management actions for Class A and Class B areas.

**(b) Class A Lands and Waters - Extremely Important for Preservation**

Class A lands and waters provide extremely important habitats for fish and wildlife and for flood control and protection. The objective is to preserve and protect these lands for their benefits to fish and wildlife in general and to protect Bald Eagle, Great Blue Heron, trout, and waterfowl habitats in particular. These areas include, but are not limited to:

- i.** Floodways;
- ii.** Areas with a high degree of plant community diversity;
- iii.** Black cottonwood riparian plant community;
- iv.** Riparian forests;
- v.** Scrub-shrub wetlands;
- vi.** Emergent wetlands within the floodplain (exclusive of working irrigation canals);
- vii.** A 300 foot radius around Great Blue Heron rookeries;

- viii.** Eagle winter habitat which includes lands within 200 feet of the 6500 cubic feet per second (c.f.s.) line, as determined by the Public Works Department based on their monitoring of annual flows, east of Walnut Street on the north side of the river and east of Phase 4 of the River Run Subdivision on the south, and forested wetlands east of these points;
- ix.** Lands within the riparian setback lands and waters;
- x.** The banks of side channels and tributary stream areas within the jurisdiction of this overlay district;
- xi.** Islands within the river;
- xii.** Trout spawning waters;
- xiii.** Riparian areas of tributary streams within the jurisdiction of this overlay district including channels that convey floodwaters and areas that meet the definition of wetlands; and
- xiv.** Lands currently identified as the Barber Pool Conservation Area.

**(c) Class B Lands and Waters - Moderately Important for Preservation**

Class B lands and waters provide good potential for improvements to natural resource functions and values. Development should improve natural resource functions and values and avoid negative. Class B lands and waters include, but are not limited to:

- i.** Agricultural lands;
- ii.** Gravel pit ponds and small lakes; and
- iii.** Intermittent tributary streams.

**(d) Class C Lands - Least Important for Preservation**

Class C lands provide limited fish and wildlife habitat. Development should provide landscaping and habitat improvements. These areas include, but are not limited to:

- i.** Public and private parks where current uses preclude enhancement of fish and wildlife habitat;
- ii.** Diversion dams;
- iii.** Residential and commercial developments;
- iv.** Lands surrounding gravel ponds;
- v.** Subdivided properties;
- vi.** Former industrial areas; and
- vii.** Vacant lands in urban centers.

**(6) Setbacks**

Setbacks are intended to protect and preserve the river; Greenbelt; Great Blue Heron rookeries; eagle perching, feeding, and loafing areas; and riparian areas.

**(a) Boise River Setback**

The setback for structures and parking areas is 70 feet from the 6500 c.f.s. line of the Boise River or 5 feet from the boundary of all dedications or easements granted to the City for greenbelt purposes in excess of 65 feet.

**(b) Greenbelt Setback**

The greenbelt setback for structures and parking areas is 70 feet measured landward from the 6500 c.f.s. setback line.

**(c) Great Blue Heron Rookeries Setback**

300 feet around Great Blue Heron rookeries. Rookeries shall be designated by the city and the Idaho Fish and Game Department.

**(d) Eagle Perching, Feeding, and Loafing Setback**

200 feet from the 6500 c.f.s, east of Walnut Street along the north side of the Boise River, and east of Phase 4 of the River Run subdivision along the south side of the Boise River.

**(e) Riparian Setback**

**i. Tier 1 Waterway**

A side channel with a width of less than 15 feet, measured from the top of bank, or with a flow of less than five c.f.s. shall have a riparian setback of 20 feet.<sup>113</sup>

**ii. Tier 2 Waterway**

A side channel at least 15 feet wide, measured from top of bank, or with a flow of between five to 150 c.f.s. shall have a riparian setback of 25 feet.

**iii. Structure Setback**

A minimum of 15 feet shall be maintained between the riparian setback and structures to allow for lawns and patios.

**(7) Allowed Uses and Improvements**

The following uses and improvements are allowed in Class A lands and waters areas subject to the standards for uses, mitigation and enhancement provisions set forth in this Section 11-02-05.3.B.

- (a)** All uses not explicitly listed are prohibited in Class A lands and waters areas.
  - i.** Signs (non-commercial);
  - ii.** Restrooms and snack bars (except for existing uses);
  - iii.** River bridges and paved access to river bridges;
  - iv.** Fish and wildlife habitat improvements;
  - v.** Irrigation weirs, diversion dams, and inlets;
  - vi.** Water inlets to supply domestic water;
  - vii.** Greenbelt structures under existing bridges;
  - viii.** Greenbelt paths or non-paved pedestrian paths that may provide limited access to the river and may run into or through lands designated as Class A habitat areas.
  - ix.** Paved bicycle paths, limited to:
    - A.** Existing paths;

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<sup>113</sup> New top of bank measurement clarification for width of side channel.

- B.** The Lander Street sewage treatment plant path;
  - C.** The Warm Springs park area pedestrian path and bridge and;
  - D.** Where an existing railroad right-of-way is already located or that may require, donated, or used as a bicycle path;
  - x.** Natural parks;
  - xi.** Bank and channel stabilization projects;
  - xii.** Hydro-electric and flood protection dams;
  - xiii.** Selected public piers and beaches;
  - xiv.** Public utility lines such as water and sewer lines;
  - xv.** Storm drain outlets and detention basins;
  - xvi.** Water pump facilities;
  - xvii.** Gravel extraction including reuse of gravel extraction lands; and
  - xviii.** One housing unit per 20 acres or legal non-conforming lot;
- (b)** Uses allowed in Class B and Class C areas are limited to those listed in Table 11-03.1.

#### **(8) Standards**

##### **(a) Standards Applicable to All Development Within the BR-O District**

###### **i. Emergent Wetlands**

In recognition of their importance and their scarcity, emergent wetlands shall be preserved as follows:

- A.** Emergent wetlands surrounded by Class B or Class C lands may be replaced with a wetland of equal size, provided that the created emergent wetland has the same or greater degree of natural resource functions and values as did the impacted emergent wetland.
- B.** The emergent wetland may be relocated anywhere on the project site, except within Class C lands.
- C.** If the emergent wetland is relocated to a site within existing Class A lands, then the land area of Class A lands and waters shall be enlarged by an amount no less than the size of the impacted emergent wetland.

###### **ii. Enhancement of Water Resources**

Proposals to use or create a water amenity shall be design to accommodate wetland and riparian functions and waterfowl, wildlife, trout, or warm water fish habitats.

###### **iii. Parks and Open Spaces**

- A.** Park areas where sporting events take place shall be located outside of Class A lands.<sup>114</sup>

<sup>114</sup> Replaced reference to "intense activity portions" to "areas where sporting events take place."

- B.** Open spaces such as parks, golf courses, greenbelt areas, parking lots, etc., within the floodplain shall be designed and operated to flood and provide storage capacity during flood flows in excess of 6500 c.f.s.

**iv. Emergency Access**

New developments shall include provisions for emergency access as determined by the Boise Fire Department.

**v. Greenbelt Access**

Developments shall provide for public access to the Boise River greenbelt and public parking for bicycles and motor vehicles.

**vi. Landscaping**

Landscaping shall utilize native or naturalized plant materials that provide wildlife food and shelter. Manicured landscaping and lawns are prohibited in Class A lands and in riparian areas and setbacks.

**vii. Bank and Channel**

Bank or channel stabilization measures (e.g., rip-rap, drop structures, large cobble) shall include over-planting with shrubs and trees and the deliberate enhancement of fish habitat.

**viii. Screening Requirements**

- A.** Structures shall be screened from view from the Greenbelt and the river with landscaping that will grow to a height of at least 20 feet within ten years.
- B.** Parking areas located between the structure and the Boise River shall be screened from view by landscaping or decorative fencing at least five feet in height.
- C.** Appropriate landscaping should be utilized to screen habitat areas from new development.

**ix. Construction Fencing**

Fencing shall be installed where construction activities abut a riparian area.

**(b) Additional Standards Applicable to Class A Lands and Waters**

- i.** Class A areas within a development or subdivision shall be preserved in single common ownership through a conservation easement or other method approved by the city.
- ii.** The removal of living or dead vegetation from the floodway shall not be permitted unless:
  - A.** The vegetation poses a threat to persons or property;
  - B.** The vegetation contributes to a dangerous restriction of the flow of floodwater; or
  - C.** The removal of vegetation is part of an approved mitigation and enhancement plan.
- iii.** Removal of vegetation shall be confined to the minimum necessary, while still maintaining the natural riparian areas. Removal of vegetation is subject to

approval by the Planning Director after review and recommendation by the Urban Forestry Division of the Boise Parks and Recreation Department.

- iv. Emergency situations under (2)(a) and (b) above may require actions to be taken before the Planning Director can be contacted. If that is the case, then the action taken shall be reported to the Planning Director and mitigation efforts shall be taken if the Planning Director requires them.

**(c) Additional Standard Applicable to Class B Lands and Waters**

Development shall improve natural resource functions and values and shall mitigate negative impacts.

**(d) Additional Standard Applicable to Class C Lands**

Development plans shall provide for habitat improvements and landscaping to create screens and buffer between wildlife habitat areas and new.

**(9) Conditions for Permits**

Conditions may be attached that

- (a)** Require compliance with applicable specifications, standards or requirements of the Idaho Department of Water Resources, Army Corps of Engineers, the Idaho Fish and Game Department, U.S. Fish and Wildlife Service, Environmental Protection Agency, the city, or other agencies.
- (b)** Require preservation of existing vegetation, and mitigation or enhancement of natural resource functions and values as set forth in Sections 11-02-05.3.B(10) and 11-02-05.3.B(11).
- (c)** Require landscaping consistent with the objectives of the Greenbelt or the extension of the natural setting of the river.
- (d)** Limit reclamation of eroded stream banks in the floodway and require overflow channels to remain open.
- (e)** Limit construction to certain periods of time.
- (f)** Require certification by a licensed engineer that conditions have been fulfilled.

**(10) Mitigation**

**(a) Purpose**

- i. To offset negative impacts of a proposed development on the natural resource functions and values in Class A and B lands and waters.
- ii. Mitigation goals for Class A and B lands will be no net loss of existing natural resource functions and values associated with flood protection, fish and wildlife habitat, recreation and other goals of the Comprehensive Plan and Boise River Plan.

**(b) Natural Resource Functions and Values**

Natural resource functions and values are:

- i. Water quality,
- ii. Habitat for fish and wildlife,
- iii. Nutrient retention and removal,

- iv. Channel stability,
- v. Food chain support,
- vi. Flood storage and de-synchronization,
- vii. Groundwater recharge and discharge,
- viii. Recreation,
- ix. Aesthetics, and
- x. Cultural resources.

**(c) Mitigation Measures and Sequencing for Class A, B, and C Lands and Waters**

The mitigation sequence shall be examined in the order listed below. Several mitigation measures may be used in combination to provide the greatest protection to the resource. Different mitigation sequencing may be used provided extensive evidence is submitted and adequately demonstrates the impacts and public benefits available. The burden shall be on the applicant to demonstrate compliance with the minimum standards described in this Section.

**i. Mitigation Measures for Class A and B Lands and Waters**

Mitigation measures from the most to the least preferable are:

- A. Avoid adverse impacts by selecting alternative alignments or locations.
- B. Minimize impacts by limiting encroachments, using less intrusive construction techniques, or other methods.
- C. Restore the impact area to as near its original condition as possible.
- D. In-kind on-site compensation.
- E. In-kind off-site compensation.

**ii. Mitigation Measures for Class C Lands and Waters**

Mitigation is not required. Development in Class C lands shall not adversely affect adjacent and nearby habitat in Class A or Class B lands.

**(d) Procedures for Development of Mitigation Plan**

**i. Generation of Field Data**

To accurately describe existing conditions, constraints, and their magnitude, existing natural resource functions and values shall be assessed by the applicant. This assessment must be provided with the project application for review by the city along with a comprehensive technical plan to mitigate for impacts to natural resource functions and values, or to enhance natural resource functions and values.

**ii. Early Coordination with Resource and Regulatory Agencies**

Consultation with government agencies that have resource responsibilities must be initiated by the applicant as soon as practicable to determine the natural resource functions and values existing within the area requiring a Boise River System development permit. Consultation shall also include a discussion of the presence of threatened and endangered species, and species of special concern; fish and wildlife habitat requirements and their sensitivity to disturbance; and

measures needed to mitigate for project related impacts or to enhance existing habitat. Consultation shall be documented.

**iii. Comprehensive Mitigation Design**

Proposed modifications to Class A and B lands and waters shall include:

**A. Preliminary Mitigation Plan**

A preliminary site plan identifies the location and quality of existing natural resources, impacts to those resources attributable to the proposed project, and proposed mitigation measures.

**B. Final Mitigation Plan**

- (i)** Upon approval of the Boise River System development permit a final site plan shall be developed by the applicant that includes a detailed description, plan view, profile, and typical Sections of the mitigation project. The final site plan shall fully describe proposed changes to the resource and the materials and methods used to accomplish mitigation.
- (ii)** The final site plan may be offered to the state and federal agencies for review. Comments of these agencies shall be fully considered by the city in its determination of whether the final site plan is in accordance with the Boise River System development permit.

**iv. Performance Monitoring**

The applicant shall monitor the performance of constructed mitigation improvements for a minimum period of 18 months unless otherwise fixed by the Planning and Zoning Commission. Acceptable performance shall be judged by comparing measured values to previously agreed upon standards.

**(11) Enhancement**

**(a) Purpose**

To encourage innovative development design to increase the quantity and improve the quality of existing natural resource functions and values.

**(b) Enhancement Plans**

Enhancement plans may be submitted but are not required as part of an application for a Boise River System development permit.

**(c) Enhancement Design Standards**

**i. Enhancement of Class A, B, And C Waters**

**A. Enhancement of Waters Held by the Idaho Department of Fish and Game**

Enhancement or creation of water amenities that use waters held by Idaho Department of Fish and Game shall be designed for the propagation and perpetuation of fish and wildlife resources.

**B. Enhancement of Non-Idaho Department of Fish and Game Waters**

Enhancement or creation of water amenities not held by Idaho Department of Fish and Game may be designed to enhance fish and wildlife resources or to provide a visual amenity.

**ii. Enhancement of Class A, B, and C Passive Open Space Lands**

**A. Class A Passive Lands**

Class A passive open space lands shall be designed with the primary intent of providing enhancement to fish, wildlife and riparian resources with specific design or attention given to eagles, Great Blue Heron, trout, and waterfowl. Vegetation shall be predominantly native or naturalized plant species.

**B. Class B and C Passive Open Space Lands**

Class B and C passive open space lands should be designed to encourage the creation of fish, wildlife, and riparian resources and to create transition between natural areas and areas of more intense development. Vegetation may be a combination of native or naturalized vegetation and ornamental or exotic species.

**C. Native and Naturalized Vegetation**

Native and naturalized vegetation should be located near established or created habitat areas and may transition to more ornamental species towards or within the development.

**D. Adjustment of Standards<sup>115</sup>**

- (i)** In order to provide an incentive for higher quality and more extensive enhancement plans, adjustments of zoning and subdivision standards may be requested.
- (ii)** Adjustments may be granted by the Planning and Zoning Commission or City Council on enhancement plans that have been designed in accordance with this Section and that the enhancement plan is in compliance with the Boise River System overlay district.
- (iii)** An adjustment of the standards may be approved when evidence presented meets the following conclusions of law:
  - (iv)** That the proposed enhancement plan is in compliance with the applicable standards of Section 11-02-05.3.B(10).
  - (v)** That the proposed enhancement plan complies with all local, state, and federal laws and regulations.
  - (vi)** That the adjustments requested ensure a benefit to the public.

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<sup>115</sup> Replaced all references to “waivers” with “adjustments”, because complete waiver of requirement to comply is rare; more frequently the standard is adjusted to require what is possible under the circumstances. These provisions may be moved to Module 3 and consolidated with other permitted adjustments to Code standards.

**E. Adjustment Examples**

- (i)** The adjustment of sidewalk standards for the construction of pedestrian, bicycle or nature trails that functionally replace the sidewalk. Provision of pedestrian pathways is encouraged on both sides of streets.
- (ii)** Reduction in street width standards to minimize impervious surfaces and to provide more land for vegetation and habitat improvements, provided, however, that private streets are to be discouraged.
- (iii)** Density transfers and clustering of uses to provide larger areas for habitat improvements.
- (iv)** Permit stream and irrigation system adjustments from the design requirements of the subdivision provisions of this Code.
- (v)** Permit fencing waivers from irrigation and streams as required in the subdivision provisions of this Code.
- (vi)** Permit adjustment of drainage standards, as long as drainage and water quality goals are met.
- (vii)** Permit flexibility in the enhancement of existing marginal Class A lands by permitting enhancements that improve the river riparian values.
- (viii)** Adjustments that address public safety considerations.
- (ix)** Flexibility in lot size and setback standards to provide large areas increasing habitat. Any adjustment or variance from setback requirements under this overlay district must be shown to be required by legal necessity (a taking would otherwise occur) or to promote and enhance public safety, or that strict compliance with the setback in a given area would result in more damage to the habitat and environment than would granting the adjustment or variance under the provisions of this and other overlay district(s) or other Code provisions.

**(d) Procedures for Development of Enhancement Projects**

- i.** The same field data required to satisfy Section 11-02-05.3.B(10)(d), *Procedures for Development of Mitigation Plan*, shall be gathered and used to aid in the design of the enhancement plan.
- ii.** A combined mitigation and enhancement preliminary plan may be submitted if the plans clearly designate that features fulfill the mitigation requirements and that features fulfill the enhancement plan. Enhancement features may be considered part of a mitigation plan only if such features meet the standards of Sections 11-02-05.3.B(10)(a) and (c).

**(e) Performance Monitoring**

The applicant shall monitor the performance of constructed enhancements for a minimum period of 18 months unless otherwise fixed by the Planning and Zoning

Commission. Acceptable performance shall be judged by comparing measured values to standards that were previously agreed- upon.

### C. FP-O Flood Protection Overlay<sup>116</sup>

#### (1) General Provisions

##### (a) Purpose

- i. The flood hazard areas of Boise City, Idaho, are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- ii. Flood losses are caused by natural forces and construction practices which increase flood heights and velocities, and by structures which are inadequately anchored and which may damage property in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise unprotected from flood damage also contribute to flood losses.
- iii. It is the purpose of this Section to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - A. To protect human life and health;
  - B. To minimize expenditures of public money and costly flood control projects;
  - C. To minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;
  - D. To minimize prolonged business interruptions;
  - E. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Areas of Special Flood Hazard;
  - F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  - G. To ensure that potential buyers are notified when property is in an Area of Special Flood Hazards; and
  - H. To ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions.

##### (b) Methods of Reducing Flood Losses

This Section 11-02-05.3.C(1)(b) describes guidelines and provisions for:

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<sup>116</sup> New Section to clarify the difference between the floodplain and Boise River System Overlay. Content is from current Section 11-08-01 through 06. Content on administration, appeals and variances from current Section 11-08-08 will be consolidated with other regulations on those topics in Module 3. Floodplain definitions from current Section 11-08-09 now appear in the Definitions chapter below.

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- i. Restricting or prohibiting redevelopment that is dangerous to health, safety, and property due to water or erosion hazards, or which resulting damaging increases in erosion or in flood heights or velocities;
  - ii. Requiring that development vulnerable to floods, including facilities, be protected against flood damage at the time of initial construction;
  - iii. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  - iv. Controlling filling, grading, dredging, and other development which may increase flood damage; and
  - v. Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or may increase flood hazards in other areas.

**(c) Applicability**

The provisions of this Section shall apply to all areas of special flood hazard, within the jurisdiction of Boise City, and as such lands are identified, within the Floodway, Floodway Fringe, or the Area of Shallow Flooding. The areas of special flood hazard are identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "Flood Insurance Study for Ada County, Idaho, and Incorporated Areas" dated June 19, 2020, with accompanying Flood Insurance Rate Maps, and flood profiles, along with all subsequent amendments which are hereby adopted by reference and declared to be a part of this Section. The Flood Insurance Study and Flood Insurance Rate Maps are on file with the Planning Director and the City Engineer.

**(d) Creation of Zones**

The Floodway Zone, the Floodway Fringe (FF) Zone and Area of Shallow Flooding (ASF) Zone: The Floodway zone, the Floodway Fringe Zone and Area of Shallow Flooding Zone are hereby created and shall have the boundaries as defined in Chapter 11-06, *Definitions* and shall have the requirements as set forth in this Section.

**(e) Exclusions**

Upon issuance of a Letter of Map Amendment or Letter of Map Revision, from FEMA, such land shall be deemed to be automatically excluded from the Floodway, Floodway Fringe and Area of Shallow Flooding.

**(f) Compliance**

All development within the Area of Special Flood Hazard (ASFH) shall be undertaken in full compliance with this Section 11-02-05.3.C. Enforcement of violations shall be in accordance with Section 11-05-07, *Violations, Enforcement, and Penalties*.

**(g) Abrogation and Greater Restrictions**

The provisions of this Section shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant, or deed restriction. In the event that the provisions of this and any other ordinance, regulation, easement, covenant, or deed restriction conflict or overlap, whichever has the more restrictive requirements shall control.

**(h) Severability**

Each section, clause, and provision of this Code is declared severable as per Section 11-01-09, *Severability*.

**(i) Interpretation**

All of the provisions of this Section shall be liberally construed in favor of the governing body and shall not be deemed to limit or repeal any other powers granted under state statutes.

**(j) Warning and Disclaimer**

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased due to artificial or natural causes. This Section does not imply that lands outside the identified areas of special flood hazard will be free from flooding or flood damages or that uses permitted within the identified areas of special flood hazard will be free from flooding or flood damages. This Section 11-02-05.3.C shall not create liability on the part of Boise City, or any officer or employee thereof, for any flood damages that result from reliance on this Section or any administrative decision lawfully made using this Section.

**(2) Floodway Zone**

**(a) Permitted Uses**

All uses permitted by the base zoning district within this Code, and as amended are permitted in Floodway Zones to the extent that the uses are consistent with the standards of this Section.

**(b) Standards**

- i.** No new development shall be permitted including fill, new construction, substantial improvements, or other development, unless:
  - A.** It is public infrastructure, including but not limited to bridges, roadways, sewer, and water lines, and
  - B.** It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- ii.** All new development, new construction and substantial improvements shall comply with the applicable standards for uses in the Floodway Fringe.
- iii.** Existing structures in the Floodway Zone which are displaced by floodwater shall not be reconstructed.
- iv.** No alteration or relocation of a water course shall be permitted which would diminish the flood carrying capacity of the water course, or which would result in the flooding of lands which are not subject to flooding prior to such alteration or relocation of the water course, or which will result in adverse effects on other properties including but not limited to, bank erosion resulting from higher

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velocities, increased heights of floodwaters, extended flood duration, or alterations that may promote channel blockage.

- v. Uses on parcels which include any portion of a floodway shall provide for channel stabilization, bank stabilization, or a setback from the edge of the floodway sufficient to protect the use from flood related erosion. Such measures shall be reviewed by a licensed professional engineer for effectiveness for the flood flow and velocity conditions anticipated at the site.
- vi. Check dams shall be designed and reviewed by a licensed professional engineer, and reviewed and approved by the City Engineer to ensure the safety of persons and property which could be affected by the construction of the check dam.
- vii. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

#### (c) Prohibited Uses

- i. New construction or substantial improvements of residential and non-residential structures, including both principal and accessory use structures, except as provided in 11-02-05.3.C(2)(b), above.
- ii. Manufacture and storage of materials which are buoyant, flammable, toxic or explosive, or which may present a hazard to public health or safety in time of flooding.
- iii. Standards for Sand and Gravel Extraction - Material stockpiles and permanently installed structures shall not be located within the floodway.

#### (d) Relocating the Floodway (Line)

- i. All proposals to redefine the floodway boundary lines require a resolution from the City Council to adopt the amendments to the Flood Insurance Rate Map, and the Flood Insurance Study. The procedure shall include a review by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency (LOMC Process), the Department of Public Works, and the Planning and Development Services Department, prior to submittal to the City Council.
- ii. The Floodway Boundary Line may be relocated due to refinements of the floodway calculations based upon new information concerning the existing conditions.
- iii. The floodway boundary line may not be relocated through physical alterations to the lands in the floodplain.

**(3) Floodway Fringe (FF) Zone and Area of Shallow Flooding (ASF) Zone**

**(a) Permitted Uses**

All uses permitted in the base zone district within this Code and as amended, are permitted in the Floodway Fringe Zone and Area of Shallow Flooding Zone to the extent that such uses are consistent with the standards within this Section.

**(b) Standards**

**i. Uses**

- A.** Except for levees, all new development shall utilize methods and practices that minimize flood damage and prevent the increase in flood damage potential to other properties or other adverse impacts including but not limited to, bank erosion resulting from higher velocities, increased heights of floodwaters, extended flood duration, or alterations that may promote channel blockage.
- B.** All new development shall utilize materials and utility equipment resistant to flood damage.
- C.** All new construction and substantial improvements to structures shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads including the effects of buoyancy.
- D.** All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's Protecting Manufactured Homes from Floods & Other Hazards FEMA P-85 11/2009 for additional techniques).
- E.** Drainage practices shall be utilized which minimize exposure to flood hazards.
- F.** Manufacture and/or storage of material which is buoyant, flammable, toxic or explosive is prohibited.
- G.** River crossings shall be designed to withstand the flows and velocities of the base flood discharge and shall not impede the flows.
- H.** All development and structures shall meet or exceed the requirements of Section 11-02-05.3.B, *BR-O: Boise River System Overlay*, if applicable.
- I.** Water velocities within the floodway fringe are not significantly increased so as to cause adverse effects on the site or to surrounding properties.
- J.** Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

**ii. Utilities**

- A.** All new and replacement water supply systems shall be designed to prevent infiltration of flood waters into the systems.

- B.** New and replacement wastewater disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C.** On-site waste disposal systems are prohibited in the Floodway Fringe Zone and Area of Shallow Flooding Zone.
- D.** Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

### iii. Development, Including Subdivisions and Manufactured Home Parks

- A.** All proposals shall be consistent with the need to minimize flood damage.
- B.** All proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- C.** All proposals shall have adequate drainage to reduce exposure to flood damage.
- D.** Base flood elevation data shall be provided and shown on the preliminary plat for all proposals. Such elevation data shall be certified by a licensed professional engineer or registered land surveyor. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain greater than 50 lots or five acres (whichever is the lesser).

### iv. Residential Structures

- A.** New construction and substantial improvement of any residential structure (including but not limited to manufactured homes) located in the Floodway Fringe shall have the lowest floor including basements and crawl spaces, elevated two feet above the base flood elevation.
- B.** New construction and substantial improvement of any residential structure located in the Area of Shallow Flooding (AO Flood Zone) shall have the lowest floor, including basements and crawl spaces, elevated one foot above the flood depth specified on the FIRM measured at highest adjacent grade, or at least two feet above highest adjacent grade when a flood depth is not identified. The height of the adjacent grade and the lowest floor including basement and/or the first floor shall be certified by a licensed professional engineer or registered land surveyor.
- C.** Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or must meet or exceed the following minimum criteria:

- (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (ii) The bottom of all flood openings shall be no higher than one foot above the interior or exterior adjacent grade.
- (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### v. Manufactured Homes

- A. All manufactured homes that are placed or substantially improved on sites:
  - (i) Outside of a manufactured home community or subdivision;
  - (ii) In a new manufactured home community or subdivision;
  - (iii) In an expansion to an existing manufactured home community or subdivision; or
  - (iv) In an existing manufactured home community or subdivision on which a manufactured home has incurred substantial damage as the result of a flood.
- B. All manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- C. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home community or subdivision that are not subject to the provisions of "A" above, be elevated so that either:
  - (i) The lowest floor of the manufactured home is at or above the base flood elevation, or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### vi. Nonresidential Structures (Includes Accessory Structures Such as Sheds, Detached Garages, Etc.)

##### A. Elevating

New construction and substantial improvement of any nonresidential structures shall meet the following:

- (i) When located in the Floodway Fringe, such structures shall have the lowest floor, including basements and crawl spaces, elevated to two feet above the base flood elevation. When located in the Area of Shallow Flooding, such structures shall have the lowest floor, including basement, elevated to the level of the base flood depth as

indicated on the FIRM or at least two feet above highest adjacent grade if no depth number is specified.

- (ii) Elevations of adjacent grade and the first floor shall be certified by a licensed professional engineer or registered land surveyor to the Building Official.
- (iii) Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the first floor as described in Subsection v. above.

#### **B. Flood-Proofing**

In lieu of elevating nonresidential structures as required in this Section, new construction and substantial improvement of any nonresidential structures shall meet the following:

- (i) When located in the Floodway Fringe, such structures together with attendant utility and sanitary facilities shall be flood-proofed to one foot above the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.
- (ii) When located in the Area of Shallow Flooding, such structures, together with attendant utility and sanitary facilities, shall be flood-proofed to the base flood level so the structure is watertight with walls substantially impermeable to the passage of water.
- (iii) Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (iv) A licensed professional engineer shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Section based on their review of the structural design, specifications, and plans. Such certifications shall be provided to the Planning Director.

#### **vii. Recreational Vehicles**

Recreational vehicles shall either:

- A.** Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- B.** Meet the permit and elevation requirements for residential structures (Subsection v. above) and the anchoring requirements for manufactured homes (Subsection vi. above).

#### **(4) Unnumbered "A Zones"**

##### **(a) Permitted Uses**

All uses permitted in the base zoning district within this Code and as amended, are permitted in the Unnumbered "A Zone" to the extent that such uses are consistent with the standards within this Section.

**(b) Standards**

**i. Uses**

- A.** The use shall meet the standards listed in the standards for uses in the Floodway Fringe Zone and Area of Shallow Flooding Zone in Section 11-02-05.3.C(3)(b)i.
- B.** Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- C.** Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

**ii. Utilities**

The utilities shall meet the standards listed for utilities in the Floodway Fringe Zone and Area of Shallow Flooding Zone in Section 11-02-05.3.C(3)(b)ii.

**iii. Development, Including Subdivisions and Manufactured Home Communities**

The proposal shall meet the standards listed in the Floodway Fringe Zone and Area of Shallow Flooding Zone in Section 11-02-05.3.C(3). The Applicant shall submit an application for a Conditional Letter of Map Revision (CLOMR) prior to Preliminary Plat approval and have obtained a Letter of Map Revision (LOMR) prior to any building permits for structures being issued.

**iv. Standards for Residential Structures**

The residential structures shall meet the standards for residential structures listed in Floodway Fringe Zone and Area of Shallow Flooding Zone in Section 11-02-05.3.C(3)(b)iv.

**(5) Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

**(6) General Irrigation Floodplain Development Permit**

- (a)** A General Irrigation Floodplain Development Permit (GIFD) applies to qualifying activities within the regulatory floodway or special flood hazard area. These permits

may be issued to an irrigation entity for a period not to exceed five years. Examples of activities eligible under this provision include:

- i. Dredging and grading of irrigation and drainage channels, when the fill from dredging or grading is not deposited on the banks of channels or anywhere within the regulatory floodway or SFHA for longer than 10 days.
- ii. Seasonal grading within natural stream channels to check or direct water into irrigation facilities (i.e. earthen "push-up dams" and "wing dams").
- iii. Deposition of fill within the SFHA for less than 10 days. After 10 days, deposited fill must be removed from the SFHA, or graded and compacted to existing grade within  $\pm 0.2$  feet. Deposition of fill includes deposition of material resulting from grading or excavating irrigation or drainage channels. Deposition of fill within the mapped floodway requires an individual permit.
- iv. Construction of new underground utilities that do not permanently alter the existing grade elevations by  $\pm 0.5$  feet. Excess soil from new pipes larger than 2 feet in diameter must be disposed of outside the regulatory floodway and SFHA.
- v. In-kind replacement of irrigation and drainage works or components including but not limited to control gates or head gates, measuring devices and their housing structures/stilling wells, culverts, pumps, pipes, flumes, siphons, and similar works. GFD permits cannot authorize the In-kind replacement of dams or bridge structures.
- vi. New driveways, trails, sidewalks, roads, and streets constructed completely at-or-below existing grade.
- vii. Armoring, stabilizing, securing, or in-kind replacement of existing infrastructure within the channel banks (such as bridge piers, sewer/utility supports and storm water/sewer drainage outfalls/headwalls) when the dimensions (bank slopes, channel location, channel elevation) of the channel are not altered. This should not involve replacement with larger or additional above ground infrastructure.

#### D. HS-O: Hillside Development Overlay<sup>117</sup>

##### (1) Purpose and Intent

To development of hillsides and foothills is consistent with the Comprehensive Plan and to ensure protection from hazards due to slope, erosion-prone soils, unstable soils, earth movement, and other geologic and hydrologic hazards.

##### (2) Applicability

These provisions shall apply to development on properties where the slope exceeds 15 percent or where adverse conditions due to slope stability, expansion soils, high water table and springs, erosion, or sedimentation are present as determined by the Planning Director or City Engineer.

<sup>117</sup> Content from 11-07-08.6 regarding the Hillside and Foothills Development Permit application process will appear in Module 3 as part of those procedures

### (3) Categories of Hillside Development Permits

The director (with input from the City Engineer) shall determine whether an application may be processed as a Category I, II, or III permit.

#### (a) Category I

Category I permits are issued by the Planning Director for minor, routine construction on prepared building pads and single-lots that do not involve significant grading. For example:

- i. Single-family residential homes or accessory structure placed on lots needing little modification, in a development for which a Category III permit has previously been issued.
- ii. Single-family residential homes or accessory structures placed upon lots of record that; comply with approved building envelopes and limits to grading; and, for which Category II permit criteria are not exceeded.

#### (b) Category II

Examples of the development requiring a Category II permit are:

- i. Exterior additions to existing structures; or
- ii. Grading with significant modification of approved topography; including:
  - A. A retaining wall which is greater than four feet of exposed height or more than one retaining wall when the horizontal distance between retaining walls is less than ten feet and the total of all exposed retaining walls exceeds four feet in height.
  - B. An excavation or fill which exceeds the limits as defined International Building Code Chapter 18 and Appendix J as amended by Chapter 9-1 of the Boise City Code.
- iii. Access roads or driveways in excess of 100 feet in length or in excess of 15 Percent grade. Such driveways shall be reviewed for impacts on drainage and soil stability, emergency access, access to the public street and potential physical impacts on neighboring properties.
- iv. Multiple retaining walls located within setbacks, per Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.

#### (c) Category III

Category III permits are for PUDs, preliminary subdivision plats, or grading involving modification of approved topography beyond that allowed under Categories I and II, including:

- i. Projects where the Planning Director, with input from the City Engineer, determines that slope stability or drainage problems exist.
- ii. Projects involving modification of pre-graded lots in excess of 30 percent of the volume of previous excavation or fill or 30 percent of the surface area by square footage.
- iii. Projects involving modification of lots with natural topography in excess of 30 percent of the surface area of the lot.

- iv.** Projects not defined as a Category I or II but that fall under the purview of this Section 11-02-05.3.C.

**(4) Hillside Development Restrictions**

Any area that presents one or more of the following limiting factors shall not be subject to development unless the project engineer can demonstrate satisfactorily to the City Engineer, based on the required technical reports, that these site limitations can be overcome in such a manner as to minimize hazard to life, hazard to property, and adverse effects on the safety, use, or stability of a public way or drainage channel. Such site limitations to be overcome shall include but not be limited to the following:

- (a)** Landslide areas or scarps, or areas of active landslides.
- (b)** Lines of active faults.
- (c)** Areas with expansive soils or collapsible soils.
- (d)** Slopes greater than 25 percent.
- (e)** High water table and springs.

**(5) Hillside Development Standards**

**(a) Standards Applicable to All Categories of Hillside Development Permits**

- i.** Planning of development shall account for the topography, soils, geology, vegetation, outstanding features such as outcropping and cliffs, hydrology and other conditions existing on the proposed site.
- ii.** Development shall be oriented on the site so that grading and other site preparations are kept to a minimum.
- iii.** Essential grading shall be completed during site preparation, rather than left for future lot owners so that:
  - A.** Shaping shall blend in with existing topography to minimize the necessity of padding or terracing of building sites; and
  - B.** Building pads and terracing shall be graded to blend into the natural contours.
- iv.** Paving shall be completed within 60 days after final grading (final grading any grading done after the placement of utilities).
- v.** Areas not well suited for development because of soil, geology, vegetation, or hydrology limitations shall be reserved for open space.
- vi.** Disruption of existing plant and animal life shall be minimized.
- vii.** Innovative methods of slope and soil stabilization, grading, and landscaping are encouraged.
- viii.** Multiple access points and street grades that meet requirements of the Fire Department and ACHD shall be provided.
- ix.** Pedestrian access to and through the project shall be provided.
- x.** A bond and surety agreement or an irrevocable letter of credit in an amount of 110 percent of the cost estimated by the City Engineer is required to enable restoration of the site if the project is not completed as approved. The bonding

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shall be provided prior to the issuance of a grading permit or signing of the final plat by the City Engineer.

- xi.** Prior to issuance of a grading permit, the owner and/or developer shall provide a legally binding easement allowing the City of Boise and/or its agents to enter upon the property to do work, as deemed necessary by the City Engineer, to restore the site's appearance and drainage in case of non-completion or substantial deviation from the approved plans of the project by the developer/owner.
- xii.** All work must be performed in accordance with the latest approved contract plans and specifications. Work not in accordance may not be accepted. Revisions to the plans and specifications shall be submitted to the City Engineer and Planning Director, allowing sufficient time for review, comment, revision, and approval.

#### **(b) Grading Standards**

- i.** No grading, filling, clearing, or excavation of any kind in excess of 50 cubic yards or stripping of vegetation shall be initiated until the required final grading plan is approved by the Public Works Department and a grading permit is issued.
- ii.** Fill areas shall be prepared by removing any organic material that is determined by the geotechnical report to be detrimental to proper compaction or otherwise not conducive to stability.
- iii.** Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan or imported from outside the hillside areas of Ada County. No cuts shall be permitted solely for the purpose of obtaining fill unless approved in the grading plan.
- iv.** All retaining walls higher than four feet shall be engineered so that structural members are keyed into stable foundations and are capable of sustaining the design loads.
- v.** Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T-99, ASTM D-698, ASTM D-1557 or greater as recommended by the geotechnical report. The frequency of compaction testing shall be addressed in the geotechnical report and shall be approved by the City Engineer.
- vi.** Cut slopes shall be no steeper than two feet horizontal to one foot vertical unless it can be shown by the project geotechnical engineer that steeper slopes are feasible, taking into account safety, stability, erosion control, and re-vegetation. For cut slopes steeper than two feet horizontal to one foot vertical, subsurface drainage shall be provided as necessary for stability.
- vii.** Fill slopes shall be no steeper than two feet horizontal to one foot vertical unless it can be shown by the project geotechnical engineer that steeper slopes are safe, stable, erosion resistant, and can be adequately re-vegetated. Fill slopes shall not be located on natural slopes two to one or steeper, or where fill slopes toe out within 12 feet horizontally of the top of an existing or planned cut slope.

- viii.** Prior to placement of fill, the ground shall be prepared in accordance with the International Building Code Chapter 18 and Appendix J as amended by Chapter 9-1 of the Boise City Code. Subsurface drainage shall be provided as necessary for stability.
- ix.** Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of the International Building Code Chapter 18 and Appendix J as amended by Chapter 9-1 of the Boise City Code.

**(c) Re-Vegetation and Erosion Control Standards**

- i.** Vegetation should not be disturbed beyond the limits of the approved grading plan.
- ii.** Topsoil removed during construction shall be conserved for later use on areas requiring re-vegetation or landscaping.
- iii.** Topsoil shall be placed at a minimum thickness of four inches.
- iv.** The minimum acceptable plant coverage is 80 percent two years after planting.
- v.** Seed mix shall include deep-rooted plants and subsequent planting of seedlings.
- vi.** Erosion shall be controlled to prevent deposition of sediment on adjacent property.

**(d) Hydrologic Controls**

- i.** Interceptor ditches or other methods approved by the City Engineer shall be established above all cut or fill slopes, and the intercepted water shall be conveyed to a stable channel with adequate capacity. Provision for ditch maintenance must be approved by the City.
- ii.** Curb, gutter and pavement design and lot grading shall be such that water on roadways is prevented from flowing off roadway, except in conveyance conduits.
- iii.** Natural stream channel shall be stabilized using a method acceptable to the City Engineer.
- iv.** Runoff from areas of concentrated impervious cover such as roofs, driveways, and roads shall be retained on-site or collected and transported to a channel with sufficient capacity to accept the discharge without erosion or flooding. Provision should be made by the owner or developer for the cleaning of drainage facilities from the onset of construction through the completion of the project.
- v.** Waste material from construction, including soil and other solid materials, shall not be deposited within the 100-year flood plain unless the City Engineer concurs that there is no reduction in storage and flow capacity of the flood plain.
- vi.** Drainage systems shall be designed to accommodate a 100-year flood event.
- vii.** With the exception of road crossings, approved drainage structures, and recreation and open space uses that do not involve the destruction of vegetative cover, development shall be prohibited within the 100-year floodway.
- viii.** Sediment catchment ponds shall be constructed and maintained downstream from each development unless sediment retention facilities are otherwise provided. Any facility used shall provide for the removal of surface debris and

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contaminants, as well as sediment retention. The facilities shall be designed to facilitate maintenance at minimal cost. Each completed phase of a drainage system shall be designed for the 100-year occurrence.

- ix.** The overall drainage system shall be completed and made operational at the earliest possible time during construction.
- x.** Alterations of major floodways shall only be made with approved drainage conveyance systems and structures as approved by the City Engineer, Army Corps of Engineers, and FEMA.
- xi.** Natural streams or improved open channels shall be preserved or provided for in major (ten acres or larger) catchments except where otherwise approved by the City Engineer. In minor catchments, drainage shall be permitted to be enclosed in conduits.
- xii.** Flow rates from a newly developed site shall not exceed the flow rate from the site in its natural condition prior to development. Exceptions shall be appropriate if compliance with the prior sentence creates more adverse impacts to the overall drainage area than other drainage alternatives.
- xiii.** Drainage facilities shall be designed to coordinate with any Master Drainage Plan for the drainage basin in which the proposed development is located.
- xiv.** Special drainage facilities or an overflow path for floodwater shall be designated in all locations where there is a sag in the profile of the street or at the end of a cul-de-sac that is lower than the intercepting street. Restriction shall be placed to protect the overflow path from the future building of any fence, shed, dwelling, or obstruction that would impede the flood flow.

#### **(e) Roadways and Circulation**

- i.** Roads shall be designed to minimize land coverage and soil disturbance.
- ii.** Existing deep-rooted perennial vegetation shall be preserved to the extent possible.
- iii.** Variations in road design and construction and right-of-way requirements shall be sought through ACHD in order to keep grading and cut or fill slopes to a minimum.
- iv.** Road alignments should follow natural contours; cul-de-sacs and common driveways are encouraged.
- v.** One-way couplets shall be encouraged where appropriate for the terrain and where public safety would not be jeopardized. Road width shall be a minimum of 20 feet to allow the passage of emergency vehicles.
- vi.** If the sidewalk is to be installed parallel to the roadway on fills, the slope shall be rounded for four feet from the back of the sidewalk.
- vii.** A pedestrian pathway shall be required as approved by the Planning and Zoning Commission.
- viii.** Combinations of collective or common private driveways, cluster parking areas, and on-street parallel parking bays shall be used where possible to attempt to

optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design, and aesthetic sensitivity.

**(f) Maintenance**

The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved under the provisions of the this Section, or a building permit granted by the Development Services Department, within a subdivision approved under the provisions of this Section 11-02-05.3.C, shall maintain in perpetuity and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means, or devices deemed not to be the responsibility of the ACHD or other public agency, and plantings and ground cover installed or completed. Such requirements shall be incorporated into the protective covenants for any subdivision or development.

**(g) Waivers**

The developer, the project engineer, or the developer's representative may request a waiver of any of the provisions of this Section 11-02-05.3.A. The request shall be made to both the Planning Director and the City Engineer. The Director and City Engineer shall notify the public of the request for waiver in accordance with Section 11-03-03.4, Step 4: Notice. After public notice and comment on the waiver request, the City Engineer and Director shall review and decide on the proposed waiver. The decision may be appealed to the Council.

**(h) Inspection and Enforcement**

- i.** All construction subject to these regulations shall be subject to inspection by the City Engineer and Planning and Development Services Department in addition to inspections by the Project Engineer and consultants. When required by the City Engineer, special inspections and special testing shall be performed to verify conformance with these regulations. The cost of special inspections and special testing shall be borne by the developer.
- ii.** If the City Engineer determines that any portion of the project is not in conformance with the requirements of this Section 11-02-05.3.C and no waiver of such requirements has been granted, the City Engineer shall notify, in writing, the Project Engineer and/or Developer. The Project Engineer and/or Developer shall take prompt action to resolve the problem(s) enumerated. If corrective action is not taken to the satisfaction of the City Engineer then the City Engineer shall cause a stop work order be issued by the Planning and Development Services Department, notify the agency issuing the bond or irrevocable letter of credit, shall cause the necessary work to be performed at the developer's expense, not sign the final plat, cause the Planning and Development Services Department to not issue any additional building permits for this development and/or collect on the bond or irrevocable letter of credit.

## 11-02-06. Specific Plan Districts<sup>118</sup>

### 1. Purpose

Specific Plan districts provide a means to modify or create new zoning regulations for unique areas and developments where other conventional zoning mechanisms cannot achieve the desired results. Specific plans shall implement and be consistent with the Comprehensive Plan land use map and policies.

### 2. Scope

#### A. Examples of Specific Plans

Specific plans may take the form of mixed use districts and planned communities or planned development. Each specific plan has its own non-transferable set of regulations. The regulations may include: zoning standards, design guidelines, site plan, infrastructure plan, phasing plan and other elements. Specific plans are adopted into the Code by ordinance and become either the base zone or an overlay zone for the property.

#### B. Basic Specific Plan

A specific plan may be an overlay zone that modifies or expands the base zone to allow different dimensional standards, streetscape treatments, and architectural designs. Every basic specific plan should include a detailed site plan and illustrations.

#### C. Complex Specific Plan

A specific plan may also address a very large site of hundreds of acres. In this case, the specific plan may include many different Chapters with detailed standards for the issues addressed in each Chapter. For example, a large, planned community specific plan may include a detailed land use plan with lotting patterns, building envelopes, and street networks. Detailed zoning standards could be included that address setbacks, building heights, mix of uses, and parking ratios. A design Chapter could describe materials, architectural styles, and sign programs. A Landscape Section could address common open space areas with a plant palette and irrigation plans. A transportation Chapter could include roadway cross Sections and streetscapes, pathways, or a public transportation or transportation management program. An infrastructure Chapter could address the location, sizing and timing of sewer, water, fire, and other facilities. An environmental Chapter could address water quality, riparian protection, revegetation of graded slopes and similar issues. A phasing Chapter could identify how the construction would proceed and at which point in time certain infrastructure elements would be installed. A review process Chapter could describe the specific review and approval process for individual phases within the project. In this case, the specific plan might constitute all aspects of project approval short of subdivision final plat approval.

### 3. Land Use Controls

The type of uses and amount of development in a SP district shall be as established by the specific plan. Pre-existing legal non-conforming uses shall be permitted in a SP district. Any permitted or conditional use may be included in a Specific Plan district.

<sup>118</sup> Carried forward current Section 11-05-08, with minor wording revisions for internal consistency and clarity.

#### 4. Initiation

An amendment may be initiated by a property owner or authorized agent, the Planning and Zoning Commission, or City Council. If the property is not under a single ownership, the majority of ownership shall join in the application, and a map showing the extent of ownerships shall be submitted with concept plans and materials. For the purposes of this Section, a majority of ownership shall be defined as either 75 percent of the affected owners or 75 percent of the affected land area. For projects larger than 200 acres, a neighborhood scoping meeting, per Section 11-05-04.2, *Neighborhood Meeting*, between the applicant and the City of Boise shall be conducted prior to application submittal to determine which supporting materials and specific plan elements shall be appropriate and required for the proposal.

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#### 5. Minimum Area Standards

The minimum area of a SP district shall be two acres or one city block.

# Chapter 11-03 Use Regulations

## 11-03-01. General

### Commentary

This Chapter includes the proposed use regulations applicable throughout Boise. The Chapter begins with the table of allowed uses and is followed by use-specific standards that may or may not apply to a particular use in a zoning district. Nonconforming uses (uses that were legal but were made nonconforming by this Code or an earlier version of the Code) will be addressed in Module 3: Administration and Procedures.

In the Table of Allowed Uses (Table 11-03.1), the current lineup of zoning districts is included along the second row for reference and convenience, demonstrating generally how those current districts relate to the new proposed zoning districts. The reference to current districts will be removed prior to adoption but can be retained for as long as necessary during public review of the Zoning Code Rewrite.

#### 1. Purpose<sup>119</sup>

This Chapter identifies the land uses allowed in Boise's zoning districts following administrative review or a public hearing, and establishes the standards that apply to those uses to mitigate potential impacts and support unique characteristics of the use in a particular location.

#### 2. Organization of the Table<sup>120</sup>

- A. In Table 11-03.1, land uses and activities are classified into general "use categories" and specific "uses" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This provides a systematic basis for assigning present and future land uses into appropriate zoning districts and for avoiding overlaps and inconsistencies between similar land uses.
- B. The left-hand column of Table 11-03.1 lists all use categories and uses available in the city. Columns in the center of the table correspond to each base zoning district in the city and indicate whether the use is allowed in that district. The right-hand column indicates whether use-specific standards apply to that use in some or all of the zoning districts in which it is allowed.

#### 3. Abbreviations Used in the Table

##### A. Allowed Uses

An "A" in a cell indicates that the use is allowed by right, without special conditions other than those imposed upon other uses by right in the district. Allowed uses are subject to all other applicable regulations of this Code.

##### B. Allowed Subject to Use-Specific Standards

An "A\*" in a cell indicates that the use is allowed by right, subject to administrative review and the issuance of a Zoning Certificate to verify compliance with use-specific standards in this

<sup>119</sup> New.

<sup>120</sup> Simplified from current Section 11-06-02.1.

Chapter. Use-specific standards are noted through a cross-reference in the last column of the table, and the cross-referenced content appears in Section 11-03-03, *Use-Specific Standards*.

### C. Conditional Uses<sup>121</sup>

A "C" or "C\*" in a cell indicates that the use is allowed in that zoning district only if reviewed and approved as described in Section 11-03-04.6, *Conditional Use Permits*. Conditional Uses are subject to all other applicable regulations of this Code, including the use-specific standards in this Chapter and the requirements of Chapter 11-04, *Development and Design Standards*. The "C" designation does not suggest or require that the use will be approved in that district. Rather, each Conditional Use permit application is evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved, approved with conditions, or denied based on the findings of the decision-making body.

### D. A/C Uses

An "A/C" or "A/C\*" in a cell indicates that the use is an allowed use under some circumstances or in some locations, but requires approval as described in Section 11-03-04.6, *Conditional Use Permits* under other circumstances or in other locations. The use-specific standards cross-referenced in the right-hand column clarify those cases in which a Conditional Use Permit is required.

### E. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.<sup>122</sup>

## 4. Use for Other Purposes Prohibited<sup>123</sup>

- A. Approval of a use listed in Table 11-03.1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed Table 11-03.1 and approved pursuant to this Code is prohibited.
- B. Any use allowed as a principal use in a zoning district is allowed as an accessory use to an allowed or approved conditional use in that zoning district.

## 5. Multiple Uses<sup>124</sup>

- A. A lot or parcel in a Residential zoning district may include only one principal use, but may also include any Accessory or Temporary uses as shown in Table 11-03.1, provided that a Conditional Use Permit is obtained for any Conditional Accessory Use, and that all Use-specific Standards applicable to each use are met.
- B. A lot or parcel in a Mixed-Use or Special Purpose zoning district may include multiple principal uses, including a combination of residential and non-residential uses, provided that each use is either a Permitted Use or a Conditional Use in that zoning district, that a

<sup>121</sup> The current C+ designation, which indicates that a use may only be approved as part of a larger mixed-use project, was not carried forward. This same result can be achieved through use-specific standards that require the use to be located on the ground floor or upper floor or street-facing façade of a building containing other primary uses.

<sup>122</sup> We recommend that current Special Exception process not be carried forward, and that permission for approval of a prohibited use requires rezoning into a district that permits that use.

<sup>123</sup> Subsection B is new.

<sup>124</sup> New.

Conditional Use Permit is obtained for any Conditional Use, and that all Use-specific Standards applicable to each use are met.

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## 6. Previously Permitted Uses<sup>125</sup>

Each use that exists on the Effective Date that is required by this Code to obtain a Conditional Use Permit, but that was not required to obtain a Conditional Use Permit under the regulations in effect before the Effective Date, is deemed to have a Conditional Use Permit to continue operations as they existed on the Effective Date or as authorized by any approval or permit issued by the city for that property and use before the Effective Date.

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## 7. Classification of New and Unlisted Uses<sup>126</sup>

**A.** In order to provide for new types of land uses not listed in Table 11-03.1 a determination as to the appropriate classification of any new or unlisted form of land use shall be made by the Planning Director. When application is made for a use category or use that is not specifically listed in Table 11-03.1, the Planning Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Planning Director shall consider its potential land use impacts, including but not limited to:

- (1) The nature of the use and whether it involves a household living unit;
- (2) Sales;
- (3) Processing;
- (4) Type of product, storage and amount, and nature thereof;
- (5) Enclosed or open storage;
- (6) Anticipated employment;
- (7) Transportation requirements;
- (8) Hours of operation;
- (9) Traffic generated;
- (10) Intensity of the proposed use;
- (11) The amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and
- (12) General requirements for public utilities such as water and sanitary sewer.

**B.** If the Planning Director determines that that proposed use should not be included in any existing zoning classification, based on the factors listed in Subsection A, the use may not be conducted in the city unless and until City Council amends this Code to define the use and to indicate in which zoning districts, and under what conditions, it should be allowed.

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<sup>125</sup> New.

<sup>126</sup> Criteria (7) through (10) are new.

## 8. All Licenses and Permits Required<sup>127</sup>

- A. All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this Code.
- B. All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Boise City Code and regulations of the Idaho Department of Health and Welfare, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this Code.

## 9. Industrial and Heavy Commercial Uses

All permitted uses that generate, use, treat, store, or dispose of hazardous substances (as set forth in Title 40, Code of Federal Regulations, Parts 116.4, 261.30 et seq., 302.4 and/or 355), shall require a Conditional Use Permit.

### 11-03-02. Table of Allowed Uses<sup>128</sup>

#### Commentary

The current Boise zoning Code use table contains many outdated and narrowly defined uses. This revised table contains numerous footnotes to identify which existing uses have been consolidated into broader, more flexible use categories and which obsolete uses have not been carried forward. This tracking is essential as we work toward the consolidated draft so that the community is fully aware of these changes. Although lengthy, these footnotes will be removed before the Code is adopted and the table of allowed uses will be reduced to a few pages. Additionally, without the list of current zoning districts in the table, it will be fitted to a portrait-oriented page, rather than the landscape orientation, below.

In addition, the table below includes color coding. Black font indicates that the use is permitted or requires a Conditional Use Permit in the same zoning districts where that is true under the current Code. **Green font** entries in the left-hand column indicate new uses that have been added. **Green highlighted** entries in the right-hand column indicate that new use-specific standards have been added to mitigate potential impacts of the use on surrounding properties. **Green font** entries in individual cells indicate uses that would be easier to obtain in at least one of the included zoning districts. Green font could indicate that the use was previously not available in one or more of the include zoning district, but is now available; or it could indicate that the use currently requires a Conditional Use Permit but would become an allowed us in the future. In many cases, the changes indicated by **green font** are accompanied by new use-specific standards in the right-hand column. **Red font** entries indicate that the use would be harder to obtain (for example, it is currently an allowed use, but is recommended to become a conditional use in that zoning district), or the use would not be available in that zoning district.

Table 11-03.1 lists the uses allowed within all base zoning districts. Each of the listed uses is defined in Chapter 11-06, *Definitions*.

<sup>127</sup> New.

<sup>128</sup> Carried forward current Section 11-06-02 unless otherwise noted.

**TABLE 11-03.1: TABLE OF ALLOWED USES**

**A = ALLOWED USE C=CONDITIONAL USE USES WITH AN \* = USE-SPECIFIC STANDARDS APPLY  
 A\*/C\* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS**

Proposed	R-1L	R-1B	R-1C	R-2	R-3	MX-N	MX-A And MX-S	MX-U	MX-D	I-1	I-2	O-P													
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards	
<b>Residential Uses</b>																									
<b>Household Living</b>																									
Accessory Dwelling Unit <sup>129</sup>	A*	A*	A*	A*	A*				A*															A*	11-03-03.2.A
Caretaker's Residence <sup>130</sup>																				A	A	A			
Dwelling, Single-Family Detached <sup>131</sup>	A	A	A	A	A*				A*					A*						A*					11-03-03.2.B
Dwelling, Co-Housing/ Cottage Development <sup>132</sup>			C*	C*	A*				C*																11-03-03.2.C
Dwelling, Single-Family Attached <sup>133</sup>			A*	A*	A*				A*					A*						C*					11-03-03.2.D
Dwelling, Live/Work					A*				A*					A*						A*					11-03-03.2.E
Dwelling, Duplex			A*	A*	A*				A					A						A					11-03-03.2.F

<sup>129</sup> A Tiny House may be installed as an Accessory Dwelling Unit in those zoning districts where ADUs are allowed. Uses that are always purely accessory to another primary use may be moved to the accessory use portion of the table. For now, ADU and Caretaker's Residence are listed here to capture the full range of proposed housing options in one place in the Table of Allowed Uses.

<sup>130</sup> A Tiny House may be installed as a Caretaker's Residence in those zoning districts where Caretaker's Residences are allowed.

<sup>131</sup> A Tiny House may be installed as a Single-family Dwelling in those zoning districts where that use is permitted.

<sup>132</sup> A Tiny House may be installed in a Co-housing/Cottage Development.

<sup>133</sup> New use. defined to include five or more dwelling units attached by vertical party walls, each with its own entrance directly to a fronting street.

**TABLE 11-03.1: TABLE OF ALLOWED USES**

**A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN \* = USE-SPECIFIC STANDARDS APPLY  
 A\*/C\* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS**

Proposed	R-1L	R-1B	R-1C	R-2	R-3	MX-N						MX-A And MX-S					MX-U	MX-D	I-1	I-2	O-P	
Existing	A-1	R-1A R-1B	R-1C	R-1M R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards
Dwelling, Triplex		A*	A*	A*	A		A										A*					11-03-03.2.F
Dwelling, Fourplex		A*	A*	A*	A		A										A*					11-03-03.2.F
Dwelling, Multifamily <sup>134</sup>				C*	A*		A*									A*	A*					11-03-03.2.G
Manufactured Home <sup>135</sup>	A*	A*	A*	A*	A*		A*														A*	11-03-03.2.H
Manufactured Home Community	C*	C*	C*	C*	C*		C*															11-03-03.2.I
<b>Group Living</b>																						
Assisted Living Facility					C*		C*										A*					11-03-03.2.J
Boarding or Rooming House				C	A		A										A					
Continuing Care Retirement Facility					C*		C*										A*					11-03-03.2.J
Convalescent or Nursing Home				C*	C*		A*										C*					11-03-03.2.J
Fraternity or Sorority House				C*	C*												C*					11-03-03.2.J

<sup>134</sup> Multifamily residential dwellings was removed from the R-1L district because it is currently limited to single-family attached rowhouses, and that is now a separate defined use. Added to the U district as a new use as many university campuses include multifamily residential uses for faculty or graduate students.

<sup>135</sup> A Tiny House may be installed as a Manufactured Home in those zoning districts where that Manufactured Homes are permitted and where the Tiny House meets applicable minimum size requirements for Manufactured Homes.

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																								
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																								
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																								
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N				MX-A			And	MX-S	MX-U	MX-D	I-1		I-2	O-P		
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards
Group Home, FHAA Small	A*	A*	A*	A*	A*	A*	A*		A*						A*				C*					11-03-03.2.K
Group Home, FHAA Large					A*	A*	A*		A*						A*				C*					11-03-03.2.J
Supportive Housing, Small					C*	C*	C*		C*						C*				C*					11-03-03.2.K
Supportive Housing, Large <sup>136</sup>									C*						C*				C*					11-03-03.2.J
<b>Public, Institutional and Civic Uses</b>																								
<b>Adult or Child Day Care</b>																								
Adult or Child Day Care Facility <sup>137</sup>	C*	C*	C*	A*	A*		A*		A*					A*				C*	A*					11-03-03.3.A
Adult or Child Day Care Center, Small <sup>138</sup>					C*	A*			A*					A*				C*	A*					11-03-03.3.A
Adult or Child Day Care Center, Large <sup>139</sup>							C*		C*					C*				C*	C*					11-03-03.3.A
<b>Community and Cultural Facilities</b>																								

<sup>136</sup> This and use below replace and expand the definition of "Halfway House."

<sup>137</sup> Replaces "Group Child Care Center" and consolidated with "Adult Day Care." Renamed to align with §39-1102 of the Idaho Statutes. The home-based day care uses have been relocated to accessory uses. Deleted "After-school Child Care in school building" as this is a common accessory use to all schools.

<sup>138</sup> Consolidated "Adult Day Care," and "Intermediate Child Care Center." Renamed to align with §39-1102 of the Idaho Statutes.

<sup>139</sup> Consolidated "Adult Day Care" and "Large Child Care Center." Renamed to align with §39-1102 of the Idaho Statutes.

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																									
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																									
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																									
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N				MX-A			And	MX-S	MX-U	MX-D	I-1		I-2	O-P			
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards	
Art Gallery, Museum, or Library									A					A					A						
Cemetery	C*																						C	11-03-03.3.B	
Community Center		C	C	C		A			A					A									C		
Fire, Police, or Public Safety Facility	C	C	C	C		C			A					A					A	A	A	A	C		
Food Kitchen														A					C						
Forest Reserve or Recreation Area	A																						A		
Jail or Detention Facility																						C*		11-03-03.3.C	
Mortuary or Mausoleum					C*	C*			A					A					A						11-03-03.3.B
Park or Playground	A	A	A	A	A	A			A					A					A	A	A	A	A		
Religious Institution	C	C	C	C	C	C			A					A					A						
Shelter Home														C*					C*						11-03-03.3.D
<b>Education and Health</b>																									
Hospital									C					A					A						
School	C*	C*	C*	C*	C*	C*			A*					A*					A*						

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																									
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																									
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																									
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N					MX-A And MX-S			MX-U	MX-D	I-1		I-2	O-P				
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards	
University <sup>140</sup>																		A	A						
<b>Transportation</b>																									
Aircraft Landing Field	C																				C		C		
Park and Ride Facility									A						A						A		A		
Transit Terminal <sup>141</sup>									C						A					A	A		A		
<b>Commercial Uses</b>																									
<b>Agriculture and Animal Uses<sup>142</sup></b>																									
Agricultural Uses or Stables	A																							A	
Animal Daycare or Kennel <sup>143</sup>	A*						C*		A*						A*										11-03-03.4.A
Animal Hospital or Clinic	A						C		A						A										
Commercial Feedlot																					C		C		
Slaughterhouse, Rendering Plant																					C		C		
Urban Farm	A*	A*	A*	A*	A*	A*			A*						A*					A*	A*	A*	A*	A*	11-03-03.4.B
<b>Communication Facilities<sup>144</sup></b>																									

<sup>140</sup> Consolidated all "University" uses. Requirements for uses within 50 ft. and 300 ft. of campus boundaries relocated to use-specific standards.  
<sup>141</sup> Includes the current Bus Station use.  
<sup>142</sup> Deleted "Small Animal Grooming" as there were no uses listed under the heading and added to Animal Daycare use.  
<sup>143</sup> Consolidates current Animal Daycare or Grooming and Kennel uses.

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																									
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																									
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																									
Proposed	R-1L	R-1B	R-1C	R-2	R-3	MX-N						MX-A	And	MX-S	MX-U	MX-D	I-1	I-2	O-P						
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards	
Wireless Communication Facilities <sup>145</sup>	New Wireless Communications Facility regulations are currently being drafted by staff for separate adoption before this Code. Following City Council adoption, those new regulations will be inserted into the Consolidated Draft																						11-03-03.4.C		
Other Communication Towers <sup>146</sup>	C						C		C					C					C	C	C	C	C		
<b>Food and Beverage Service</b>																									
Brewpub, Micro-distillery, or Micro-winery <sup>147</sup>										A*/C*				A*/C*					A*/C*	A*/C*					0
Limited Food and Drink Service <sup>148</sup>					C*	A*			A*					A*					A*						11-03-03.4.E
Restaurant										A*/C*				A*/C*					A*/C*						11-03-03.4.F
Tavern or Lounge										A*/C*				A*/C*					A*/C*						11-03-03.4.F

<sup>144</sup> "Radio and Television Station" removed as a separate use. It is now consolidated with the Office use.

<sup>145</sup> Renamed from current Visually Unobtrusive/Attached WCF.

<sup>146</sup> Renames the current Lattice/Transmission Tower use.

<sup>147</sup> New use.

<sup>148</sup> Renamed from Coffee/Esspresso Stand.

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																									
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																									
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																									
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N					MX-A			And	MX-S	MX-U	MX-D	I-1		I-2	O-P		
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards	
<b>Lodging</b>																									
Bed and Breakfast <sup>149</sup>						C*	A*		A*						A*				A*					11-03-03.4.G	
Hotel or Motel							C		C						A				A						
Recreation Vehicle Park									C*						C*					C*		C*			11-03-03.4.H
Single-Room Occupancy Hotel									C*						C*				C*						11-03-03.4.I
<b>Office, Personal and Business Service</b>																									
Financial Institution							C*		A						A				A						11-03-03.4.J
Medical or Dental Clinic <sup>150</sup>							C*		A						A				A	A		C			11-03-03.4.J
Office <sup>151</sup>							A*		A						A				A	C*		C*			11-03-03.4.K
Personal and Business Service <sup>152</sup>							C*		A						A				A	A		A			11-03-03.4.J
<b>Recreation and Entertainment<sup>153</sup></b>																									

<sup>149</sup> Relocated from Group Living Uses.

<sup>150</sup> Definition expanded to include dental offices.

<sup>151</sup> Includes the current radio and television station use (which is an office use) without towers (which are regulated as communications facilities).

<sup>152</sup> Consolidated both "Personal Service" uses, "Laundry and Dry Cleaning Service," "Massage Establishment," "Photography Studio," "Printing, Lithography, Publishing & Reproductions, Exclusive of Paper Manufacturing," "Tattoo Parlor," and "Self-Service Laundry."

<sup>153</sup> Removed "Indoor Recreation – Health Club or Similar Use within an Existing Building," and "Swimming Lessons, Home Occupation."

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																								
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																								
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																								
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N				MX-A			And	MX-S	MX-U	MX-D	I-1		I-2	O-P		
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards
Auditorium or Theater, Indoor <sup>154</sup>									C*						A*				A*					11-03-03.4.L
Club, Lodge, or Social Hall							C		A						A				A					
Conference or Event Center <sup>155</sup>		■	■	■	■	■			C*						A*				A*					11-03-03.4.L
Firing Range, Indoor									C*						C*					C*				11-03-03.4.M
Golf Course	A*	C*	C*	C*	C*	C*																	C*	11-03-03.4.N
Recreation, Indoor <sup>156</sup>	■	■	■	■	■	■			C*						A*				A*					11-03-03.4.O
Recreation, Outdoor <sup>157</sup>	A*	■	■	■	■	■									C*				C*				C*	11-03-03.4.P
<b>Retail<sup>158</sup></b>																								
Building Materials <sup>159</sup>															C				C	A	A			
Retail Sales, Small					C*	C*			A						A				A					11-03-03.4.Q

<sup>154</sup> Renamed from "Concert Hall/Dance Hall" and consolidated with "Theater."

<sup>155</sup> Renamed and expanded definition of "Social Event Center."

<sup>156</sup> Consolidated "Health Club," "Recreation, Commercial – Indoor" and "Swimming Pool, Commercial."

<sup>157</sup> Consolidated "Golf Driving Range," and "Swimming Pool, Commercial."

<sup>158</sup> Removed all "Shopping Center" uses. Reference new definition for "Retail Sales" that broadly defines retail including the following uses removed from the table, "Auction Establishment," "Convenience Store with Gasoline Service," "Grocery," "Pharmacy," "Retail Store <60,000 s.f. GFA," and "Retail Store >60,000 s.f. GFA." "Drive-Up Establishment" replaced with "Drive-Through Facility" and relocated to Accessory Uses.

<sup>159</sup> Renamed from "Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Materials."

**TABLE 11-03.1: TABLE OF ALLOWED USES**

**A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN \* = USE-SPECIFIC STANDARDS APPLY  
 A\*/C\* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS**

Proposed	R-1L		R-1B		R-1C		R-2		R-3		MX-N				MX-A And MX-S				MX-U	MX-D	I-1		I-2	O-P	Use-Specific Standards
	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2		
Retail Sales, Medium																				A					
Retail Sales, Large																				A					
Retail Sales, Big Box																				C					
<b>Sexually Oriented Business</b>																									
Sexually Oriented Business <sup>160</sup>																				C*					11-03-03.4.R
<b>Vehicles and Equipment<sup>161</sup></b>																									
Parking Garage																				A					See Section 11-04-07
Parking Lot																				C					See Section 11-04-07
Service Station																							A*	A*	11-03-03.4.S
Vehicle Fleet Operations Center																							A	A	
Vehicle Repair, Major																							A*	A*	11-03-03.4.T
Vehicle Repair, Minor																							A*	A*	11-03-03.4.T

<sup>160</sup> The obsolete Bikini Bar use is not carried forward, but use-specific standards limit adult uses to the same types of activities in those districts where the current ordinance only allows bikini bars

<sup>161</sup> Removed "Auto Emission Van Test Site" and "Parking Lot, Off-Site Accessory."

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																								
<b>A = ALLOWED USE    C=CONDITIONAL USE    USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																								
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																								
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N				MX-A			And	MX-S	MX-U	MX-D	I-1		I-2	O-P		
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards
Vehicle Sales, Rental, and Leasing, Light <sup>162</sup>															A*						A*	A*		11-03-03.4.U
Vehicle and Equipment Sales, Rental and Leasing, Heavy <sup>163</sup>																					A*	A*		11-03-03.4.U
Vehicle Wash									C						A						A	A		
<b>Industrial Uses<sup>164</sup></b>																								
<b>Manufacturing and Processing</b>																								
Contractor Shop and Yard <sup>165</sup>															C						A	A		
Industry, Artisan									A*						A*				A*		A*	A*		11-03-03.5.A
Industry, Light <sup>166</sup>															C						A/* C*	A*/ C*		11-03-03.5.B

<sup>162</sup> Renamed from "Automotive Sales Lot, Surface."

<sup>163</sup> Renamed from "Heavy Machinery, Trailer, and Equipment Sales or Rental Lot."

<sup>164</sup> Removed "Blacksmith Shop."

<sup>165</sup> Consolidated "Contractor Shop, " and "Utility Shop or Storage Facility."

<sup>166</sup> Consolidated "Laundry, Industrial," "Newspaper & Printing Establishment," "Brewery, Distillery, Winery," "Food Products, Dairy Products & Wholesale Bakeries," "Wigs, hair products, toiletries and barbering supplies," "Signs and other metal workings," "Pharmaceuticals, cosmetics, orthopedics, prosthetic devices and medical and dental supplies," "Architectural, drafting and artist supplies," "Ceramics and other similar products," and "Costume jewelry, novelties, buttons, toys, miscellaneous clothing, accessories and notions."

<b>TABLE 11-03.1: TABLE OF ALLOWED USES</b>																												
<b>A = ALLOWED USE C=CONDITIONAL USE USES WITH AN * = USE-SPECIFIC STANDARDS APPLY</b>																												
<b>A*/C* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS</b>																												
Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N					MX-A			And	MX-S	MX-U	MX-D	I-1		I-2	O-P					
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards				
Industry, Heavy <sup>167</sup>																					C*		A*/C	11-03-03.5.B				
Mining and Extraction <sup>168</sup>	C*																				C*	C*	-	11-03-03.5.C				
<b>Storage, Wholesale, and Warehousing<sup>169</sup></b>																												
Bulk Storage of Flammable or Dangerous Materials <sup>170</sup>																								C				
Outdoor Storage																									A*	A*	11-03-03.5.D	
Self-Service Storage										C*															C*	A*	A*	11-03-03.5.E
Trucking Terminal																										A*	A*	11-03-03.5.F
Wholesale or Warehouse																										A*	A*	11-03-03.6.G
<b>Utility Uses</b>																												
Power Plant																										C	C	

<sup>167</sup> Consolidated "Battery Rebuilding Shop," "Atmospheric Gas Production Plant," "Lumbermill, Sawmill, Pulpmill," "Tannery," "Asphalt and concrete ready mix plant," "Construction Components and Concrete Mix Plant", and "Bottling and Distribution Plant".

<sup>168</sup> Renamed from "Mining, Dredging, Loading & Hauling of Sand, Dirt, Gravel or Other Aggregate." Removed as a C use in the O-P district as inconsistent with the proposed use of that zoning district to preserve parks and open space.

<sup>169</sup> Removed "Storage of Flammable Liquids or Gases Necessary to the Processes on the Premises" and added to the definition of Heavy and Light Industry. Removed "Grain Elevator" as an allowed use.

<sup>170</sup> Renamed from "Bulk Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products."

**TABLE 11-03.1: TABLE OF ALLOWED USES**

**A = ALLOWED USE C=CONDITIONAL USE USES WITH AN \* = USE-SPECIFIC STANDARDS APPLY  
 A\*/C\* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS**

Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N				MX-A And MX-S				MX-U	MX-D	I-1		I-2	O-P				
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards	
Utility Facility, Minor <sup>171</sup>	C*	A*/C*		A*/C*	A*/C*	A*/C*			A*/C*					A*/C*					A*/C*			A*/C*	C*	11-03-03.5.H	
Utility Facility, Major																						C			
<b>Waste and Salvage</b>																									
Composting Facility	C*													C*								C*	C*		11-03-03.5.I
Junkyard, Vehicle Salvage <sup>172</sup>																						C*	C*		11-03-03.5.J
Recycling Collection Facility		A*		A*	A*	A*			A*					A*				A*	A*			A*	A*		11-03-03.5.J(5)
Sanitary Landfill																						A	A		
Solid Waste Transfer Facility <sup>173</sup>																						A*	A*		11-03-03.5.L
<b>Accessory Uses<sup>174</sup></b>																									

<sup>171</sup> Consolidated "Utility Facility, Minor" and both "public Service Poles" uses. Use-specific standards added to require a Conditional Use for poles over 85 feet.

<sup>172</sup> Renamed from "Junkyard, Vehicle Wrecking".

<sup>173</sup> Use allowances based on Sanitary Landfill.

<sup>174</sup> Removed uses related to accessory structures – structural standards addressed in the general standards for Accessory Uses and in the Dimensional standards to be drafted in Module 3. Removed "Recreation Vehicle Parking, Short-Term," Accessory Indoor Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products," and "Accessory Retail Sales and Service Related to the Primary Use." Accessory storage of dangerous materials addressed in the use-specific standards for Light and Heavy Industry. Accessory retail sales and service added to the definition of Light and Heavy Industry.

**TABLE 11-03.1: TABLE OF ALLOWED USES**

**A = ALLOWED USE C=CONDITIONAL USE USES WITH AN \* = USE-SPECIFIC STANDARDS APPLY  
 A\*/C\* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS**

Proposed	R-1L	R-1B		R-1C	R-2		R-3	MX-N				MX-A And MX-S					MX-U	MX-D	I-1		I-2	O-P		
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards
Backyard Gardening or Composting <sup>175</sup>	A*	A*	A*	A*	A*	A*			A*						A*			A*	A*	A*	A*	A*		11-03-03.6.A
Beekeeping <sup>176</sup>	A*	A*	A*																				A*	11-03-03.6.A 11-03-03.6.B
Drive-Through Facility <sup>177</sup>									C*						C*				C*					11-03-03.6.A 11-03-03.6.C
Electric Vehicle Charging Facility	A*	A*	A*	A*	A*	A*			A*						A*				A*	A*	A*	A*		11-03-03.6.A 11-03-03.6.D
Home Occupation, Family Daycare Home <sup>178</sup>	A*	A*	A*	A*	A	A*			A*						A*				A*				A*	11-03-03.6.A 11-03-03.3.A
Home Occupation, Group Daycare Facility <sup>179</sup>	A*	A*	A*	A*	A*	A*			A*						A*			A*	A*				C*	11-03-03.6.A 11-03-03.3.A
Home Occupation, Other <sup>180</sup>	A*	A*	A*	A*	A*	A*			A*						A*								A*	11-03-03.6.A 11-03-03.6.E

<sup>175</sup> New use listed to clarify current practice.

<sup>176</sup> Carries forward 11-06-07.4.B Current footnote, "Beekeeping is a permitted accessory use to an Urban Farm in all districts" not carried forward as a Table Note and added to definition of Urban Farm.

<sup>177</sup> Renamed from " Drive-Up Establishment" and relocated from Retail Uses to Accessory Uses.

<sup>178</sup> Renamed from "Child Care Home" to align with §39-1102 of the Idaho Statutes.

<sup>179</sup> Renamed from "Group Child Care Home" to align with §39-1102 of the Idaho Statutes.

<sup>180</sup> Replaced "Administrative Home Occupation."

**TABLE 11-03.1: TABLE OF ALLOWED USES**

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 A\*/C\* = CONDITIONAL USE PERMIT MAY BE REQUIRED IN SOME CIRCUMSTANCES AS DESCRIBED IN USE-SPECIFIC STANDARDS**

Proposed	R-1L	R-1B	R-1C	R-2	R-3	MX-N						MX-A And MX-S					MX-U	MX-D	I-1	I-2	O-P			
Existing	A-1	R-1A	R-1B	R-1C	R-1M	R-2	R-3	N-O	L-O	C-1	PC	R-O	C-2	C-3	C-4	HS	T-1	U	C-5	T-2	M-1	M-2	A-2	Use-Specific Standards
Livestock and Animals	A*	A*	A*	A*	A*	A*																	A*	11-03-03.6.A 11-03-03.6.F
Outdoor Storage, Accessory															A*						A*	A*		11-03-03.6.A 11-03-03.6.G
Renewable Energy Facility, Accessory	A*	A*	A*	A*	A*	A*			A*						A*				A*		A*	A*	C*	11-03-03.6.A 11-03-03.6.H
Unlisted Uses Accessory to an Allowed Use	A*	A*	A*	A*	A*	A*			A*						A*				A*		A*	A*	A*	11-03-03.6.A
<b>Temporary Uses<sup>181</sup></b>																								
Construction Office	A*	A*	A*	A*	A*	A*			A*					A*				A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.B
Mobile Food Truck									A*					A*				A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.C
Parking Lot, Temporary <sup>182</sup>						A*			A*					A*				A*	A*	A*	A*			11-03-03.7.A 11-03-03.7.D
Sales and Leasing Office <sup>183</sup>	A*	A*	A*	A*	A*	A*			A*					A*				A*	A*	A*	A*			11-03-03.7.A 11-03-03.7.E
Seasonal Sales	A*	A*	A*	A*	A*	A*			A*					A*				A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.F

<sup>181</sup> Deleted "Subdivision Office, Temporary," and "Temporary Voting Place."

<sup>182</sup> It is unusual to list temporary parking lots as a separate use because it is very difficult to enforce the removal of the lot at the end of the agreed time period. This use may be deleted in the Consolidated Draft.

<sup>183</sup> Removed from O-P district as unnecessary in a park and open space district.

## 11-03-03. Use-Specific Standards

### 1. General Standards

#### A. Cross-References in Table of Allowed Uses

The Use-Specific Standards listed in this Section 11-03-03 apply to those uses listed on the same line of Table 11-03.1, regardless of whether those uses are shown as Allowed, Conditional, Accessory, or Temporary uses. These Use-Specific standards cannot be modified through the Conditional Use Permit process in Section 11-05-05.7, *Conditional Use Permit*, but relief may be granted through the Variance process in Section 11-05-05.1, *Non-Administrative Variance*.

#### B. Resolution of Conflicting Standards

If there is a conflict between these Use-Specific Standards and the requirements in Chapter 11-04, *Development and Design Standards*, these Use-Specific Standards shall apply, unless otherwise noted.

### 2. Residential Uses

#### A. Accessory Dwelling Unit

The Director must make the following findings to approve an accessory dwelling unit:<sup>184</sup>

- (1) The accessory dwelling unit (ADU) must be not larger than 10 percent of the lot area or 700 square feet, whichever is smaller, and shall not have more than two bedrooms. Where practical, the 10 percent size standard may be altered to accommodate logical expansions or internal conversions. Examples of this include, but are not limited to, the addition of a second floor to a detached garage or the separation of a basement as an accessory unit. Regardless of adjustments to the 10 percent limit, the 700 square foot maximum may not be exceeded.
- (2) The accessory dwelling unit must be created through one of the following:
  - (a) Internal conversion of an existing living area, basement, or attic. Conversion of a garage is not permitted unless required parking can be sited legally elsewhere on the property;
  - (b) An addition to the primary dwelling unit;
  - (c) An addition to an accessory structure such as a detached garage or shop;
  - (d) Construction of a new single-family detached house with an internal or detached accessory dwelling unit;
  - (e) Construction of a detached accessory unit; or
  - (f) Construction of an existing detached accessory structure.
- (3) The accessory dwelling unit must meet all of the dimensional requirements of the underlying zoning district as well as the provisions of the International Building Code.

<sup>184</sup> Removed purpose statement from current Section 11-06-03.1.A. Purpose statements are not typically included in use-specific standards because they are not regulatory.

- (4) The design of the accessory dwelling unit must be compatible with the existing neighborhood by taking into account height, bulk, and site location, and incorporating materials, colors, and a design motif that is compatible with and complements the architectural theme and style of the principal dwelling unit. The primary and the accessory dwelling units shall be designed to portray the character of a single family dwelling. Only one entrance to the structure may be located on the front building elevation of the house unless multiple entrances are already in existence.
- (5) One parking space (full size or compact) shall be provided for accessory dwelling units with two bedrooms. This space is in addition to those required for the primary dwelling. The driveway apron or unrestricted on street parking immediately adjacent to the site may be utilized for this requirement. On-street parking in a residential parking district does not satisfy the requirement. A waiver to the parking requirements may be granted by the Planning Director subject to documentation that unusual circumstances of the occupancy will result in a reduced need for parking on the premises and will not negatively impact the neighborhood. The waiver and the circumstances allowing for the waiver will be documented in the deed restriction required in Section (8), below.
- (6) At the time of application for an accessory unit, the applicant shall provide proof of owner occupancy of the premises.
- (7) Ongoing owner occupancy of either the primary or the accessory dwelling unit is required and shall be enforced by recording a deed restriction to that effect with the County Recorder. A temporary waiver of this requirement may be granted by the Planning Director in the case of a documented need for the owner-occupant to leave the premises for up to one year due to employment, illness, or other circumstances.
- (8) Conditions of approval, as determined by the Planning Director, shall be filed for record with the County Recorder as deed restrictions within 30 days of approval of the accessory dwelling unit. Evidence of such filing shall be submitted to the Planning Director within 30 days of approval.
- (9) Impact fees for accessory dwelling units shall be assessed at a portion of the standard single family residential fee as determined by the applicable agency.
- (10) Notification of the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application, stating the adjacent owners and occupants have been notified of the applicant's intent to request or establish an accessory dwelling unit. Input from adjacent property owners should be considered by the applicant in the design and siting of an accessory dwelling unit in order to maintain privacy between adjacent housing units. Certified mail is an acceptable means of notifying adjacent owners and occupants.

**B. Dwelling, Single-Family Detached<sup>185</sup>**

In the R-3, MX-N, MX-A, MX-S, and MX-D zoning districts, single-family detached dwellings are only permitted if a building permit for the dwelling was issued before the Effective Date.

**C. Dwelling, Co-Housing/Cottage Development<sup>186</sup>**

- (1) This use shall not occupy more than two contiguous acres of land.
- (2) This use may not be located within 1,320 feet of another Co-Housing/Cottage Dwelling Development, measured at the closest points on the property boundaries.
- (3) The maximum size of each co-housing unit is 1,000 square feet of gross floor area.
- (4) The maximum density shall be no more than 15,000 square feet of gross floor area in co-housing/cottage dwelling units per acre of project site area.
- (5) A shared private common space containing at least 10 percent of the project area shall be provided.
- (6) A shared facility for communal cooking, dining, and other activities containing no more than 2,000 square feet may be provided, and shall not count against maximum co-housing/cottage density limits.
- (7) Individual co-housing/cottage lots or portions of the project area may not be subdivided for sale.
- (8) Zoning district lot requirements and setback requirements shall apply to the project site as a whole, but not to individual Co-Housing/Cottage dwelling sites.
- (9) Each project site shall maintain a vegetated buffer meeting the standards of Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*,<sup>187</sup> as applicable to Multifamily Dwellings, along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.

**D. Dwelling, Single-Family Attached<sup>188</sup>**

**(1) Architectural Elements**

Each attached unit shall have a facade or roof treatment that distinguishes it from the other attached units. Architectural treatments used may include individual pitched roofs, modulated facades, porches, different siding materials and colors, dormers and pop-outs, or vertical windows. These architectural treatments may also be used to demonstrate acceptable design for single family detached units.

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<sup>185</sup> New. New single-family detached homes are generally not permitted in multifamily and mixed-use district. This provision allows existing homes to be treated as conforming use, while prohibiting the construction of new low-density homes in districts designed to accommodate higher densities.

<sup>186</sup> New standards for new use.

<sup>187</sup> Cross reference to direct readers to more specific Subsections of the landscaping standards may be refined at the time of the Consolidated Draft.

<sup>188</sup> Carried forward current Section 11-07-06.4. Site orientation content was moved to the new definition of this use. Prohibition on location of required open space in rear and side setback areas was deleted as unusual, and to add flexibility.

**(2) Open Space**

Each unit shall have an individual on-site (backyard/courtyard) or common area open space equal to ten percent of the lot area. Required open space must be at least 12 feet wide and may not be located within a required setback areas. Common area open space may not be closer than five feet to a dwelling unit opening. Above-ground decks and balconies shall not constitute required open space.

**(3) Landscaping**

One deciduous tree of at least two inch caliper shall be planted in front of each unit.

**E. Dwelling, Live/Work<sup>189</sup>**

- (1)** The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- (2)** In the RM, R-2, and R-3 zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the live/work unit.
- (3)** Signs are limited to not more than two non-illuminated wall or window signs not exceeding six square feet in total combined area.
- (4)** The work activities shall not create adverse noise or operational impacts on of adjacent residential properties.

**F. Dwelling, Duplex, Triplex, or Fourplex<sup>190</sup>**

If located on property in the R-1B, R-1C, or R-2 zoning districts and within the BC-O district, the use shall comply with the following standards:

**(1) Maximum Floor Area Ratio**

Floor area shall not exceed 55 percent of the total lot area. Enclosed garage space does not count toward floor area.

**(2) Setbacks**

Setbacks are as required by the zone except covered front porches of a minimum five foot depth may have a 10 foot front setback.

**(3) Parking**

Parking off the alley is allowed in the side and rear setbacks to within two feet of the side property lines when a solid fence is provided.

**(4) Open Space**

Each unit shall have a minimum of 375 square feet of private open space located in the rear yard. This open space shall have a minimum dimension of 15 feet and may include the required setbacks, but shall not include driveways or parking areas. Only those areas on the lot having minimum width and length dimensions of five feet shall be used to comply with the open space standard. A minimum of 30 percent of the required open space shall consist of permeable ground surface with landscaping.

<sup>189</sup> New.

<sup>190</sup> Carried forward current Section 11-06-03.1.B. and applied to triplexes and fourplexes. Simplification of these very detailed design provisions is still under discussion.

**(5) Landscaped Areas**

- (a)** Front and street side setback areas shall be landscaped with naturally growing elements such as grass, trees, shrubs, and flowers. The use of logs, rocks, fountains, and similar accent elements may also be approved by the Director. The landscape plan must include an irrigation system. Xeriscape and low water use landscape is allowed.
- (b)** Side yards, between the structure and a fenced property line may be finished with decorative gravel, provided they are fenced and screened from the street view.

**(6) Driveways**

Individual driveways in front setback shall not exceed a width of 20 feet, and shall be separated from other accessways by a minimum of seven feet of landscaped area.

**(7) Right-Of-Way Improvements**

- (a)** Irrigated landscaping, by agreement with the Ada County Highway District (ACHD), is required in unpaved areas within the undeveloped street right-of-way. Perpendicular motor vehicle parking is prohibited within the public-right-of-way, and all motor vehicle parking is prohibited on undeveloped public right-of-way.
- (b)** All new dwellings shall provide a front sidewalk with curb and gutter, and, if applicable, a paved driveway apron that extends to the edge of street pavement of the roadway or alley is required; except that waivers or variations on some or all this requirement may be granted by the Director based upon site-specific conditions such as the lack of adjacent improvements and/or documented drainage problems that might result from the improvement of the roadway.
- (c)** If full right-of-way improvements are not feasible and ACHD determines that there is insufficient roadway pavement width for travel lanes with on-street parking, a non-landscaping ACHD approved shoulder shall be installed that is of the minimum width necessary to accommodate parallel parking. Landscaping shall be required to the edge of the parking shoulder.

**(8) Design**

- (a)** The design of the structure, including structure height, bulk, and site location, shall be similar to that on abutting properties.<sup>191</sup>
- (b)** All street-facing facades shall include architectural treatments to provide visual interest. Architectural treatments used to achieve this may include, but are not limited to, dormers, bay windows, vertical windows, exterior window treatments, varying roof pitches, facade modulation, and a variety of colors, materials, and textures. Alternative approaches to facade design may include either creating the distinct appearance of two architecturally distinguishable dwelling units, or creating a more unified design that replicates the appearance of one single family home.
- (c)** At least 15 percent of the area of street-facing facades must be windows or doors. The calculation includes the area of all street facing windows and entrance doors

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<sup>191</sup> Reworded for clarity.

that are within a 45 degree angle of the street. Garage doors are not included in the 15 percent calculation.

- (d) The length of the garage wall or combination of garage walls facing the street shall not exceed 50 percent of the total length of the facade. Garages that are set back a minimum of five feet further than the street-facing wall of the dwelling unit may be up to 60 percent of the total length of the facade. Walls of side entry garages that utilize windows and other architectural means to provide visual interest are not included in this calculation.
- (e) On interior lots at least one unit must have a main entrance with a door facing the street or at an angle of up to 45 degrees from the street. The main entrance shall include a covered porch that is a minimum of 25 square feet. If both of the units have an entrance facing the street, or more than one garage door is facing the street, the units must be modulated by a minimum of four feet.
- (f) On corner lots each street facade shall have a main entrance with a door facing the street or at an angle of up to 45 degrees from the street. The main entrance shall include a covered porch that is a minimum of 25 square feet. Duplexes located on lots located at the corner of two local streets shall not have more than two parking spaces accessed from each street.
- (g) Balconies shall be located in areas that will cause minimal interference with the privacy of neighboring properties.
- (h) Two-story structures shall use one of the following methods to break up the building mass and provide visual interest to the side elevations:
  - i. The second story sidewalls shall have a minimum three foot offset from the first story sidewalls. The second story shall be located furthest away from the side property lines; or



Figure 3.1: Two-Story Duplex

- ii. The building shall be set back eight feet from the interior side property line, with bay windows, pop-outs or other architectural appurtenances allowed at the five foot setback line, except that in the R-1B zone the building shall be set back 13 feet from the interior side property line, with bay windows, pop-outs, or other architectural appurtenances allowed at the 10 foot setback line.

- (i) If less than 1-1/2 story homes exist on both sides of the subject lot, the structure shall meet the requirements of Section 11-05-06.2, *Nonconforming Parcels*.<sup>192</sup>
  - i. Second story windows shall be designed to limit impact on the privacy of neighboring properties. This requirement does not supersede any Building Code requirements for windows for egress, natural light, etc.
  - ii. Structures on substandard original lots of record shall be subject to additional criteria per Section 11-05-06.2, *Nonconforming Parcels*.
  - iii. One of the following must be true in the R-1B and R-1C zoning districts:
    - A. The project constitutes infill;
    - B. Is located on a corner lot at the inside of the intersection of two local streets, with no more than two parking spaces accessed from each street; or
    - C. Is located on an arterial or collector street.

#### (9) Notification Requirements<sup>193</sup>

- (a) Evidence of notification of the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application, indicating they have been notified of the applicant's intent to establish a duplex, triplex, or fourplex dwelling. Certified Mail is an acceptable means of notifying adjacent neighbors.
- (b) A notice shall be sent informing owners within 300 feet of the property of the any decision to approve the use, and of their right to appeal the Planning Director's decision pursuant to Section 11-05-04.9, *Appeal*.

#### (10) Development on Contiguous Lots

Applications for duplexes, triplexes, or fourplexes on contiguous lots in the R1-B and R-1 C zoning districts, that are planned and developed under single ownership or control, shall be reviewed by the PZC pursuant to Section <>. <sup>194</sup>

### G. Dwelling, Multifamily<sup>195</sup>

#### (1) Housing Variety in Multi-building Developments on a Single Parcel

Except in the MX-D zoning district, developments with multiple residential units on parcels between two and four acres shall incorporate at least two housing types. Projects on more than four acres require at least three housing types. Housing types include:<sup>196</sup>

- (a) Small-lot single-family.
- (b) Duplex.

<sup>192</sup> All references to the "substandard lot ordinance" removed and replaced with a cross-reference to the Nonconforming Parcels Section. The substandard lot standards will be reviewed and incorporated as a part of Module 3: Administration and Procedures.

<sup>193</sup> Notification and notice requirements may be consolidated with other notice provisions in Module 3.

<sup>194</sup> Process with a public hearing to be determined in Module 3.

<sup>195</sup> Current standards in 11-06-03.2 (Multi-family uses) have been significantly simplified. Density bonuses, setbacks, encroachments, and height transitions adjacent to residential neighborhoods, and parking credits and reductions will be consolidated with other similar regulations in Module 2. The standards for high rise housing near Boise State University have been removed because they have not been used by staff.

<sup>196</sup> Revised to exclude the MX-D zoning district.

- (c) Triplex.
- (d) Four-plex.
- (e) Townhome.
- (f) Multifamily (five or more units).
- (g) An alternative housing type as approved by the Planning Director.
- (h) A distinct building model may be provided as a substitute for one of the required housing types. A distinct building model can be easily distinguished from others through the use of at least two of the following:
  - i. A variation in length and footprint of 30 percent or more;
  - ii. A distinct variation in color and materials; or
  - iii. A distinct variation in floor plans.

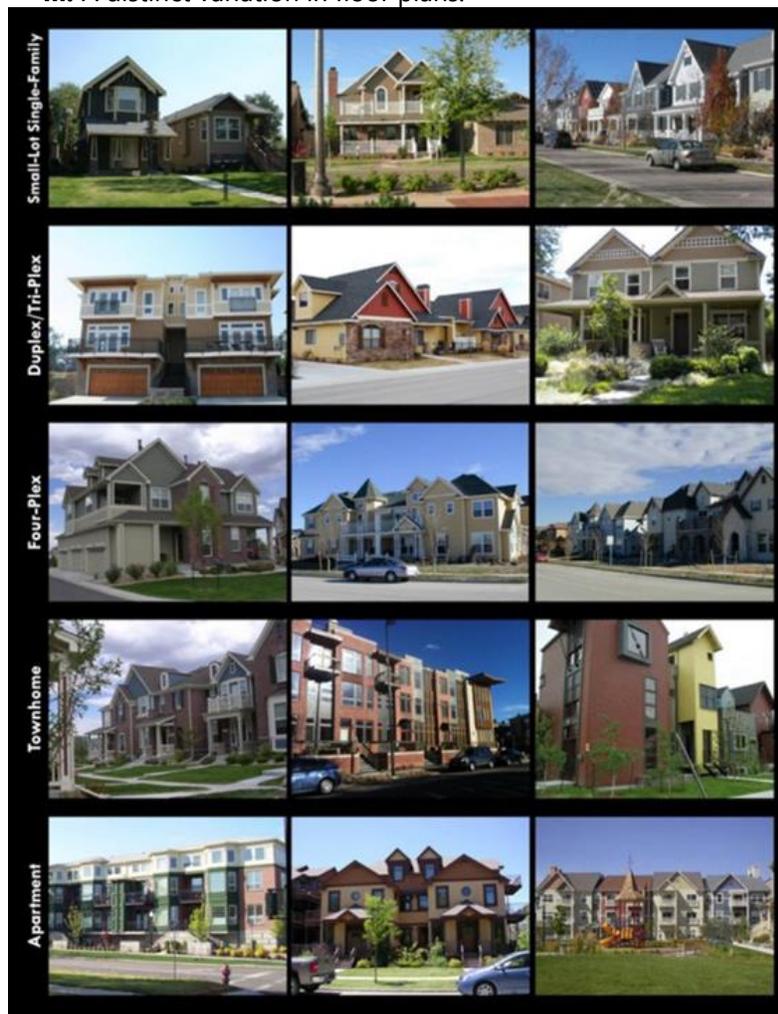


Figure 3.2: Housing Type Examples

## (2) Block Level Mix of Housing Types

No one housing type shall occupy more than 80 percent of any block face or street frontage exceeding 500 feet in length. Single-family dwellings are exempt from this requirement.

**(3) Standards in R-3, MU-A, and MU-S Zoning District<sup>197</sup>**

Within the R-3 district, development of two or more multifamily structures on a single lot or at a density of more than 20 units per acre shall be subject to approval pursuant to Section <>, [process with a public hearing to be established in Module 3] and shall comply with the following standards.<sup>198</sup>

- (a)** The minimum usable open space or recreational space requirement shall be equal to 30 percent of the land area occupied by residential structures. For the purpose of this Section, usable open space or recreational space shall include landscaped areas, court yards, balconies, patios, sun decks, pedestrian walkways, playground areas, swimming pools, and all other exterior or interior recreational areas. Such areas must be readily accessible to the occupants of the building. Usable open space or recreational space shall not include driveways, parking areas, or loading areas. The open space or recreational space requirement may be reduced for projects that abut open space or recreational facilities;
- (b)** Building and site design shall provide for a transition into the surrounding neighborhood to ensure compatibility. Factors to be considered are setbacks, building height, building materials, bulk, roof design, parking area locations, landscaped area locations, and other factors necessary to ensure adequate transition;
- (c)** The pedestrian circulation system shall be integrated into the surrounding neighborhood and shall provide connections from dwellings to parking areas, open space, or recreational facilities and any shared facilities. Sidewalks shall be of adequate width to accommodate the expected pedestrian traffic in high use areas;
- (d)** Natural features, views, and other potential site amenities should be retained and incorporated into the design;
- (e)** Principal buildings connected by a breezeway, covered hallway, or similar protected walkway shall be treated as separate buildings on separate zoning lots for setback or spacing purposes.

**H. Manufactured Home**

A manufactured home shall comply with the following architectural and placement standards:

- (1)** Except in the R-1L zoning district, it shall be multi-Sectional and enclose a space of not less than 1,000 square feet.<sup>199</sup>
- (2)** It shall be permanently affixed to the ground in accordance with the manufacturer's specifications with the running gear and towing hitch removed and set upon a foundation base having an anchoring system that is completely concealed under the structure.

<sup>197</sup> Standards revised to apply in the MX-A and MX-S zoning districts. Similar topics in the MX-D district are addressed in the Downtown Design Standards.

<sup>198</sup> Some of these standards may be consolidated with similar content in Module 2 if they are made generally applicable to multi-building developments. Parking area design requirements will appear in the parking Section of Module 2 as generally applicable to larger parking lots.

<sup>199</sup> The 1,000 square foot minimum may be reduced to 400 square feet to accommodate Tiny Houses on individual lots.

- (3) It shall be placed on a foundation base with the finished floor area of the home not more than 12 inches above grade or 24 inches above grade if the home is over a basement. Graded earth shall not be closer than six inches to the siding of the home.
- (4) It shall have a foundation fascia that is similar in appearance and durability to the masonry foundation or other foundation systems on single-family detached dwellings in the nearby area. The foundation fascia shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade.
- (5) It shall have exterior siding and roofing that in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city or that is comparable to the predominant material used on surrounding dwellings.
- (6) It shall have a pitched roof with a minimum pitch of 2:12 (two inches of rise to 12 inches of run).
- (7) If the majority of other residential structures on the same block have eaves, the manufactured home shall have an eave that projects a minimum of six inches along any wall that faces a street.<sup>200</sup>

## I. Manufactured Home Community<sup>201</sup>

### (1) Improvement Requirements

- (a) If the development is to be subdivided, streets shall be public and built in conformance with ACHD construction standards.
- (b) Utilities shall be installed underground.
- (c) Units within the community shall be connected to a wet line sewer and a central water facility.
- (d) Public street lighting shall be designed, constructed, and dedicated to the city and shall comply with the requirements of the Public Works Department.
- (e) Provisions for drainage of the community and dwelling sites in the park shall comply with the requirements of the Stormwater Management Ordinance and be reviewed and approved by the Public Works Department.<sup>202</sup>
- (f) Subdivisions and conversions of land lease manufactured home communities to subdivisions shall comply with the requirements of Section 11-04-04, *Subdivision Standards*.
- (g) Screening and buffers shall be required along all perimeter property lines, except where the natural features of the land provide either a buffer or screen. The screen shall consist of continuous six foot high fencing or landscaping, or a combination of fencing and landscaping. Communities adjacent to arterial or collector streets shall

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<sup>200</sup> Text simplified.

<sup>201</sup> Manufactured Home Communities are a good potential source of affordable housing and several of the current standards increase housing costs for new communities. In particular, (1)(g), (2), (3)(b), (3)(c), and (3)(d) require manufactured homes to meet standards that would not apply to similarly sized freestanding houses.

<sup>202</sup> Requirement for compliance with Stormwater Management Ordinance clarified.

be buffered with 20 feet of additional land area and landscaping for arterial streets, and 10 feet of additional land area and landscaping for collector streets.<sup>203</sup>

## (2) Dwelling Unit Design Features<sup>204</sup>

Each dwelling unit shall comply with the following standards:

- (a) It shall have a roof pitch of at least two inches of rise to 12 inches of run (2:12).
- (b) It shall have a foundation fascia that is similar in appearance and durability to the masonry foundation or other foundation systems on single-family detached dwellings in the nearby area. The foundation fascia shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade.
- (c) It shall have exterior siding and roofing that in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city or that is comparable to the predominant material used on surrounding dwellings.
- (d) The use of identical floor plans or unit designs on adjacent lots is prohibited.

## (3) Home Space and Lot Improvement Requirements

### (a) Dimensions<sup>205</sup>

Each individual space designated for a manufactured home shall be large enough to accommodate the dwelling, required parking, usable private open space, area for accessory storage units, perimeter building setbacks and building separation requirements.

### (b) Private Open Space

A minimum of 400 square feet of usable private open space, being 15 feet wide at its narrowest dimension, shall be provided within each lot or home space's side or rear yard area. This requirement may be reduced to no less than 200 square feet if the difference is placed in common facilities provided for the community as a whole.

### (c) Parking Spaces<sup>206</sup>

A minimum of two off-street parking spaces per dwelling unit shall be provided within the community. Residential parking spaces shall not be located further than 600 feet from the dwelling unit. Tandem parking is allowed if provided on the lot or home space.

### (d) Perimeter Setback and Unit Spacing Requirements

#### i. Periphery Setbacks

Front, side, and rear setbacks along the periphery of the development shall comply with those for the district in which the development is located. Where

<sup>203</sup> Extra buffers for arterial and collector streets were reduced by 10 feet each.

<sup>204</sup> Illustrative list of features replaced by more objective standards. Requirements that communities in the R1-M district comply with R-1M design standards were deleted as unnecessary.

<sup>205</sup> Application material requirements will appear in the city website or administrative manual.

<sup>206</sup> Parking requirements will be reviewed and may be reduced when parking standards for other uses are drafted in Module 2. Parking setbacks were not carried forward, as their impact is largely internal and similar requirements do not apply to single-family detached dwellings.

development already exists at the periphery, the yard setbacks shall be matched. For example, side yards shall be provided adjacent to side yards, rear yards adjacent to rear yards, and front yards opposite front yards.

**ii. Internal Front and Street Side Yard**

Each manufactured home adjacent to a public or private street shall be set back a minimum of 10 feet from the street as measured from the back of sidewalk, or back of curb in cases where no sidewalks are planned. The front yard setbacks of adjacent units are required to vary by no less than three feet,

**(e) Interior Side and Rear Yards**

In order to maximize yard area utility, side and rear yard setbacks may be zero feet, but adjacent manufactured homes shall be separated by a minimum of 10 feet. Detached accessory structures shall comply with the accessory structure setback standards in the zoning district where the property is located.

**J. Assisted Living Facility, Continuing Care Retirement Facility, Convalescent or Nursing Home, Fraternity or Sorority House, Group Home, FHAA Large, and Supportive Housing, Large.<sup>207</sup>**

In the all zoning districts where these uses are listed as Allowed or Conditional uses, these uses shall comply with those use-specific standards, design standards, and other Code provisions applicable to multifamily dwelling units in the zoning district in which they are located.

**K. Group Home, FHAA Small and Supportive Housing, FHAA, Small<sup>208</sup>**

In the all zoning districts where these uses are listed as Allowed or Conditional uses, these uses shall comply with those use-specific standards, design standards, and other Code provisions applicable to the type of dwelling unit structure they occupy (e.g. Single-family Detached, Single-family Attached, Duplex, Triplex, or Fourplex) in the zoning district in which they are located.

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**3. Public, Institutional and Civic Uses**

**A. Adult or Child Daycare Uses<sup>209</sup>**

Adult or Child Daycare Facilities, Centers (Small and Large), Family Daycare Homes, and Group Daycare Facilities shall comply with the applicable standards below.

**(1) Standards for All Adult Daycare Uses**

Every adult daycare use shall:

- (a)** Provide adequate access for physically disabled patrons of the facility.
- (b)** If located on an arterial or collector street, provide for an on-site patron pick-up area designed to prevent vehicles from backing onto the street (backing into an alley is permissible).
- (c)** Meet the occupancy requirements of the Fire Department.

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<sup>207</sup> New.

<sup>208</sup> New.

<sup>209</sup> Carried forward current Section 11-06-04, unless otherwise noted.

- (d) Maintains any required licenses from the City or the State of Idaho in effect at all times.

**(2) Standards for All Child Daycare Uses <sup>210</sup>**

Every child daycare use shall:

- (a) Provide a minimum outdoor play area of 100 square feet per child on site. This area requirement may be waived or modified if appropriate open space with connecting public sidewalks or paths are located near the facility and that open space can be used by the children as a play area; or the program of the facility is such that the size of a group of children using the play area at any one time conforms to the 100 square feet per child criteria.
- (b) Provide a minimum of 35 square feet of indoor gross floor area per child.
- (c) Maintains a valid child care license from the City and the State of Idaho in effect at all times.
- (d) Comply with the regulations where applicable by law or jurisdiction of the Fire Department and the health inspector.
- (e) Provide adequate lot size for parking, child pick-up area, play area, screening, and setbacks. In the case of a Child Care Home, the Planning Director shall determine needed improvements.

**(3) Additional Criteria for All Home Occupation Daycare Uses**

Every Family Daycare Home and Group Daycare Facility shall meet the following standards:

- (a) The use shall not change the structural character of the dwelling.
- (b) A maximum of one employee is allowed.

**(4) Additional Criteria for Adult and Child Care Uses by Type**

In addition to the applicable criteria above, an adult or child care use shall be subject to additional standards as indicated in Table 11-03.2.

<b>TABLE 11-03.2: ADDITIONAL CRITERIA FOR ADULT AND CHILD CARE USES BY TYPE</b>					
	<b>PRIMARY USES</b>			<b>HOME OCCUPATION USES</b>	
<b>CRITERIA</b>	<b>ADULT OR CHILD DAYCARE FACILITY</b>	<b>ADULT OR CHILD DAYCARE CENTER, SMALL</b>	<b>ADULT OR CHILD DAYCARE CENTER, LARGE</b>	<b>FAMILY DAYCARE HOME</b>	<b>GROUP DAYCARE FACILITY</b>
<b>NUMBER OF ADULT OR CHILDREN ALLOWED</b>	7-12	13-25	≥ 26	≤ 6	7-12
The use shall provide for an on-site child pick-up area designed to ease the flow of traffic and to prevent	Applicable			Applicable if located on a collector or arterial street	

<sup>210</sup> Notification requirements have been removed to City website or administrative manual.

TABLE 11-03.2: ADDITIONAL CRITERIA FOR ADULT AND CHILD CARE USES BY TYPE					
CRITERIA	PRIMARY USES			HOME OCCUPATION USES	
	ADULT OR CHILD DAYCARE FACILITY	ADULT OR CHILD DAYCARE CENTER, SMALL	ADULT OR CHILD DAYCARE CENTER, LARGE	FAMILY DAYCARE HOME	GROUP DAYCARE FACILITY
NUMBER OF ADULT OR CHILDREN ALLOWED	7-12	13-25	≥ 26	≤ 6	7-12
vehicles from backing onto the roadway (backing in an alley is permissible).					
Allowable signage shall be non- illuminated and as indicated. The applicant's proposal for signage should be submitted and considered during the review process.	One 12 sq. ft. attached sign	One 12 sq. ft. attached sign	As allowed by the applicable zoning district	One 12 sq. ft. attached sign	
Minimum parking to be provided shall be as indicated.	1 off-street space per employee	1 off-street space per 10 children, with a minimum of 2 spaces, except in a parking reduction district, and then as indicated for the district		1 off-street space per employee	
Facility location shall be as indicated.	On the edge of a neighborhood and not in the center.		On a collector or arterial street; or if for school age children, within 300' of the school grounds; or in a public assembly structure.	In the operator's principal residence and must be incidental to the primary use of the dwelling as a residence.	

**B. Cemetery or Mortuary<sup>211</sup>**

In any Residential zoning district, this use shall not have vehicle access points from or channel a majority of the traffic generated by the use onto a Local residential street.

**C. Jail or Detention Facility<sup>212</sup>**

- (1) This use shall be located with direct access onto an arterial or collector street.
- (2) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

<sup>211</sup> New.

<sup>212</sup> New.

**D. Shelter Home<sup>213</sup>**

This use may not be located within 300 feet of a Residential zoning district.

**E. School<sup>214</sup>**

This use shall comply with all requirements and recommendations of the Idaho Transportation Department and the Ada County Highway Department regarding the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway's level of service; need for acceleration or deceleration lanes; internal traffic circulation; access control of adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues related to the operation and potential impacts of the use on public health, safety, and the surrounding area.

**F. University**

All changes of use or development within 50 feet of the campus boundary shall require a Conditional Use Permit.<sup>215</sup>

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**4. Commercial Uses**

**A. Animal Day Care or Kennel<sup>216</sup>**

- (1) Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
- (2) All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 6:00 a.m.
- (3) In the MX-D zoning district, no outdoor animal areas are permitted.
- (4) In other zoning districts where this use is an allowed or conditional use, any outdoor animal areas shall be located at least 150 feet from each abutting property, except where the abutting property is owned or occupied by the operator of the use.

**B. Urban Farm<sup>217</sup>**

**(1) Setbacks**

There are no setback requirements for garden plants. Accessory structures, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zone.

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<sup>213</sup> New.

<sup>214</sup> Current standard expanded to apply to both public and private schools. Wording updated and revised to be more objective.

<sup>215</sup> Carried forward from University district use table in the current ordinance.

<sup>216</sup> New.

<sup>217</sup> Application materials have been removed to City website or administrative manual. Review process provisions were not carried forward; standard administrative approval procedures will apply.

**(2) Maintenance**

Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site in a timely manner.

**(3) Equipment**

The use of mechanical equipment is generally limited to that typically associated with home gardening. Larger equipment may be used on a limited basis for seasonal activities such as soil preparation or clean-up in the fall. The use of mechanical equipment is limited to daylight hours.

**(4) Chemicals and Fertilizers**

Chemicals, fertilizers, or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and other flammable materials must be disposed of in accordance with Federal and State requirements. If stored on site, they must be kept in a locked structure when unattended.

**(5) Contact Information**

On vacant parcels, a non-illuminated sign displaying the name and contact information for the individual or agency responsible for the garden shall be provided. This sign shall not exceed 6 feet in height or 32 square feet in background area.

**(6) Lighting**

No overhead lighting is allowed.

**(7) Historic Districts**

Urban farms located in a designated Historic Overlay District require a Certificate of Appropriateness.

**(8) Produce Distribution**

The pick-up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of locally grown produce is allowed during daylight hours. Such activities shall not be considered retail sales.

**(9) Retail Sales**

Retail sales may be allowed at urban farms upon approval of a Zoning Certificate. In addition to the standards listed above, the following criteria apply:

- (a)** Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City's Area of Impact may also be sold. These items may not exceed 25 percent of total product on display.
- (b)** Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible
- (c)** In Residential zoning districts and O-P districts.
- (d)** The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet.
- (e)** Sales are limited to the hours of 8:00 a.m. to 8:00 p.m.
- (f)** Installation of new on-site parking to support retail sales is prohibited.

**C. Wireless Communication Facilities<sup>218</sup>**

[Reserved – for insertion of new standards for WCF currently being developed by the City, which will be adopted prior to the Consolidate Draft]

**D. Brewpub, Micro-distillery, or Micro-winery<sup>219</sup>**

- (1) When located within 300 feet of A Residential zoning district, this use shall require a Conditional Use Permit.
- (2) In the MX-N zoning district, this use shall not manufacture more than 5,000 barrels of beverage (all beverages combined) annually, and shall maintain at least 20 percent of the gross floor area for public use as an area for consumption of products produced on the premises
- (3) In other Mixed-Use zoning districts, brewpubs, distilleries, or wineries shall not manufacture more than 20,000 barrels of beverage (all beverages combined) annually, and shall maintain at least 40 percent of the gross floor area of the facility for public use as an area for consumption of products produced on the premises and food items.

**E. Limited Food and Drink Service<sup>220</sup>**

- (1) Limited Food and Drink Service facilities shall not exceed 1,000 square feet in gross floor area.
- (2) In the R-3 zoning district, this use may only be located on the ground floor of a building containing residential primary uses.

**F. Restaurant, Tavern or Lounge<sup>221</sup>**

When located within 300 feet of a Residential zoning district, this use shall require a Conditional Use Permit.

**G. Bed and Breakfast<sup>222</sup>**

- (1) In the R-2, R-3, and MX-N districts:
  - (a) This use is limited to single-family detached dwellings; and
  - (b) Food service shall only be provided to residents and overnight guests.
- (2) Each guest stay shall be limited to a maximum of 30 consecutive days.
- (3) No food preparation or cooking shall be conducted within any bedroom made available for guests.
- (4) The exterior design of any exterior modification of the structure or premises shall include an amount of façade articulation, and numbers and locations of windows and building entrances on the primary building façade that are similar to those in the surrounding area and neighborhood.

<sup>218</sup> The City of Boise is currently working on new Wireless Communication Facilities standards. These standards will be integrated into the Code when the Consolidated Draft is prepared.

<sup>219</sup> New standards for new use.

<sup>220</sup> New.

<sup>221</sup> New

<sup>222</sup> New.

#### H. Recreational Vehicle Park<sup>223</sup>

Any Recreational Vehicle Park shall be subject to the following standards:

- (1) Recreational vehicles shall not be visible from adjacent or surrounding arterial streets or highways. Screening shall comply with Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.
- (2) Recreational Vehicle Park entrances shall be directly from an arterial street, and routes to the park shall not pass through residential neighborhoods.
- (3) Any slide-outs, stairs, or similar items shall be contained within the vehicular area of the site.
- (4) No more than one recreational vehicle shall be permitted at any individual site. Vehicles that tow or are towed by the recreational vehicle shall also be parked in the same portion of the site as the recreational vehicle.
- (5) Recreational vehicle parks shall have a full-time manager on site at all times.
- (6) Services and amenities within the Recreational Vehicle Park shall be restricted to use by registered campers and their guests, and shall include at a minimum water, sewer, and electricity for each site, water and sewer facilities for common buildings, dump stations, common bathrooms and showers in the camping area, laundry facilities, a management office, and an active recreational area.
- (7) An active recreation area shall be a minimum of four percent of the site, and may include a clubhouse, indoor swimming pool, outdoor amphitheater, food and beverage service, catering facilities, and other such similar amenities.
- (8) Sale of retail items shall be limited to registered campers and their guests, and shall not occupy more than 2,000 square feet of building area.
- (9) No blocking or skirting of recreational vehicles shall be permitted.
- (10) No outdoor storage by park guests shall be permitted.
- (11) The site shall be properly graded for drainage; surfaced with concrete, asphalt or any other improved surface approved by the Planning Director based on durability, appearance, and dust control.
- (12) The site shall be maintained in good condition, free of weeds, trash, and debris.

#### I. Single-Room Occupancy Hotel<sup>224</sup>

This use shall:

- (1) Provide common interior space for residents, which space may consist of community kitchen/dining area, lobby, recreational area, sitting area, or the like;
- (2) Provide nearby outdoor open space for use by residents;
- (3) Provide 24 hour resident management staffing;

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<sup>223</sup> New.

<sup>224</sup> New.

- (4) Make provision for services needed by residents as to enhance their well-being including, but not limited to, community kitchen and housekeeping; and
- (5) Be located less than 500 feet from any other Single-Room Occupancy Hotel.

**J. Financial Establishment, Medical or Dental Clinic, Personal and Business Services**<sup>225</sup>

In the R-3 zoning districts, these uses may only be located on the ground floors of buildings containing primary multifamily dwelling uses and each use is limited to a maximum gross floor area of 1,000 square feet.

**K. Office**<sup>226</sup>

- (1) Within the R-3 zoning district, professional and executive offices are allowed on a lot or parcel where the side of such lot or parcel abuts a Mixed-Use or Special Purpose zoning district and is located in a structure originally developed for residential primary uses. Such uses are not allowed on properties separated from a Mixed-Use or Special Purpose zoning district by an alley or street, or on a property that was not originally developed for residential primary use, except as described in Subsection (2) below.<sup>227</sup>
- (2) In the I-1 and I-2 zoning districts, construction of new buildings for primary office uses, or the creation of accessory office uses that occupy more than 25 percent of the gross floor area of a primary structure require a Conditional Use Permit pursuant to Section 11-05-05.7, *Conditional Use Permit*. The use of up to 25 percent of the gross floor area of a new or existing building for office uses accessory to allowed or approved conditional primary uses in the building does not require a Conditional Use Permit.<sup>228</sup>

**L. Indoor Auditorium or Theater, Conference or Events Center**<sup>229</sup>

This use shall not be located within 600 feet of a Residential zoning district.

**M. Firing Range, Indoor**<sup>230</sup>

- (1) This use shall not be located within 600 feet of a Residential zoning district.
- (2) The City may require a nuisance abatement plan or restrict hours of operation as a condition of approval to minimize adverse impacts on adjacent properties.
- (3) The design and construction of the use shall completely confine all ammunition rounds within the building and in a controlled manner.

**N. Golf Course**

A club house associated with a golf course shall be located at least 300 feet from a residence, unless a closer location is approved by a Zoning Certificate or conditional use permit.

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<sup>225</sup> New.

<sup>226</sup> Very detailed provisions for R-3/NC-O district were not carried forward.

<sup>227</sup> Revised to apply to offices located in previously residential structures, but not freestanding new office structures and to delete the requirement for design review.

<sup>228</sup> New: Current requirement that all office uses in the I-1 and I-2 district require conditional use approval and must provide additional mitigation or amenities was not carried forward.

<sup>229</sup> New.

<sup>230</sup> New.

**O. Recreation, Indoor<sup>231</sup>**

- (1) Indoor Recreation uses shall be conducted entirely within an enclosed building.
- (2) Indoor Recreation uses shall not be located within 300 feet of a Residential zoning district.

**P. Recreation, Outdoor**

Outdoor Recreation uses shall not be located within 600 feet of a Residential zoning district.<sup>232</sup>

**Q. Retail Sales, Small<sup>233</sup>**

In the R-2 and R-3 zoning districts, this use may only be located on the ground floor of a building containing residential primary uses.

**R. Sexually Oriented Business<sup>234</sup>**

**(1) Legislative Intent and Purpose**

- (a) It is the intention of the City that the provisions of this Section be construed, enforced, and interpreted in such a manner as will cause the least possible interference with any affected rights of speech, due process, equal protection, or other fundamental right. This Code and each Section and provision thereof are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this Section, or the application thereof to any person or circumstance is held to be invalid, the remaining Sections or provisions and the application of such Sections or provisions to any person, business, or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such Sections and provisions would have been passed independently of such Section or provision so known to be invalid.
- (b) The purpose of these regulations is to allow the reasonable location of a sexually oriented business within the city in a manner that shall protect property values, neighborhoods, and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses such opportunity in appropriate areas within the city. It is not the intent of this Code to suppress any speech activities protected by the First Amendment of the United States Constitution, but to impose content-neutral regulations that address the adverse secondary effects a sexually oriented business may have on adjoining properties and the immediate neighborhood.
- (c) It has been determined and reflected in the land use studies of various US cities, that businesses that have as their primary purpose the selling, renting, or showing of sexually explicit materials have negative secondary impacts upon surrounding

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<sup>231</sup> New.

<sup>232</sup> New.

<sup>233</sup> New.

<sup>234</sup> Removed reference to and standards for "bikini bar" in current Section 11-06-05.1.A.

businesses and residences. The experience in other US cities is that the location of a sexually oriented business significantly increases the incidence of crimes, especially sex offenses, including rape, indecent exposure, lewd and lascivious behavior, and child molestation.

- (d)** It has been determined and reflected in the land use studies of various US cities, that the operation of sexually oriented businesses in business districts that are immediately adjacent to and that serve residential neighborhoods has a deleterious effect on both the business and the residential segments of the neighborhood, causing blight and down-grading property values.
- (e)** It is the intent of these regulations to allow sexually oriented businesses to exist within the city in various dispersed locations rather than to allow them to concentrate in any one business area. It is further the purpose of these regulations to require separation requirements between sexually oriented businesses and residential uses, churches, parks, and educational institutions in an effort to buffer these uses from the secondary impacts created by sexually oriented business activity.

### **(2) Applicability**

The standards in this Section 11-03-03.4.Q shall apply in the following circumstances:

- (a)** The opening or commencement of any sexually oriented business as a new business.
- (b)** The conversion of an existing business or any part of any existing business to any of the sexually oriented businesses regulated herein.
- (c)** The addition or expansion of any business to include any of the regulated sexually oriented businesses.
- (d)** The voluntary relocation of any such business.

### **(3) Criteria**

In lieu of the generally applicable conditional use permit criteria, a sexually oriented business shall be subject to the following standards:

- (a)** If the establishment is located in a Mixed-Use zoning district, it:<sup>235</sup>
  - i.** Limited to businesses licensed to serve beer, wine, alcohol, or spirituous liquor for consumption on the premises and that features live performers or servers wearing bikinis or swimsuits covering specified anatomical areas; and
  - ii.** Shall be located at least 300 feet from any residential use or zoning district; and
- (b)** In any zoning district in which the establishment is located, it shall comply with the following standards:
  - i.** It shall not be located within 1,000 feet of a public or parochial school or daycare as defined and licensed by the City; a public park or playground; a bar or tavern or other premises serving alcohol; religious institution; or a sexually oriented business;

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<sup>235</sup> Carries forward limitations in the current code requiring that any adult use in the Mixed-Use districts involve defined levels of clothing.

- ii.** It shall not be located on a lot or parcel that is within 500 feet of a residential use or zone (except as noted in Subsection (f)(i) above;
- iii.** Distance shall be measured in a straight line from property line closest to the property line of the nearest school, park, playground, religious institution, or other sexually oriented business. These standards shall apply regardless of the political jurisdiction in which schools, parks, or churches or other adult businesses are located;
- iv.** The sign package and exterior building design must be submitted with the conditional use application for review by the Planning and Zoning Commission. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building; No advertising signs, billboards, displays, advertisements, or other promotional materials depicting specified anatomical areas or specified sexual activities or displaying instruments, devices, or paraphernalia designed for use in connection with specified anatomical areas or specified sexual activities shall be shown or exhibited so as to be visible to the public from the exterior of the building;
- v.** Lobby and entrance areas should be designed so as to minimize obstruction of sidewalks during operating hours and shall be oriented and consistent with other commercial activities in the area;
- vi.** All building openings, entries, windows, and the like, shall be located, covered, or screened in such a manner as to prevent a view into the interior, so that personnel, instruments, devices, paraphernalia, and body parts thereof, that are associated in any manner with specified anatomical areas or specified sexual activities, cannot be viewed from streets, sidewalks, and adjacent private properties;
- vii.** No loudspeakers or sound equipment shall be used for such businesses that can be discerned by the public outside the building;
- viii.** The disposal of garbage and trash containing sexually explicit materials must be disposed of in a manner that prevents minors from having access to the material; and
- ix.** Hours of operation are from 4:00 p.m. to 2:00 a.m. One security staff person is required for each 20 required parking spaces or fraction thereof. The hours of operation shall be visibly posted on all entrances and exits.
- x.** On-site security must be present during all hours of operation.
- xi.** These provisions shall not be construed as permitting any use or act that is otherwise prohibited or made punishable by law.
- xii.** No sexually oriented materials or performances shall be disseminated, performed for, by, or upon minors. Signs prohibiting minors upon premises shall be visibly posted on all entrances and exits.
- xiii.** All areas of the use shall be illuminated at a minimum of 20 footcandles, normally maintained and evenly distributed at ground level. except that

performance venues shall only be required to be illuminated at a minimum of five footcandles.<sup>236</sup>

- xiv. The establishment shall limit the maximum number of image producing devices to the maximum occupancy load permitted in any room or partitioned portion of a room in which an image producing device is located.

**(4) Procedures<sup>237</sup>**

**(a) Neighborhood Meeting Notification**

The applicant shall notify and invite to the neighborhood meeting all residents and property owners within 1,000 feet of the exterior boundary of the application parcel and the registered neighborhood association. The notice of this meeting may be mailed or hand-delivered to the recipient. If mailed, the notice shall be postmarked a minimum of seven calendar days prior to the meeting date. If hand-delivered, the applicant must deliver the notice a minimum of five days prior to the meeting date.

**(b) Hearing Notification**

Mailed notice shall be provided to all property owners, purchasers of record, and residents within 1,000 feet of the exterior boundaries of the application parcel and the registered neighborhood association. Also, any school, daycare, church, or registered neighborhood association within 2,000 feet of the application parcel shall be notified of applications for sexually oriented businesses.

**(c) Timing of Hearings**

A public hearing for on the application, regardless complexity, shall be held no later than 44 calendar days after acceptance of a complete application. If no decision is made within 45 days after hearing, then the request for a sexually oriented business shall be deemed approved.

**(d) Conduct of Hearings**

Hearings shall be conducted as described in Section <>, Public Hearings.

**(e) Deferrals**

Unless the applicant agrees to a deferral, applications for must be decided within 45 days following the public hearing. Failure of the Planning and Zoning Commission to decide such application within 45 days following the hearing shall result in its approval.

**(f) Appeals<sup>238</sup>**

If an appeal of the Planning and Zoning Commission decision is filed, the City Council shall hold a hearing within 45 days following the filing of an appeal. If the applicant has not requested a deferral, a decision as to whether or not a conditional use is approved must be made within 45 days from initial hearing date. Failure of the

<sup>236</sup> Lighting standards were significantly simplified.

<sup>237</sup> It is very unusual for a City to have a special Conditional Use approval process for this type of use. These procedures may be consolidate with other Conditional Use Permit procedures in Module 3 – while maintaining the use-specific criteria currently used to approve this type of use (as an alternative or supplement to standard conditional use approval criteria.

<sup>238</sup> This content may be consolidated with other procedures in Module 3, but the time limits for Council to hear the appeal will need to remain in order to comply with federal decisions regarding timely consideration of applications and appeals.

Council to make a decision within 45 days shall be deemed as an approval. Council shall issue a temporary conditional use permit on the occasion where they had previously approved an application and it was then appealed to the District Court by an appellant that is not the applicant.

**S. Service Station<sup>239</sup>**

- (1) All activities other than vehicle fueling shall be conducted within a completely enclosed building.
- (2) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (3) Outdoor storage of more than three temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (4) Fuel canopies shall be located to the side or rear of properties to minimize visual impact from public streets.
- (5) Where this use is located adjacent to a Residential or Mixed-Use zoning district, the lot lines adjacent to the Residential or Mixed-Use zoning district shall be screened pursuant to Section <> [most intensive screening/buffering].<sup>240</sup>

**T. Vehicle Repair, Major and Minor<sup>241</sup>**

- (1) All major overhaul, body, and fender work, upholstery and welding, and spray painting shall be conducted within a completely enclosed building.
- (2) No outdoor storage of automobile parts, discarded tires, or similar materials shall be permitted.
- (3) Outdoor storage of more than three wrecked or temporarily inoperable vehicles awaiting repairs shall be prohibited.
- (4) Where this use is located adjacent to a Residential or Mixed-Use zoning district, the lot lines adjacent to the Residential or Mixed-Use zoning district shall be screened pursuant to Section <> [most intensive screening/buffering].<sup>242</sup>

**U. Vehicle and Equipment Sales, Rental and Leasing, Light and Heavy<sup>243</sup>**

- (1) This use shall not be located within 300 feet of a Residential zoning district.
- (2) Vehicles shall not be displayed in required setbacks or areas designated for parking, vehicle and bicycle traffic circulation, or landscaping, unless otherwise shown on the approved site plan.<sup>244</sup>

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<sup>239</sup> New.

<sup>240</sup> To be drafted in Module 2.

<sup>241</sup> New.

<sup>242</sup> To be drafted in Module 2.

<sup>243</sup> New.

<sup>244</sup> Wording revised for clarity.

- (3) Vehicles shall be displayed outside clear vision triangles at any intersection or driveway and shall not obstruct the sidewalk or entrance into the principal building or any other sidewalks that allow for pedestrian access to the site.
- (4) Outdoor storage areas for vehicles that are not for sale or lease are only allowed in the I-2 zoning district.
- (5) Where this use is located adjacent to a Mixed-Use zoning district, the lot lines adjacent to the Mixed-Use zoning district shall be screened pursuant to Section <> [most intensive screening/buffering].<sup>245</sup>
- (6) No loading and unloading of vehicles or parking or sale of display vehicles in the public right-of-way is permitted.

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## 5. Industrial Uses

### A. Artisan Industry<sup>246</sup>

- (1) All activities must be conducted within a completely enclosed building.
- (2) If located in a Mixed-Use zoning district, this use shall not exceed 10,000 square feet of gross floor area.
- (3) Retail sales of goods produced on the property are allowed.

### B. Light Industry and Heavy Industry

- (1) Any facility using hazardous materials or procedures subject to additional review, licensing, or approval by state or federal law, or emitting electromagnetic radiation or other radiation, shall comply with all state and federal requirements regarding the storage, handling, transfer, use, and safety of those materials, procedures, or radiation, and require approval pursuant to Section 11-05-05.7, *Conditional Use Permit*.
- (2) In the I-1 zoning district, this use shall be screened from abutting properties in any zoning district other than the I-1 and I-2 districts, and from abutting public streets, by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.
- (3) In the I-2 zoning district, this use shall be screened from abutting properties in any zoning district other than the I-2 district, and from abutting public streets, by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.

### C. Mining and Extraction

- (1) This use is prohibited within:
  - (a) 200 feet of a Mixed-Use zoning district;
  - (b) 600 feet of an O-P zoning district;
  - (c) 600 feet of any lot in a Residential zoning district occupied by a residential use other than Caretaker's Residence; and

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<sup>245</sup> To be drafted in Module 2.

<sup>246</sup> New.

(d) 600 feet of any lot containing a Religious Institution or School.

- (2) In all zoning districts where this use is permitted, the use shall be screened from abutting properties in any zoning district other than an I-2 district, and from abutting public streets by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.

#### D. Outdoor Storage<sup>247</sup>

- (1) In the Mixed-Use zoning districts where this use is permitted, this use is only permitted as an accessory use to an allowed or approved conditional use on the lot, and not as a primary use of the lot.
- (2) In all zoning districts where this use is permitted, the use shall be screened from abutting properties in any zoning district other than an I-2 district, and from abutting public streets by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.

#### E. Self-Service Storage<sup>248</sup>

- (1) All storage shall be kept within an enclosed building, except recreation or other oversized vehicles, which shall be stored only in exterior areas screened from view from any street frontage.
- (2) Only storage of goods and materials are allowed in self-storage rental spaces. The use of storage spaces to conduct or operate a business is prohibited.
- (3) The storage of hazardous materials is prohibited.
- (4) Loading docks may not be located on a side of the facility abutting a residential zoned district.
- (5) A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.
- (6) If the facility is located in an MX-N district, all storage shall be contained within a fully enclosed structure that:
- (a) Is at least a two-story structure with storage units on upper floors with access doors to storage units accessed from interior hallways. and
  - (b) Does not have any garage doors or access doors to any storage unit facing any public street, park, or open space, unless the doors are screened from all visible public streets, parks, and open spaces.

#### F. Trucking Terminal<sup>249</sup>

In all zoning districts where this use is permitted, the use shall be screened from abutting properties in any zoning district other than an I-2 district, and from abutting public streets by

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<sup>247</sup> New.

<sup>248</sup> New.

<sup>249</sup> New

a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.

**G. Wholesale or Warehouse<sup>250</sup>**

- (1) The use shall not locate storage areas, truck loading bays, or vehicle circulation routes within a required setback or perimeter buffer.
- (2) The use shall locate outdoor storage areas to the rear of the principal structure and screen them in accordance with Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.
- (3) Sufficient off-street loading and maneuvering space to handle anticipated vehicles shall be provided, and the public right-of-way shall not be used for backing movements.
- (4) The use shall have direct access onto an arterial or collector street

**H. Utility Facility, Minor<sup>251</sup>**

- (1) Public service poles, towers, or similar installations are of a height of 85 feet or less are allowed, including the replacement of existing facilities.
- (2) Public service poles, towers, or similar installations of a height of 85 feet or greater require approval pursuant to Section 11-05-05.7, *Conditional Use Permit*. To receive an approval, the pole, tower, or installation shall comply with all generally applicable approval in Section 11-05-05.7, *Conditional Use Permit*, and in addition the pole, tower, or installation, locations and heights shall:
  - (a) Not interfere with airport height restrictions;
  - (b) Minimize disturbance to views from established residential areas;
  - (c) Minimize disturbance to or interference with view of city, state, or federally registered historic structures;
  - (d) Not obstruct clear vision triangles or otherwise threaten motorist or pedestrian safety;
  - (e) Minimize conflict with existing uses;
  - (f) Be within route corridors already established or use by rail, automobile traffic arterials, or electrical transmission; and
  - (g) Be within route corridors that provide for a satisfactory level of energy efficient transmission of the product (electrical energy or other signals); or
  - (h) Be the best available alternative placements and heights, even though they do not comply perfectly with all the above findings.

**I. Composting Facility<sup>252</sup>**

This use shall comply with the following standards:

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<sup>250</sup> New.

<sup>251</sup> Carries forward 11-06-04.5. Inconsistent text as to whether these provisions apply only in residential districts was resolved in favor of their applicability in all zoning districts.

<sup>252</sup> Carried forward and simplified from current Section 11-06-06.2.A, Requirement to submit a site and operational plan with Conditional Use Application relocated to Administrative Manual.

- (1) A minimum 50 foot setback shall be maintained from the property boundaries to any active processing area of the facility including any area used for storage, active composting, and curing;
- (2) A minimum 200 foot buffer zone between the active composting pile and any existing Residential zoning district shall be maintained;
- (3) No composting facility shall be allowed in a floodplain or floodway;
- (4) Adequate space shall be provided between the piles to allow access to vehicles, including firefighting equipment;
- (5) All organic materials received at the composting facility shall be removed from any containers unless the containers are biodegradable, in which case the container shall be opened before composting; and
- (6) A sign shall be posted and maintained at the composting facility showing the nature of the project, facility name, address and telephone number of operator, operating hours, materials that may be received by the facility, and the phrase, "NO DUMPING OF GARBAGE, TRASH, OR RUBBISH ALLOWED."
- (7) The use shall be screened from abutting properties in any zoning district and from abutting public streets by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.<sup>253</sup>

**J. Junkyard, Vehicle Salvage<sup>254</sup>**

- (1) This use shall be conducted within a building or within a yard enclosed on all sides by a wall or solid fence at least eight feet in height.
- (2) Openings equipped with a gate or door not exceeding 24 feet in width, or not exceeding the minimum width needed to allow access to railroad lines or spurs serving the property, are permitted to allow vehicle access into the site.
- (3) Openings for vehicle access shall be closed when the establishment is not open for business.
- (4) Uses shall not have vehicle access points from or channel a majority of the traffic generated by the use onto a Local residential street.
- (5) The use shall be screened from abutting properties in any zoning district and from abutting public streets by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.

**K. Recycling Collection Facility<sup>255</sup>**

- (1) Drop-off recycling collection sites shall comply with the following standards:
- (2) A Zoning Certificate is required for each new recycling container site.
- (3) Containers shall be located so as to do not interfere with required access or parking;

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<sup>253</sup> New.

<sup>254</sup> New.

<sup>255</sup> Carried forward current Section 11-06-06.2.B.

- (4) Containers shall be kept in a state of good repair and emptied on a regular basis to prevent overflow;
- (5) All containers shall be clearly marked as to the materials to be deposited in them; and
- (6) Non-compostable residues shall be disposed or processed at a permitted solid waste disposal facility in accordance with local, state, and federal laws, regulations, and standards.

**L. Solid Waste Transfer Facility<sup>256</sup>**

- (1) The use shall be entirely enclosed within a building or yard enclosed on all sides by a wall or solid fence at least eight feet in height and kept in good repair at all times. No waste or recyclable materials shall be stored or kept at a level higher than the surrounding wall or fence.
- (2) Exterior storage areas including idling or waiting trucks shall be screened from the view of public streets or adjoining properties.
- (3) No overnight storage or any waste materials subject to rotting or odor creation shall be allowed.
- (4) The site shall be properly graded for drainage; surfaced with concrete, asphalt or any other improved surface approved by the Planning Director based on durability, appearance, and dust control.
- (5) The site shall be maintained in good condition, free of weeds, trash, and debris.
- (6) The site shall provide barriers of such type and so located that no part of parked vehicles shall extend beyond the yard space or into the setback space from a zoning lot line abutting a Residential zoning lot or separated there from a street.
- (7) The use shall be screened from abutting properties in any zoning district and from abutting public streets by a [most intense] buffer as described in Section 11-04-08, *Landscaping, Fencing, Walls, and Screening*.<sup>257</sup>

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**6. Accessory Uses and Structures**

**A. General<sup>258</sup>**

**(1) Purpose**

This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if the Planning Director determines that it 11-03-03.6 complies with the standards set forth in this Section and all use-specific standards applicable to that accessory use.

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<sup>256</sup> New.

<sup>257</sup> New.

<sup>258</sup> Carried forward current Section 11-06-07.1-3, reworded for clarity and to reflect current practice.

**(2) List of Accessory Uses and Structures**

Commonly allowed accessory uses are shown in Table 11-03.1, but that list does not include all possible uses that are secondary and subordinate to a primary use of land in each zoning district. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Code, and may be approved by a Zoning Certificate if the Planning Director determines that the proposed accessory use complies with this standard and with all use-specific standards applicable to the use.

**(3) General Standards for Accessory Uses**

All accessory uses and structures shall comply with the following general standards:

**(a) Subordinate to Principal Use**

No accessory building shall be used unless the main building is also being used. The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use. The principal use and the accessory use shall be under the same ownership and shall utilize the same utility meter, with the exception of an approved accessory dwelling unit.

**(b) Timing of Accessory Uses and Structures**

No accessory use may be established prior to establishment of the principal use with which such accessory use is associated.

**(c) Location and Setbacks**

- i.** No detached accessory building or structure shall occupy any area in front of the main building, unless approved by the Planning and Zoning Commission as a conditional use. However, on lots that have factory built housing or topographical or other physical constraints, the Planning Director may approve a detached accessory building or structure in front of the main building.
- ii.** Regardless of their size, detached accessory buildings shall not encroach into required street side or front yard areas.
- iii.** Accessory structures such as decks and patios that are one foot or less in height as measured from the property's finished grade, may occupy any yard area.
- iv.** Open post patio/shade covers, pergolas, and similar structures under 250 feet in area and less than 15 feet in height and attached to the home, may have rear yard setbacks of nine feet. Interior side yard setbacks shall be per the zone. For corner lots, a minimum 15 foot street-side yard setback is required. Structures that use these reduced setbacks may not occupy more than 50 percent of the lot's rear yard widths.
- v.** In-ground pools that are one foot or less in height, as measured from the property's finished grade, may occupy any rear or interior side yard area, provided a minimum three foot setback is maintained from the pool apron or splashguard. Hot tubs, diving boards, decks, and other features that are more than one foot above grade shall be located outside of setbacks.

- vi. In all Residential zoning districts, garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than 20 feet.

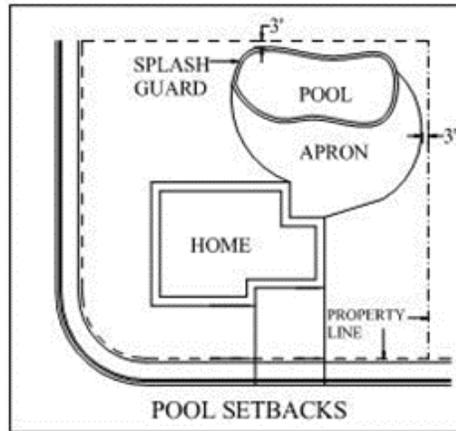


Figure 3.3: In-Ground Pool Setbacks

- vii. Detached accessory structures with six feet of separation from other structures may utilize the following setback reductions:
- A. Detached accessory structures under 120 square feet in area and under seven feet in height (from grade to the top of the wall under the roof) are permitted in any yard area except in front of the main building and in required street side and front yard areas.
  - B. Detached accessory structures that are over 120 square feet, but less than or equal to 500 square feet of area and that are less than 14 feet in height, may have reduced interior side yard setbacks of three feet and rear yard setbacks of nine feet.
  - C. Accessory buildings that use these reduced setbacks may not occupy more than 50 percent of the lot's rear or side yard widths.
  - D. Alley-Loaded Accessory Parking Structures
    - (i) Alley-loaded parking and parking structures shall provide a back up area of at least 22 feet. This back up area may be within the alley and/or the lot but not within an accessory structure.
    - (ii) A minimum five foot paved apron is required regardless of alley width.
    - (iii) For side entry alley-loaded garages the back up area shall be provided for on the lot.
    - (iv) Detached accessory structures that are under 1,000 square feet in area and under 22 feet in height may be built to the rear or side lot line abutting an alley.

- (v) Accessory structures over 1,000 square feet in area or over 22 feet in height shall comply with the setback requirements of the zone.

**viii. Residential Accessory Buildings More Than 1,000 Square Feet in Area Or 22 Feet in Height**

A Zoning Certificate is required for accessory structures over 1,000 square feet in area or 22 feet in height, subject to the following:

- A. No commercial use shall take place within the building;
- B. The square footage shall not exceed the floor area of the principal building;
- C. The building shall be architecturally compatible with the primary building;
- D. The building shall be compatible with neighboring properties in mass, and design

**B. Beekeeping<sup>259</sup>**

The purpose of these regulations is to ensure sound beekeeping practices and thereby avoid problems that might be associated with the keeping of bees in an urban setting.

**(1) Standards**

Beekeeping standards shall be as follows:

**(a) Noxious Insects Prohibited**

The keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*) and other noxious insects is prohibited.

**(b) Density of Hives and Colonies**

There is no minimum parcel size for beekeeping. However, the maximum density is three colonies per 1/4 acre. Higher densities may be permitted by conditional use permit.

**(c) Nucleus Colonies**

For every two colonies authorized above, one additional nucleus colony is allowed.

**(d) Hives**

Colonies shall be kept in hives with removable frames.

**(e) Flyway Barriers**

For colonies located within 25 feet of a property boundary, a flyway barrier at least 6 feet in height consisting of a solid wall, fence, or dense hedge parallel to the property line and extending ten feet beyond the apiary in each direction is required.

**(f) Setbacks and Placement**

Hives shall be located at least 20 feet from front property lines and three feet from other property lines. The back of the hive shall be oriented to adjoining properties.

**(g) Water Source**

A constant supply of fresh water is required. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.

<sup>259</sup> Carried forward current Section 11-06-07.4.B.

**(h) Maintenance**

Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

**(i) Queens**

Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened.

**(j) Compliance with State Statutes**

Beekeeping shall comply with all applicable State laws.

**(k) Contact Information**

Contact information for a responsible party shall be posted at apiaries on vacant property.

**C. Drive-Through Facility<sup>260</sup>**

**(1)** All Drive-Through Facilities shall comply with the following standards:

- (a)** Design and operation of the establishment is substantially in compliance with general requirements of this Section;
- (b)** Site traffic circulation is not disrupted by increased vehicular congestion, blockage, or rerouting caused by the establishment;
- (c)** The number of drive-through lanes is limited to allow for adequate on-site circulation of pedestrians and vehicles; and
- (d)** The minimum number of parking spaces required for all uses of the site, upon which the drive-up window establishment is placed, must be maintained.

**(2)** Drive-Through Facilities that require Planning and Zoning Commission approval shall also meet the following standards:

- (a)** The location shall not cause an increase of commercial traffic in nearby residential neighborhoods, or cause significant adverse impacts in the vicinity.
- (b)** Drive-through aisles should be located behind the building and circulation should provide for pedestrian access to and from the establishment's entrance.
- (c)** Waiting lane(s) are of sufficient length to accommodate average monthly peak volumes;
- (d)** Lights are designed and located to prevent glare on adjoining properties. Screening of lights may be required as a secondary measure of mitigation.
- (e)** Landscaping should screen drive-up aisles from the public right-of-way and minimize the visual impact of vehicular lights, readerboard signs, and directional signs;
- (f)** Drive-through lanes shall be setback at least 10 feet from residentially zoned or used property. Landscape and sound abatement walls may be required when appropriate.

<sup>260</sup> Carried forward current Section 11-06-05.3.A. All references to "Drive-Up Establishment" replaced with "Drive-Through Establishment. Removed HS district-specific requirement limiting drive-through windows to health-related uses due to the consolidation of zoning districts,

- (g) Communication systems shall not exceed 55 decibels at any property line adjoining or across the alley from Residential zoning districts or uses.
- (h) The Planning and Zoning Commission may limit the hours of operation of a Drive-Through Facility.
- (3) In the MX-N zoning district, a 200 foot setback from residential use or zoning district is required for the drive through window or lane where the primary use of the window is food service. The 200 foot setback shall be measured from any part of the window or drive through lane to the nearest lot or parcel used or zoned for a residence.
- (4) In the MX-D zoning district, Drive-Through Facilities shall be subject to the following standards and provisions.
  - (a) The drive-through window and all stacking and escape lanes shall be located within a structure. The drive-through window facility shall be secondary to the principal uses of the structure in which the Drive-Through Facility is located. The following additional design requirements shall apply:
    - i. All lanes used for ingress, stacking, service, and egress shall be integrated safely and effectively with circulation and parking within the structure.
    - ii. No additional curb cuts shall be allowed to provide access for drive-up facilities within an existing or new structure. Existing curb cuts, however, may be relocated.
    - iii. Traffic associated with the Drive-Through Facility shall not inhibit safe access and exiting from parking spaces or the structure's entrances or exits.
    - iv. Where it is essential that the Drive-Through Facility have its own ingress to and/or egress from the structure, the ingress and egress shall be limited to a single lane where it intersects a public street and sidewalk.
    - v. The location and design of the Drive-Through Facility shall minimize blank walls on street-facing exteriors of the building and disruption of existing or potential retail and other active ground floor uses.
    - vi. Drive-Through Facilities in the MX-D are not subject to general requirements in paragraph f. of Subsection C(2), above.
    - vii. All entrance and exit points that may be utilized for the drive-up facility shall incorporate the following minimum safety features:
      - A. There shall be a visible pedestrian warning where walkways intersect entrance and exit points.
      - B. An approved auditory warning device and an approved non-auditory device shall be installed on both sides of all exit points. The devices may be combined into one device and shall flash and produce an auditory sound to warn against exiting vehicles.

#### D. Electric Vehicle Charging Station<sup>261</sup>

In the Residential zoning district, this use shall not be made available for use by the general public unless accessory to Multifamily Dwelling or an allowed or approved conditional use.

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<sup>261</sup> New.

**E. Home Occupation, Other**

**(1) Procedure for Approval**

- (a) A home occupation that is not prohibited by this Code is allowed without submittal of an application or approval of a Zoning Certificate if it complies with all of the standards in Subsection (2) below.
- (b) A home occupation that does not comply with all of the criteria in Subsection (2) below requires filing of an application and approval of a Zoning Certificate pursuant to Subsection (3) below.
- (c) More than one home occupation may be approved for the same property address provided that the combined activities and uses of the home occupations do not exceed the approval criteria in this Code. For example, the aggregate total of floor space devoted to one or more occupations at a given address may not exceed 500 square feet.

**(2) Standards for Approval Without Issuance of Zoning Certificate<sup>262</sup>**

- (a) The use is clearly incidental and secondary to the use of the lot or parcel for dwelling purposes.
- (b) The use is conducted entirely within a dwelling or permitted accessory structure and the aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 500 square feet in floor area.
- (c) Outdoor storage of materials and supplies is prohibited.<sup>263</sup>
- (d) The owner/operator of the home occupation shall reside on the premises and shall not employ others to work in the home.
- (e) Required off-street parking spaces for the residence must be maintained.
- (f) Deliveries and pickups shall be limited to two per day between the hours of 8:00 am and 6:00 pm, Monday through Friday.
- (g) Instruction classes shall be limited to one student at a time with a maximum of eight per day.
- (h) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.
- (i) Only items produced on the premises or incidental to the service being offered may be offered for retail sale, and any such sales shall be incidental to the provision of the related service as the primary home occupation.
- (j) One unlighted wall sign not exceeding two square feet in area and mounted flat against the building, is allowed.

**(3) Standards for Approval Requiring Issuance of Zoning Certificate**

Home occupations that do not comply with all of the standards in Subsection (2) above require the filing of an application and issuance of a Zoning Certificate based on a review by the Planning Director to ensure they will not be a detriment to the character and

<sup>262</sup> Examples of specific allowed uses (and in some cases size limits on outdated uses) were deleted as outdated.

<sup>263</sup> Revised to apply to outdoor storage of all materials, not just building materials.

livability of the neighborhood. The Director may approve the proposed home occupation if the Planning Director determines that all of the standards in Subsection (2) above have been met, except as modified by the standards below.

- (a)** One vehicle, in addition to that used by an employee, may be used with a home occupation subject to the following:
  - i.** Commercial vehicles are prohibited.
  - ii.** One off-street parking space is required and may be provided on a driveway apron.
  - iii.** Construction trailers must be stored outside of required setbacks on improved surfaces and may not be visible a street.
- (b)** Outdoor storage of materials and supplies is prohibited.<sup>264</sup>
- (c)** Instruction classes shall be limited to a maximum of five students per class, and limits on hours within which instruction may occur may be added.
- (d)** Internal or external changes that would make the dwelling appear less residential are prohibited. Examples include construction of parking lots, paving of required setbacks, and adding commercial-like exterior lighting.
- (e)** If the home occupation meets the definition of Kennel, it shall require a noncommercial kennel license from the City Clerk.<sup>265</sup>

#### **(4) Prohibited Home Occupations<sup>266</sup>**

The following home occupations are prohibited, regardless of whether they comply with the standards in Subsections (2) and/or (3) above:

- (a)** Occupations that involve highly combustible materials or any material.
- (b)** Occupations where the dimensions, power rating, or weight of equipment and tools used exceed that of normal household equipment and tools.
- (c)** Occupations that cause abnormal automotive or pedestrian traffic or that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances.
- (d)** Retail stores.
- (e)** Dispatch centers where employees meet at the dwelling unit and are sent to other locations.
- (f)** Occupations that would detract from the residential character of the neighborhood.
- (g)** Escort services.
- (h)** Taxidermy.
- (i)** Heavy equipment repair.
- (j)** Firearms sales.

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<sup>264</sup> Revised to apply to outdoor storage of all materials, not just building materials.

<sup>265</sup> Carried forward current Section 11-12-02.2.B.(5) to address noncommercial kennel uses.

<sup>266</sup> Subsections (i) and (j) are new.

- (k) Any other use that is not listed as an allowed or conditional use in any zoning district in the city.
- (l) Any other use prohibited as a primary use of land by this Code.<sup>267</sup>

**F. Livestock and Animals<sup>268</sup>.**

**(1) Commercial Livestock Uses**

The keeping of livestock for sale or the sale of livestock products (such as milk) shall comply with the following standards.

**(2) Animal Unit**

- (a) An animal unit is
  - i. One horse, mule, cow, llama;
  - ii. Four sheep, goats, or swine;
  - iii. Six geese;
  - iv. Ten rabbits; or,
  - v. Twelve chickens, ducks.
- (b) The Director may determine a unit number for animals not listed.

**(3) Livestock as Legal Nonconforming Uses**

Nonconforming status shall be in accordance with Section 11-05-06, *Nonconformities*. Nonconforming status shall be lost if the livestock are absent from the property for a continuous period of two years.

**(4) Standards**

- (a) A minimum of one acre is required to keep livestock. For poultry and rabbits the minimum area is one half acre.
- (b) With the exception of poultry and rabbits, a minimum contiguous area of one half acre (exclusive of structures) shall be dedicated to the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter acre.
- (c) Livestock shall be kept within fences, corrals, barns, or pens.
- (d) Livestock enclosures must comply with setback requirements.
- (e) The maximum density is two animal units per acre of area set aside for the keeping of livestock. For example, if one half of a one acre lot is set aside for the keeping of livestock one animal unit is allowed. Maximum density shall not apply to offspring under nine months of age, nor shall it apply to pets.
- (f) Livestock shall be kept so as to not cause adverse impacts on neighboring properties. This includes, but is not limited to, such impacts as odor, noise, drainage, erosion, and insects. The presence of such impacts can constitute a public nuisance that the City may cause to be abated.

<sup>267</sup> Prohibition of any use not consistent with purpose statements of the Code was deleted as too vague for enforcement.

<sup>268</sup> Carried forward current Section 11-06-07.4.D. Deleted standards that described the definitions of "Livestock" and "Pet." Purpose statement was deleted as unnecessary.

- (g) Structures housing pets shall be located a minimum of 10 feet from any building used or capable of being used for human habitation on adjacent lots.
- (h) It shall be unlawful to keep any animal listed in Section 5-1-8 of the Boise City Code under the auspices of this Section.

**(5) Exceptions to Minimum Area**

- (a) Livestock may be kept on less than one acre when allowed by subdivision covenants or duly adopted overlay districts. If animal density is not addressed therein, the density requirements of this Code shall apply.
- (b) Livestock may be kept on less than one acre for educational purposes, such as 4H or FFA, though the maximum animal density shall not be exceeded.
- (c) Horses that are regularly ridden and exercised off-site may exceed the standard animal unit density. One horse is allowed for every 14,500 sq. ft. of contiguous set aside area.

**G. Outdoor Storage, Accessory<sup>269</sup>**

- (1) Outdoor storage of corrosive, acid, alkali, flammable, or explosive materials is prohibited except as specifically indicated in this Code.
- (2) All outdoor storage shall be fully screened from adjacent properties and rights of way with a solid or opaque fence or similar materials acceptable to the Planning Director.
- (3) In the MX-N district, outdoor storage of materials and display of merchandise related to nonresidential uses is prohibited.<sup>270</sup>

**H. Renewable Energy Facility, Accessory<sup>271</sup>**

- (1) Accessory solar collectors shall only be located in side or rear yards or on rooftops.
- (2) If the solar collector is not flush with the roof the applicant shall minimize the visibility of the collector from a public street, park, open space, or golf course to the most reasonable extent possible without prohibiting the installation.
- (3) Ground-mounted collectors are allowed as an accessory structure outside the setbacks.
- (4) Ground-mounted accessory solar collectors shall not exceed the height of the principal structure on the lot or parcel.
- (5) An individual small wind system shall be set back from the property line and the principal structure at least 1.5 times the height of the turbine.
- (6) In Mixed-Use and Special Purpose zoning districts, accessory wind energy systems shall only be located in side or rear yards
- (7) In Mixed-Use zoning districts, an accessory wind energy system shall not exceed the maximum building height of the applicable zoning district.

<sup>269</sup> Carried forward and expanded current Section 11-06-06.1.B.

<sup>270</sup> New.

<sup>271</sup> New.

(8) In the I-1 and I-2 districts, an accessory wind energy system may exceed the maximum building height of the applicable zoning district by 20 feet.

**I. Unlisted Uses Accessory to an Allowed Use<sup>272</sup>**

Accessory uses not listed in Table 11-03.1 maybe approved if the Planning Director determines that it is secondary and subordinate to and commonly associated with the primary use to which it is accessory.

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**7. Temporary Uses<sup>273</sup>**

**A. General**

**(1) Applicability**

- (a) Types of temporary uses and structures that may be approved under the temporary use approval process include:
  - i. Temporary buildings;
  - ii. Temporary display and sale of merchandise;
  - iii. Model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises;
  - iv. Seasonal uses (e.g., fireworks stands, Christmas tree lots, and produce stands); and
  - v. Other uses that clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Planning Director.
- (b) Uses that may not be considered for temporary approval include:
  - i. Uses that require Planning and Zoning Commission approval if they were a primary or accessory use in that zoning district.
  - ii. Structures or uses that are intended to be placed upon unimproved property, other than seasonal uses or uses incidental to construction.

**(2) General Standards for Temporary Uses**

A temporary use may be approved provided that the use complies with the following standards:

**(a) Compliance with This Code and Other Law**

The use shall be conducted in compliance with regulations administered and enforced by other city, state, and federal agencies.

**(b) Location**

The temporary use shall allow for placement of a temporary structure, vehicle, sign, etc. outside of any vision triangle, required setback, required parking stall (except as permitted for temporary, outdoor display sale of merchandise), service drive area, dedicated trash dumpster location, sidewalk, or any other position on a lot that may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.

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<sup>272</sup> New, to clarify current practice.

<sup>273</sup> Carried forward current Section 11-06-08.1-3.

**(c) Duration**

Depending on the nature of the use, and with the exception of produce stands, a temporary use certificate shall not exceed 180 consecutive days.

**B. Construction Office<sup>274</sup>**

- (1)** This use may not begin, and any structure for the use may not be installed, more than 30 calendar days before site construction begins.
- (2)** If work on the project has been dormant for a period of six or more months, the trailer must be removed, unless an extension is granted by the Planning Director based on anticipated construction restart date.
- (3)** The office shall not contain sleeping or cooking accommodations.
- (4)** The structure shall be set back at least five feet from any lot line and eight feet from the building or structure under construction.

**C. Mobile Food Truck**

This use shall not operate on any lot where the primary is a Single-family Detached Dwelling, Single-Family Attached Dwelling, Duplex, Triplex, or Fourplex Dwelling.

**D. Parking Lot, Temporary<sup>275</sup>**

- (1)** Temporary lots may be permitted for up to two years through the approval of a Zoning Certificate if the Planning Director determines that the following approval criteria are met:
  - (a)** A minimum of 20 feet width of direct access to the parking lot from a public road right-of-way is provided.
  - (b)** The parking lot is compatible with surrounding uses.
  - (c)** Existing mature landscaping will not be displaced by the parking lot.
  - (d)** A detailed grading and drainage plan has been approved by the ACHD and the Public Works Department before a building permit is issued.
  - (e)** Gravel surfacing with a written maintenance plan for dust control measures for the parking lot and access road is provided
  - (f)** Site obscuring fencing and landscaping alongside and rear property lines that coincide with a residential use is provided.
  - (g)** Landscaping is required along street frontages is provided
  - (h)** Wheel stops marking all parking spaces are provided.
  - (i)** A landscaped area of five percent of the total lot area is provided.
  - (j)** A temporary irrigation system adequate to maintain the temporary landscaping in a healthy condition is provided.

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<sup>274</sup> New.

<sup>275</sup> Carried forward current Section 11-07-03.6. These standards may be moved to – or cross-referenced in the Parking standards provisions in Module 2. Criteria of consistency with the Comprehensive Plan was deleted, since Blueprint Boise does not address appropriateness of temporary parking lots,

(k) The applicant provides a bond for 110 percent of the cost of removing the temporary parking lot shall be required to ensure that it is removed in a timely manner.

(2) Three one-year extensions of the permit may be granted by the Director providing the lot remains in compliance with the requirements of the permit.

**E. Sales and Leasing Office<sup>276</sup>**

Sales and Leasing Offices are permitted in any zoning district on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all homes or home sites within the development are sold.

**F. Seasonal Sales**

(1) Seasonal sales require approval from the City Clerk's Office.<sup>277</sup>

(2) A temporary use permit shall be required and shall be valid for a maximum of 30 consecutive days.<sup>278</sup> Produce stands may be approved annually.<sup>279</sup>

(3) Sales areas shall be set back a minimum of 15 feet from any public right-of-way.<sup>280</sup>

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<sup>276</sup> New.

<sup>277</sup> Carried forward current Section 11-06-08.3.D.

<sup>278</sup> New.

<sup>279</sup> Carried forward from current Temporary Use Duration standards.

<sup>280</sup> New.

# Chapter 11-04 Development and Design Standards<sup>281</sup>

[To be drafted in Module 2, Development Standards]

## 11-04-01. Purpose<sup>282</sup>

## 11-04-02. Applicability Table<sup>283</sup>

## 11-04-03. Lot and Building Forms and Dimensions<sup>284</sup>

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## 11-04-04. Subdivision Standards<sup>290</sup>

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4. Required Improvements<sup>294</sup>
5. Modifications<sup>295</sup>

## 11-04-05. Sensitive Lands<sup>296</sup>

1. General Standards

<sup>281</sup> District-Specific Development Standards from current 11-07-09 have been relocated to the Zoning Districts to which they relate in Chapter 11-02.

<sup>282</sup> Current 11-07-01.

<sup>283</sup> New Section clarifying at what point(s) in the development process different development and design standards are reviewed.

<sup>284</sup> Current 11-07-02 and

<sup>285</sup> Consolidates dimensional standards tables from current 11-04.

<sup>286</sup> Current 11-09-01.

<sup>287</sup> New.

<sup>288</sup> Consolidates permitted encroachments through height limits and into setbacks.

<sup>289</sup> Consolidates current and existing incentive height, density, and other standards in one place.

<sup>290</sup> Current 11-09, relocated into Development and Design standards to improve coordination and consistency with related Sensitive Lands, Access, and Connectivity standards.

<sup>291</sup> Current 11-09-01

<sup>292</sup> Current 11-09-02.

<sup>293</sup> Current 11-09-03.

<sup>294</sup> Current 11-09-04.

<sup>295</sup> Current 11-09-05.

<sup>296</sup> New Section incorporating current 11-07-07 and 11-07-08 Foothills and Foothills Planned District standards.

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**2. Foothills Planned Development Standards<sup>297</sup>**

**11-04-06. Access and Connectivity<sup>298</sup>**

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1. General
2. Standards Applicable to Subdivisions
3. Standards Applicable to Site Development

**11-04-07. Parking and Loading<sup>299</sup>**

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1. Purpose
2. Applicability
3. General Parking Standards
4. Accessible Parking
5. Minimum and Maximum Off-Street Parking
6. Parking Alternatives
7. Vehicle Parking Location and Design
8. Required Bicycle Parking
9. Drive-Through Vehicle and Stacking Areas

**11-04-08. Landscaping, Fencing, Walls, and Screening<sup>300</sup>**

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1. Purpose
2. Applicability
3. General Landscaping Standards
4. Street Frontage Landscaping
5. Site Perimeter Buffers
6. Parking Lot Interior Landscaping
7. Tree Preservation
8. Fences, Walls, and Screening

**11-04-09. Exterior Lighting<sup>301</sup>**

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1. Purpose
2. Applicability

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<sup>297</sup> Currently 11-07-09.

<sup>298</sup> Currently 11-07-04

<sup>299</sup> Currently 11-07-03.

<sup>300</sup> Currently 11-07-05.

<sup>301</sup> New Section incorporating current 11-07-07 Historic Street Light District

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3. General Standards
  4. Night Sky Lighting
  5. Historic Street Lights<sup>302</sup>

#### 11-04-010. Signs<sup>303</sup>

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1. 11-010-01: Purpose
2. 11-010-03: General Sign Regulations
3. 11-010-04: On-Premise Signs
4. 11-010-05: Regulations by Sign Type
5. 11-010-06: Off-Premise Signs
6. 11-010-07: Special Sign Districts

#### 11-04-011. Operations and Maintenance<sup>304</sup>

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1. Operations
2. Maintenance of Property and Structures

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<sup>302</sup> Currently 11-07-07.

<sup>303</sup> Currently 11-10. Current 11-10-02 (Sign Definitions) will be consolidated with other definitions in 11-06. Current 11-10-08 (Enforcement) will be consolidated with other enforcement provisions in 11-05-07.

<sup>304</sup> New Section to consolidate all regulations regarding post-approval property owner responsibilities.

# Chapter 11-05 Administration and Procedures

[To be drafted in Module 3, Administration and Procedures]

## 11-05-01. Purpose<sup>305</sup>

## 11-05-02. Summary Table of Review and Decision-Making Procedures<sup>306</sup>

## 11-05-03. Review and Decision-Making Bodies<sup>307</sup>

1. City Council<sup>308</sup>
2. Planning and Zoning Commission<sup>309</sup>
3. Design Review Committee<sup>310</sup>
4. Historic Preservation Commission<sup>311</sup>
5. Hearing Examiner<sup>312</sup>
6. Planning Director<sup>313</sup>

## 11-05-04. General Procedures<sup>314</sup>

1. Pre-Application Meeting
2. Neighborhood Meeting
3. Application Submittal and Fees
4. Notice
5. Application Processing
6. Administrative Adjustments<sup>315</sup>
7. Public Hearing Procedure and Conduct
8. Decision
9. Appeal
10. Term of Approval

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<sup>305</sup> Current 11-02-01 and 11-03-01.

<sup>306</sup> Current 11-03-02.

<sup>307</sup> Current 11-02.

<sup>308</sup> Current 11-02-02.

<sup>309</sup> Current 11-02-03.

<sup>310</sup> Current 11-02-04.

<sup>311</sup> Current 11-02-05.

<sup>312</sup> Current 11-02-06.

<sup>313</sup> Current 11-02-07.

<sup>314</sup> Current 11-03-03.

<sup>315</sup> New

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11. Modifications of Approvals

12. Mediation

13. Takings Analysis

**11-05-05. Specific Procedures<sup>316</sup>**

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1. Non-Administrative Variance

2. Exception

3. Zoning Certificate

4. Nonconforming Use

5. Temporary Use Permit

6. Sign Permit

7. Conditional Use Permit

8. Certificate of Appropriateness

9. Hillside Development Permit

10. Floodplain Permit

11. River System Permit

12. Design Review

13. Record of Survey

14. Subdivision Plat

15. Zoning Map Amendment

16. Planned Unit Development

17. Development Agreement

18. Code Text Amendment

19. Annexation

20. Comprehensive Plan Amendment

**11-05-06. Nonconformities<sup>317</sup>**

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1. Nonconforming Uses, Parcels, and Structures<sup>318</sup>

2. Nonconforming Parcels<sup>319</sup>

3. Nonconforming Structures<sup>320</sup>

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<sup>316</sup> Current 11-03-04.

<sup>317</sup> Current 11-11.

<sup>318</sup> Current 11-11-01.

<sup>319</sup> Current 11-11-02.

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4. Nonconforming Uses<sup>321</sup>
  5. Nonconforming Signs<sup>322</sup>
  6. Destruction by Calamity<sup>323</sup>
  7. Determination of Nonconforming Status<sup>324</sup>

**11-05-07. Violations, Enforcement, and Penalties<sup>325</sup>**

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<sup>320</sup> Current 11-11-03.

<sup>321</sup> Current 11-11-04.

<sup>322</sup> Current 11-10-03.9.

<sup>323</sup> Current 11-11-05.

<sup>324</sup> Current 11-11-06.

<sup>325</sup> Current 11-01-08

# Chapter 11-06 Definitions<sup>326</sup>

## COMMENTARY:

This Chapter includes the rules of construction for interpreting the Zoning Code and provides definitions of key terms. Many definitions were carried forward with minimal revision, often without footnote. New definitions are noted as such. This draft only includes those definitions pertinent to the zoning districts and uses module. Future drafts will continue building on this Chapter.

### 11-06-01. Meanings of Words Generally<sup>327</sup>

As used in this Code, each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the context.

#### 1. General Rules

The following rules shall apply for construing or interpreting the terms and provisions of this Development Code.

##### A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in this Section and the specific purpose statements set forth throughout this Code.

##### B. Headings, Illustrations, And Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

##### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

##### D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the city. References to days are calendar days unless otherwise stated.

##### E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

##### F. Delegation of Authority

Any act authorized by this Code to be carried out by a specific official of the city may be carried out by a designee of such official.

<sup>326</sup> Current 11-12.

<sup>327</sup> Current 11-12-01.

**G. Technical and Non-Technical Terms**

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**H. Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of the Boise City, Idaho, unless otherwise indicated.

**I. Mandatory and Discretionary Terms**

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

**J. Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: "And" indicates that all connected items, conditions, provisions, or events apply; and "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

**K. Tenses, Plurals, And Gender**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

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**2. Interpretations**

The Director has final authority to determine the interpretation or usage of terms used in this Code.

**11-06-02. Rules of Measurement<sup>328</sup>**

**11-06-03. Definitions of Uses and Other Terms<sup>329</sup>**

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**A**

**Abate**

Means to repair, replace, remove, destroy, or otherwise remedy a condition by such means and in such manner and to such an extent as the Planning Director shall determine is necessary in the interest of the general health, safety, and welfare of the community.

**Access**

The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

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<sup>328</sup> Rules of Measurement and Calculation will be drafted as part of Module 2, which includes most lot and building dimensional standards. This Section will consolidate current 11-12-03 and other rules of measurement from throughout the current Code.

<sup>329</sup> Current 11-12-02 (Definitions of Uses and Use Categories), 11-02-04 (Historic Preservation Definitions), 11-12-05 (Other Terms Defined), and 11-10-02 (Sign Definitions).

### **Access, Emergency**

An additional route of access to a development for emergency vehicles. Use of emergency accesses is restricted to emergency vehicles by means of bollards, gates, or some other device to prohibit general use by the public. Emergency access must meet the requirements of the Uniform Fire Code as adopted by the Fire Department.

### **Accessible**

Describes a site, building, facility, or a portion of a site, building, or facility, that can be approached, entered, and used by physically disabled people.

### **Accessory Dwelling Unit<sup>330</sup>**

Except as may be further restricted, an accessory dwelling unit is a dwelling unit that contain a kitchen, a bathroom, and living and sleeping areas (which may be combined) that is incidental and subordinate to the principal use of the premises, that is located on the same lot as a primary dwelling unit, and that does not alter the essential characteristic of the primary use of the property.

### **Accessway**

An unobstructed way of specified width containing a drive or roadway that provides vehicular access within a mobile home park and connects to a public street.

### **ACHD**

Ada County Highway District.

### **Adaptive Reuse**

The modification of an existing building (most typically a single family dwelling) for use as either an office or a multifamily dwelling unit or a historic institutional use, while maintaining the architectural integrity of the original structure; or the conversion of any such structure back to its original use as a single family dwelling.

### **Adult or Child Day Care<sup>331</sup>**

A facility, by whatever name known, that is maintained for the whole or part of a day for the care of children or for elderly and/or functionally impaired adults, and that is not located in a dwelling unit occupied by any of the operators of the facility. The facility shall be operated with or without compensation for such care, and with or without stated educational purposes, and shall hold a valid state license for the operating of an adult or child day care center, that provide day care services, including monitoring of clients, social and recreational services, food and nourishment, and health support services. This use does not include "Home Occupation, Adult or Child Day Care."

#### **Adult or Child Day Care Center, Large**

An Adult or Child Day Care providing for 26 or more children.

#### **Adult or Child Day Care Center, Small**

An Adult or Child Day Care providing for 13 to 25 children.

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<sup>330</sup> Expanded current definition to reference kitchen, bathroom, living, and sleeping areas.

<sup>331</sup> New terms and definitions.

**Adult or Child Day Care Facility**

An Adult or Child Day Care providing for seven to 12 children.

**Agricultural Uses or Stables**

Tilling of soil, aquaculture, raising crops, livestock, farming, dairying, and animal husbandry including all customarily accessory and incidental uses, but excluding hogs, slaughterhouses, fertilizer works, bone yards, and commercial feed lots; or a building or structure used or designed for the boarding or care of riding horses.

**Agricultural Parcel**

A parcel of land at least five acres in size that is in agricultural use and that may include the owner's residence, if the required street frontage is provided.

**Aircraft Landing Field**

Any area of land or water that is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.

**Alley**

A minor public way that provides access at the back or side of a property or a secondary means of access to abutting property and that is not intended as a traffic thoroughfare.

**Alterations, Structural**

Any change, other than incidental repairs, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, and girders.

**Animal, Large**

Animals including horses, mules, donkeys, llamas, sheep, and goats. Other animals that are not listed but are of a similar size, as determined by the Planning Director, are subject to all regulations in this Code for large animals.

**Animals, Small**

Animals such as rabbits, poultry, geese, domestic birds, and game birds, excluding such birds as are caged and housed inside the dwelling, and other animals deemed as such by the Planning Director and not raised for commercial purposes. Commercial purposes or uses do not include FFA, 4-H, or other student projects.

**Animal Daycare or Kennel<sup>332</sup>**

Any place or premise used in whole or in part to provide care and service for pet animals, including grooming, training, day care, and including any use that meets the definition of Kennel.

**Animal Hospital or Clinic<sup>333</sup>**

An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use does not include a "Kennel," and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time.

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<sup>332</sup> New term and definition.

<sup>333</sup> New definition.

### **Animal Unit<sup>334</sup>**

A unit of measure for determining livestock densities.

- A. Each mature horse, mule, donkey, llama, or cow shall represent one animal unit.
- B. Four mature sheep, swine, or goats shall represent one animal unit.
- C. Six mature geese or turkeys or game birds represent one animal unit.
- D. 10 mature rabbits represent one animal unit.
- E. 12 mature chickens or ducks represent one animal unit.
- F. The animal unit equivalency for miniature versions of pigs and other animals shall be determined by the Planning Director based on their size and potential impact on surrounding areas.

### **Annexation**

The process by which the city's corporate boundary is expanded to incorporate additional property pursuant to Idaho Code 2.C50-222.

### **Antenna**

A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Antennas include the following types:

- G. Omni directional (or "whip") antenna: Receives and transmits signals in a 360-degree pattern, and that is up to 15 feet in height and up to four inches in diameter.
- H. Directional (or "panel") antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- I. Parabolic (or "dish") Antenna: A bowl-shaped device that receives and transmits signals in a specific directional pattern.
- J. Ancillary antenna: An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.
- K. Other: All other transmitting or receiving equipment not specifically described in paragraphs A through D, above, inclusively, shall be regulated as for the type that it most closely resembles.

### **Apartment**

A room or suite of rooms in a multiple-family structure that is arranged, designed, or used as a single housekeeping unit including complete kitchen and permanently installed sanitary facilities.

### **Apiary**

A place where bee colonies are kept.

### **Appeal**

A request for a review of any decision or interpretation of any provision of this code.

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<sup>334</sup> Minor differences between this definition and that applicable to the Big Sky Overlay district were reconciled by listing animals listed in either definition in each category. Internal inconsistency as to whether two or was resolved in favor of four equaling one animal unit.

### **Appellant**

A party of record or other person who is entitled by law to appeal and who initiates an appeal.

### **Applicant**

An individual, corporation, firm, or group who submits and represents the subdivision application and undertakes the subdividing of a lot, tract, or parcel of land. If the applicant is not the property owner, the property owner's permission to submit the application must be submitted with the application.

### **Approved Topography**

The natural topography of a parcel or the topographic conditions of a parcel approved by the city prior to the effective date of this Code, or as approved by a subdivision, conditional use permit, hillside, and foothill development permit, grading permit, or building permit.

### **Architect**

An individual holding a valid architect's license from the State of Idaho that renders or offers services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings. The services covered within this definition include architectural planning, advice, and consultation; providing preliminary studies; architectural design, drawings, and specifications; technical submissions; and administration of construction contracts.

### **Area of Impact**

An area mutually agreed upon, including plans and codes, between the city and county as provided for by Idaho Code §67-6526 and §50-1306.

### **Area of Shallow Flooding (ASF)**

An area shown on the Flood Insurance Rate Map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. These areas are also referred to as the alluvial fans, and are characterized as sheet flow.

### **Area of Special Flood Hazard (ASFH)**

Lands within the city that are subject to flooding from the base flood (or "100-year flood"). These areas are also referred to as the floodplain. Designation on maps always include the letters A or V.

### **Area with a Slope Greater Than Twenty-five Percent**

An area with a natural (pre-grading) slope greater than 25 percent, mapped to a minimum resolution of 6,000 square feet in area, also called a Non-buildable Area.

### **Area with a Slope of Twenty-five Percent or Less**

An area with a natural (pre-grading) slope of 25 percent or less, mapped to a minimum resolution of 6,000 square feet in area, also called a Buildable Area.

**Art Gallery, Museum, or Library<sup>335</sup>**

A facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of art books, paintings, sculpture, or other works of original art that have architectural, artistic, cultural, literary, historical, or scientific value. Accessory uses can include meeting rooms or cafes.

**Assisted Living Facility<sup>336</sup>**

A facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. This use does not contain equipment for surgical care or for treatment of disease or injury and does not include any use meeting the definition of a "convalescent or nursing home."

**Attached**

Anything physically connected to a building or structure so as to become an integral part of the building or structure. The term includes components of a structure joined together by a common wall, floor, or ceiling or a fully enclosed hallway.

**Auditorium or Theater, Indoor<sup>337</sup>**

An establishment devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

**Auto-oriented Ancillary Facility<sup>338</sup>**

A facility where a service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to or for vehicles. Auto-oriented commercial facilities include, but are not limited to drive-up windows, automated teller machines (ATMs), car washes and fuel pumps.

**Awning:**

A projecting cover extending over a door, window, or wall Section with supports attached to the building and used as cover, protection, or as decoration.

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**B**

**Backyard Gardening or Composting<sup>339</sup>**

An area of land used to cultivate plants, shrubs, and or trees, any of which may produce flowers, fruit, or vegetables, and the activity of decomposing organic matter generated on any area of land or lot by a homeowner, tenant, occupant, or property owner. Backyard composting shall process materials generated primarily on site. Backyard composting shall be operated in a nuisance free manner. No commercial purpose may be association with backyard composting.

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<sup>335</sup> New term and definition.

<sup>336</sup> New term and definition.

<sup>337</sup> New term and definition.

<sup>338</sup> New.

<sup>339</sup> Expands current definition to include gardening.

**Balcony**

A platform enclosed by a parapet or a railing that projects from an exterior wall of a building and open to the sky. Balconies do not include stairs for exterior exiting.

**Bank, Financial Institution**

An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers.

**Basement**

The story or level of a building that is partially or totally below ground level.

**Base Flood**

A flood that has a one percent chance of being equaled or exceeded in any given year, and is synonymous with "one percent flood" and "100- year flood." Designation on maps always include the letters A or V.

**Base Zoning District**

The zoning district classification that is in effect on any given land for which standards are included in this Code.

**Bed and Breakfast<sup>340</sup>**

An establishment providing overnight accommodations and breakfast food service and capable of accommodating 12 or more guests. Establishments designed to accommodate fewer than 12 guests are a boarding or rooming house.

**Bee**

Any stage of the life cycle of the common domestic honey bee.

**Beekeeping<sup>341</sup>**

The management and maintenance of bee hives, colonies, combs, and other associated appliances.

**Block**

A space along one side of a street that is the lesser of that between the two nearest intersecting streets, or that between an intersecting street and a right-of-way, waterway, or other similar barrier, but excluding alleys.

**Boarding or Rooming House**

An establishment other than a hotel or restaurant where lodging or lodging and meals are provided for compensation to six to 12 guests who are not members of the householder's family.

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<sup>340</sup> Revised for clarity

<sup>341</sup> New definition.

### **Bottling and Distribution Plant<sup>342</sup>**

A facility where soft drinks, juice, water, milk, alcoholic drinks, or other liquids are placed in bottles or cans for shipment. This use may include the combination of liquids or syrups to produce new liquids for placement in bottles or cans, the shipping and receiving of cans and bottles related to the operation, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

### **Brewpub, Micro-distillery, or Micro-winery<sup>343</sup>**

A commercial use that brews ales, beers, meads, distilled drinks, wines, and/or similar beverages on site and serves those beverages on site. Off-site sales are permitted as an accessory use.

### **Buildable Site**

For the purpose of Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, a residential, commercial, industrial or office construction site that does not require dikes or rip-rap for protection against flooding.

### **Building**

Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings, and that is designed or intended for the shelter, enclosure, or protection of persons, animals, chattel, or property of any kind.

### **Building, Accessory**

A building that is subordinate and incidental to the principal building or use on the same lot, but not including any building containing a dwelling unit.

### **Building, Completely Enclosed**

A building enclosed by a permanent roof and by exterior walls pierced only by windows and normal entrance or exit doors.

### **Building, Detached**

A building located on its own lot and physically separated from other buildings by required yards or open space.

### **Building Envelope**

The designated area on a lot within which a building or other structure (including footings) must be contained. Building, Existing: Any building erected prior to the effective date of this Code or one for which a legal building permit has been issued. Building, Nonconforming: Any building that does not conform to the requirements of this Code.

### **Building, Principal**

A building in which the principal use of the lot is conducted.

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<sup>342</sup> New definition.

<sup>343</sup> New term and definition.

### **Building Materials<sup>344</sup>**

When used to describe a form of retail use, an establishment that sells large, bulky, or heavy goods generally used in constructing buildings or structures including but not limited to materials such as brick, stone, lumber, decking materials, plumbing supplies, electrical and other wiring, and/or agricultural goods, such as hay, grain, bulk garden supplies, tools, and equipment.

### **Bulk**

The size and mutual relationships of buildings and other structures as to size, height, coverage, shape, and location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same building, to other buildings or structures, and to all open spaces relating to the building or structure.

### **Bulk Storage of Flammable or Dangerous Materials<sup>345</sup>**

Any light, heavy operation that stores, uses, or produces materials on-site in sufficient enough quantities to create an immediate risk of impacts beyond the boundaries of the facility. These risks of impacts include those resulting from explosion, fire, migration to waterways, toxic gas release or release of radioactive gases.

### **Bus Station**

Any premises for the transient housing or parking of buses and the loading and unloading of passengers.

### **Business**

The purchase, sale, exchange, or other transaction involving the handling or disposition of any article, substance, or commodity for profit or livelihood; the ownership or management of office buildings, offices, recreation, or amusement enterprises; or the maintenance and use for offices; or professions and trades rendering services.

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## **C**

### **Car Wash**

A facility for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

### **Caretaker's Residence**

A dwelling on a nonresidential property occupied by a person, and the immediate family of the person, who oversees or guards the operation.

### **Carpport**

A structure open on at least two sides used to house or protect motor vehicles that are owned or operated by the occupants of the principal building.

### **Cellar**

A storage room(s) located under the main floor or floors of a building and partly or totally below ground level. Channel: The bed and banks of a river, stream, tributary, waterways, etc.

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<sup>344</sup> Revised for clarity.

<sup>345</sup> New definition.

### **Cemetery<sup>346</sup>**

Land used or dedicated to the interment of human or animal remains, including columbaria, crematoria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

### **C.F.S. (or c.f.s.)**

When used in the context of administration of the Boise River System Overlay district regulations, the abbreviation c.f.s. indicates cubic feet (of water) per second.

### **City Engineer<sup>347</sup>**

### **Class A, B, and C Lands and Waters**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, lands and waters that provide habitats for fish, birds, and other wildlife.

### **Club, Lodge, or Social Hall<sup>348</sup>**

Nonresidential organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities, characterized by membership qualifications, dues, or regular meetings.

### **Colony**

As used in Section 11-03-03.6.B, *Beekeeping*, bees in any hive including queens, workers, and drones.  
Commercial: Any activity conducted with the intent of realizing a profit from the sale of goods or services.

### **Commercial Feedlot<sup>349</sup>**

A lot or parcel on which hogs are raised, bred, and slaughtered, or where livestock are fed intensively in order to fatten for market, or where livestock are held on a short-term basis prior to slaughter. It does not include short-term holding pens for auction facilities.

### **Common Area/Space**

Land within a subdivision or development that is not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements i.e., recreation area, parking, landscaping, or others.

### **Community Center<sup>350</sup>**

A building, together with accessory structures and uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, that is accessible to the general public or to members of the residential development in which it is located, and that is not operated for profit.

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<sup>346</sup> Definition expanded to include crematoria.

<sup>347</sup> New.

<sup>348</sup> New definition.

<sup>349</sup> Renamed from "Hog Raising, Feedlot, Stockyard."

<sup>350</sup> New term and definition.

### **Compensation**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values.

### **Compensation, In-kind**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values that are the same as those natural resource functions and values that are impacted by a proposed action.

### **Compensation, Out-of-kind**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values that differ from those impacted by a proposed action.

### **Compost**

A humus-like material, produced from composting, that has been stabilized to a degree that is potentially beneficial to plant growth and that is usable as a soil conditioner, top soil, growing medium amendment, or other similar uses to buffer the soil Ph, improve soil aggregation and tilth, reduce erosion, enhance water infiltration and retention, increase soil porosity and aeration, slow the rate of temperature change in soil, provide food for soil microorganisms, or enhance availability of micronutrients in soils.

### **Composting Facility**

A facility where organic matter that is derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

### **Comprehensive Plan**

The most current comprehensive plan officially adopted for the City and as subsequently amended.

### **Concentrated Feeding Area**

That part of a site in which animals are raised or kept in a confined area at some location within the parcel or reserve area. A concentrated feeding area may include any feeding or holding operation where animals are concentrated in an area that is:

- A. Not normally used for pasture or growing crops and in which animal waste may accumulate, or
- B. Any trough or similar feeding apparatus.

### **Conditional Use**

A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Planning and Zoning Commission and granting of a Conditional Use Permit imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and, unless otherwise conditioned, are transferable from one owner of the land to another.

**Conference or Event Center<sup>351</sup>**

A facility containing over 20,000 square feet of gross floor area and designed to accommodate and support meetings or conferences. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking facilities.

**Construction Office**

A moveable or modular structure or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a principal or accessory building is being constructed.

**Continuing Care Retirement Facility<sup>352</sup>**

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally includes a variety of housing types and provides a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

**Contractor Shop and Yard<sup>353</sup>**

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

**Convalescent or Nursing Home<sup>354</sup>**

An extended or intermediate care establishment licensed by the State of Idaho, that maintains and operates continuous day and night facilities providing room and board, personal services, and skilled nursing care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. Such home does not contain equipment for surgical care or for the treatment of injury.

**Cubic Feet Second (CFS)**

Measurement of the rate of flow of water in the river or tributary.

**Cul-de-sac**

A dead-end street with turnaround space at its terminus.

**Cut**

To grade into a hillside in order to create a flat area or to steepen a bank. The mechanical removal of earth material. Cut and Fill: The excavating of earth material in one place and depositing of it as fill in a different place.

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<sup>351</sup> New term and definition.

<sup>352</sup> New term and definition.

<sup>353</sup> New definition.

<sup>354</sup> New definition.

## D

### **Dedication**

The setting apart of land or interests in land for use by the public. Land becomes dedicated when accepted by the applicable governmental body as a public dedication, either by Code or entry in the official minutes of that body.

### **Development, Existing**

Any development for which approval was given prior to the effective date of this Code such as concept plans entitling the applicant to proceed with preliminary or final platting, or a conditional use or building permit, and for which such approval has not expired. An extension of an existing approval after the effective date of this Code does not make a development an existing development.

### **Development, New**

Any development for which an application has been filed on or after the effective date of this Code or approval of which has been extended on or after the effective date of this Code.

### **Director, Planning**

The Director of the Planning Division of the Planning and Development Services Department.

### **Display, Outdoor**

Placement of items out-of-doors (i.e., not within a building) for show and sale to the general public. Examples of this use include garden supplies placed in commercial parking lots by home and garden or other stores during spring and summer time. This use does not include any use meeting the definition of "Outdoor Storage" or "Junkyard, Vehicle Salvage".

### **District, Zoning**

A geographically defined area of land within the City of Boise, as set forth in Chapter 11-02, *Zoning Districts*.

### **District, Overlay**

A zoning district that adds a requirement(s) to the standards of the underlying zoning district(s).

### **Drive, Service**

A privately owned and maintained drive that provides access to parking lots and spaces, loading spaces, drive-up windows, or other areas that need a provision of access. Types of service drives include: individual private driveways, common driveways, entry drives, drive-through lanes, and drive aisles.

### **Drive-Through Facility<sup>355</sup>**

A facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle. This use includes drive-by parcel pickup facilities.

### **Driveway**

A private access connecting a building such as a house or garage, with a street.

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<sup>355</sup> New definition.

### **Driveway, Common**

A shared access that serves for ingress and egress that serves multiple residential parcels or lots, each having public or private street frontage.

### **Dwelling**

A building or portion a building containing one or more dwelling units. The term "dwelling" does not include any recreational vehicle, motel, hotel, guest house, or boarding house as defined in this Code.

### **Dwelling, Co-Housing/Cottage<sup>356</sup>**

A residential development that combines a group of small individually owned single-family units, each containing not more than 1,000 square feet of gross floor area, on a single lot with shared common open space, access, and parking. This use sometimes including a community building (which may contain a shared kitchen and/or dining room) intended for communal use on a regular basis. The residents in a co-housing development may agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and childcare. Dwellings included in a Co-Housing Development may include Tiny House Dwellings. This definition shall not include any use meeting the definition of a Manufactured Home Park.

### **Dwelling, Duplex<sup>357</sup>**

A detached building containing two dwelling, each of which includes a separate bathroom and kitchen. The two units must be able to function as dwelling units independently of each other, but may be located side-by-side, in front and behind, or above and below each other. The two units must be located on a single lot unless they are arranged side-by-side, in which case they may be located on two adjacent lots with the two units sharing a common wall.

### **Dwelling, Fourplex<sup>358</sup>**

A single building on a single lot containing four dwelling units under one roof, each of which is occupied by one family.

### **Dwelling, Live/Work<sup>359</sup>**

A dwelling unit containing an integrated living and working space, and in which the living area is located above or behind the working space.

### **Dwelling, Manufactured Home**

A factory-built structure that is manufactured or constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, that became effective June 15, 1976, and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles. Structures that are not manufactured or constructed a in compliance with the National Manufactured

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<sup>356</sup> New term and definition.

<sup>357</sup> Revised to describe possible layouts.

<sup>358</sup> New term and definition.

<sup>359</sup> New term and definition.

Housing Construction and Safety Standards Act of 1974 are not manufactured homes and are prohibited within the city.<sup>360</sup>

**Dwelling, Multifamily<sup>361</sup>**

One or more buildings or portion of buildings on a single lot that contains five or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include "Dwelling, Single-family Attached," Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," or " Accessory Dwelling Unit."

**Dwelling, Single-Family Attached<sup>362</sup>**

Five or more attached single-family dwelling units attached side by side under one roof, in a townhouse or row house layout in which each unit:

- A. Shares one or two interior common vertical side or rear walls reaching from the building foundation to the roof structure; and
- B. Has an entrance facing and giving direct entrance from the dwelling unit to at least one public or private street fronting the lot on which the unit is located; and
- C. Is occupied by one family.

**Dwelling, Single-Family Detached<sup>363</sup>**

A residential building designed for use and occupancy by no more than one family, and not attached at any point to a primary building intended for occupancy by another family (except an approved Accessory Dwelling Unit) or for any other primary use

**Dwelling, Tiny House<sup>364</sup>**

A residence that is 400 square feet or less that is located on a permanent foundation and has allowances for lower ceiling heights, lofts, use of alternate stairways, ladders, alternating tread devices, ships ladders and an egress roof access windows as noted in Appendix Q adopted in the International Residential Code.

**Dwelling, Triplex<sup>365</sup>**

A single building on a single lot containing three dwelling units under one roof, each of which is occupied by one family.

**Dwelling Unit**

One or more rooms designed for or used as a residence for not more than one family, constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. A dwelling unit may be occupied by a family by up to five unrelated individuals, or by persons with a disability or elderly persons living in a group home as defined in this Code. The term does not imply or include types of occupancy such as lodging or boarding house, club, sorority, fraternity, or hotel.

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<sup>360</sup> Last sentence is new.

<sup>361</sup> New definition.

<sup>362</sup> New term and definition.

<sup>363</sup> Added last clause for clarification.

<sup>364</sup> New.

<sup>365</sup> New term and definition.

## E

### Easement

A grant by the landowner of the right to use the owner's land for specific purposes.

### Electric Vehicle Charging Facility<sup>366</sup>

A facility or area at which electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a principal use of the property.

### Enhancement

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, improvement of natural resource functions and values beyond the minimum required for mitigation.

### Erosion

The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as wind and water.

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## F

### Family

A group of individuals related by blood, marriage, civil union, adoption, or guardianship functioning as a single and independent housekeeping unit or persons occupying a group home as defined in this Code, including but not limited to any group of persons whose right to live together or without undue restrictions are protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Idaho,<sup>367</sup>

### Facade Modulation

Stepping back or extending forward a portion of a building facade.

### Feedlot

A lot or parcel on which livestock are fed intensively in order to fatten them for market. Does not include short-term holding pens for auction facilities or meat packing establishments.

### Fill

A deposit of earth material placed by mechanical means.

### Financial Institution<sup>368</sup>

An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers.

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<sup>366</sup> New.

<sup>367</sup> Last clause is new.

<sup>368</sup> Removed reference to Drive-Through Facilities.

**Fire, Police, or Public Safety Facility<sup>369</sup>**

A center operated by a government agency, for the protection of citizens and property from, and for providing public responses to, crime, fire, injury, or other emergencies. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles.

**Firing Range, Indoor**

A controlled area of activity inside an enclosed building specifically designed for the discharging of firearms at targets.

**Flood Protection-Related Definitions<sup>370</sup>**

**Accessory or Appurtenant Use or Structure**

A use or structure which is subordinate to the principal use structure on the same parcel and which serves a purpose customarily incidental to the principal use or structure. The accessory use or structure shall, in no instance, include a dwelling unit or be used for human habitation.

**Appeal**

A request to the Planning and Zoning Commission for a review of the Floodplain Administrator's interpretation of any provision of Section 11-02-05.3.C.

**Area of Shallow Flooding (ASF)**

An area shown on the flood insurance rate map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. These areas are also referred to as the alluvial fans if velocity data is provided on the FIRM, and are characterized as sheet flow.

**Area of Special Flood Hazard (ASFH)**

The land in a floodplain within Boise City which are subject to flooding from the base flood (or 100 year flood). These areas are also referred to as the Special Flood Hazard Area (SFHA). Designation on maps always include the letters A or V.

**Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with "one-percent flood" and "100 year flood."

**Base Flood Elevation (BFE)**

A determination by the Federal Insurance Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. When the BFE has not been provided in a Special Flood Hazard Area, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA-approved engineering methodologies. This elevation, when combined with the Freeboard, establishes the Flood Protection Elevation.

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<sup>369</sup> New term and definition.

<sup>370</sup> Carried forward current Section 11-08-09.

### **Base Flood Height in Areas of Shallow Flooding**

The height expressed in feet above adjacent grade to which flood waters can be expected to rise during a base flood. This height is determined by the Federal Insurance Administrator and is shown on the Flood Insurance Rate Map (FIRM). Adjacent grade is the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

### **Base Zoning District**

The zoning district classification which is in effect on any given land for which standards are included in the Zoning Code of Boise City, Idaho dated June 2002, and as amended.

### **Basement**

Any area of the building with its floor sub-grade (below ground level) on all sides.

### **Check Dam**

A structure erected in a floodway which does not exceed ten feet in height or impound more than fifty acre feet of water. For the purposes of Section 11-02-05.3.C, energy dissipating devices shall be considered to be check dams.

### **Crawl Space**

The area of a house or structure between the lowest finish floor and the bottom of the foundation excavation enclosed by continuous foundation walls.

### **Critical Facility**

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

### **Development**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or material.

### **Elevated Building**

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

### **Elevation Certificate**

The Elevation Certificate is an important administrative tool of the NFIP. It is used to determine the proper flood insurance premium rate; it is used to document elevation information; and it may be used to support a request for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

### **Existing Manufactured Home Park or Subdivision**

A manufactured home community or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

### **Expansions to an Existing Manufactured Home Community or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

### **Federal Emergency Management Agency (FEMA)**

The agency with the overall responsibility of administering the national flood insurance program (NFIP).

### **Flood or Flooding**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph 2.a. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.

### **Flood Insurance Rate Map (FIRM)**

An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

### **Flood Insurance Study (FIS)**

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Elevation Study.

### **Floodplain or Flood-Prone Area**

Any land area susceptible to being inundated by water from any source (see definition of "flooding").

### **Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and flood plain management regulations.

### **Floodplain Management Regulations**

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

### **Flood-Proofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate potential flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

### **Flood Protection Elevation (FPE)**

The Base Flood Elevation plus the Freeboard.

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

### **Floodway (FW)**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

### **Floodway Fringe (FF)**

The area between the floodway boundary and the outer limits of the 100 Year Flood. These lands within Boise City are subject to flooding from the Base Flood (a.k.a. the 100 year Flood), and are also referred to as part of the floodplain or the Area of Special Flood Hazard located outside of the floodway.

### **Freeboard**

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

### **Highest Adjacent Grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

### **Historic Structure**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as

- meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - a. By an approved state program as determined by the Secretary of the Interior or
    - b. Directly by the Secretary of the Interior in states without approved programs.

#### **Letter of Map Amendment (LOMA)**

An official amendment by letter, to an effective National Flood Insurance (NFIP) map. A LOMA establishes a property's or structure's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property or structure has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation.

#### **Letter of Map Revision (LOMR)**

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

#### **Letter of Map Revision Based on Fill (LOMR-F)**

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

#### **Letter of Map Revision Conditional (CLOMR)**

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

#### **Levee**

A levee is a continuous dike or ridge, constructed of earth or other materials that confines flood waters (excluding landfill).

### **Lowest Floor**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 11-02-05.3.C.

### **Manufactured Home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

### **Manufactured Home Community or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

### **Mobile Home**

A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Housing and Safety Standards Act of 1974, which became effective June 15, 1976.

### **Mobile Home Park or Subdivision**

Any area, tract, plot, or parcel of land, developed and designed primarily for placement of mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

### **New Construction**

For floodplain management purposes, a structure for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Any construction started after April 17, 1984 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

### **New Development**

Any development for which final approval entitling the applicant to proceed with the development was issued on or after the effective date of Section 11-02-05.3.C.

### **New Manufactured Home Community or Subdivision**

A manufactured home community or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

### **Non-Residential Structure**

A building other than a residential structure. The term includes but is not limited to: buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums, and nursing homes.

**Ordinary High Water Mark (OHWM)**

The line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

**Recreational Vehicle**

A vehicle which is: (a) built on a single chassis, and (b) 400 square feet or less when measured at the largest horizontal projections, and (c) designed to be self-propelled or permanently towable by a light duty truck, and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway (See Floodway)**

The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Residential Structure**

A building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, dormitories, (and the guest or patient rooms of), hotels, and motels. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

**Special Flood Hazard Area (SFHA)**

Land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

**Start of Construction**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structure part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure**

A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

### **Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

### **Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" and the alteration is approved by variance issued pursuant to this ordinance.

### **Unnumbered "A Zone"**

An area shown on the Flood Insurance Rate Map as an "A Zone" in which base flood depths and a clearly defined channel are not shown.

### **Variance**

A grant of relief from the requirements of Section 11-02-05.3.C, which permits construction in a manner that would otherwise be prohibited by Section 11-02-05.3.C.

### **Violation**

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the Finished Construction Elevation Certificate, other certifications, or other evidence of compliance required in 44 CFR Parts 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided

### **Food Kitchen**

A facility providing food to people with limited financial resources, including people who are experiencing homelessness.

### **Forest Reserve or Recreation Area<sup>371</sup>**

An area that preserves or protects forests, associated endangered species, critical environmental features, view sheds, or other natural elements and may include associated recreational uses such as hiking and nature observation.

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<sup>371</sup> New definition.

### **Fraternal Hall**

The social use of a building or of any premises by a nonprofit association, where such use is restricted to enrolled members and their guests.

### **Fraternity or Sorority House<sup>372</sup>**

A building or portion of a building used for sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of students where the students living in the building are enrolled at the same college or university, are active members of the same fraternity or sorority, and the fraternity or sorority has been officially recognized by and maintains active affiliation with the college or university. This use shall also include a building or portion of a building in which individual rooms or apartments are leased to individuals, regardless of the ownership of the building, provided that the students living in the building are enrolled at the same college or university, are active members of the same fraternity or sorority, and the fraternity or sorority has been officially recognized by and maintains active affiliation with the college or university.

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## **G**

### **Golf Course<sup>373</sup>**

A tract of land typically laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining and snack bars, pro shop, and practice facilities.

### **Grain Elevator**

A facility or area for the temporary storage of grain for transferal to trucks, train cars, or other forms of transportation.

### **Greenbelt, Boise River**

Land within 70 feet of the 6500 c.f.s flow line of the Boise River that may be owned by the city or over which the city may have a right of possession or use and that:

- A. Is designated by the Council to be retained in perpetuity for public use for purposes compatible with the aesthetic, wildlife, educational, and recreational values of the Boise River; and
- B. Will provide unrestricted access to the river; and
- C. Will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.

### **Group Home, FHAA Large<sup>374</sup>**

A residential dwelling or facility where nine or more persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens whose rights to live together or without undue restrictions are protected by the provisions of the federal Fair Housing Amendments Act of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Idaho, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons.

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<sup>372</sup> New definition. Expanded to include informal fraternity and sorority houses that are not owned by the organization, but house students in officially recognized fraternities and sororities.

<sup>373</sup> New definition for existing term not currently defined.

<sup>374</sup> New term and replaces current definition.

### **Group Home, FHAA Small<sup>375</sup>**

A residential dwelling or facility where eight or less persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens whose rights to live together or without undue restrictions are protected by the provisions of the federal Fair Housing Amendments Act of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Idaho, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons.

### **Gulches, Foothills**

Regulated gulches located in the foothills surrounding the city that are subject to flash flooding, where the Federal Emergency Management Agency or the Public Works Department have determined floodway and floodway fringe zones. Foothill gulches include, but are not limited to:

- A. Seaman's Gulch,
- B. Stuart Gulch,
- C. Pierce Park Gulch,
- D. Polecat Gulch,
- E. Crane Creek,
- F. Hulls Gulch,
- G. Cottonwood Gulch, and
- H. Warms Springs Gulch.

Gulch floodplains and associated alluvial fans (AO zones) are regulated under the floodplain regulations of this Code when specific flood studies or determinations have been approved by the City.

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## **H**

### **Hazardous Materials<sup>376</sup>**

Hazardous or toxic material or substance, as set forth in Title 40, Code of Federal Regulations, Parts 116.4, 261.30 et seq., 302.4 and/or 355.

### **Helipad/Heliport**

A level area or pad, either at ground level or on a roof-top, where helicopters land and take off.

### **Hillside and Foothill Areas**

Areas with topographical slopes of 15 percent or greater, or where adverse slope stability, erosion, or sedimentation are likely to cause damage.

### **Historic Easement**

Any easement, restriction, covenant, or condition running with the land, designated to preserve, maintain, or enhance all or part of the existing state of places of historical, architectural, archeological, or cultural significance.

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<sup>375</sup> New term and replaces current definition.

<sup>376</sup> New.

### **Historic Institutional Use**

As used in Section 11-02-05.1, *Character Protection Overlay Districts*, any school (public or private), church or other place of religious worship, commercial service use, or office use within a Character Protection overlay district that is significant to the history, architecture, or culture of the district.

### **Hive**

A structure intended for the housing of a bee colony.

### **Home Occupation, Family Daycare Home<sup>377</sup>**

A residential dwelling unit used as the primary residence of the day care provider where six or fewer adults or children receive care from the provider while unattended by a parent, legal guardian, or custodian for a period of less than 24 hours per day.

### **Home Occupation, Group Daycare Facility<sup>378</sup>**

A residential dwelling unit used as the primary residence of the day care provider where seven to 12 adults or children receive care from the provider while unattended by a parent, legal guardian, or custodian for a period of less than 24 hours per day.

### **Home Occupation, Other<sup>379</sup>**

An activity or occupation carried on within a dwelling by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, except ""Home Occupation, Adult or Child Day Care", unless this Code states that the activity or occupation is not treated as a Home Occupation

### **Horticulture**

The activity of growing fruits, vegetables, flowers, or ornamental plants.

### **Hospital**

An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients 24 hours a day, including specialized and surgical hospitals. The term "hospital" does not include clinics, convalescent or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, alcohol addicts, or other types of cases necessitating forcible confinement of patients.

### **Hotel or Motel<sup>380</sup>**

An establishment in which lodging is provided and offered to the public for compensation, for periods of time not exceeding thirty days and that is commonly known as a hotel or motel in the community in which it is located. This use customarily provides services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. This use may provide ancillary uses such as conference and meeting rooms, restaurants, bars, gift shops, and recreational facilities. The term "Hotel or Motel" does not include "Boarding or Rooming House," "Bed and Breakfast," "Shelter Home," or "Single-Room Occupancy Hotel," except where separately permitted.

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<sup>377</sup> Renamed from "Child Care Home" and new definition.

<sup>378</sup> Renamed from "Group Child Care Home" and new definition.

<sup>379</sup> New definition.

<sup>380</sup> New definition.

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### Hotel, Single-Room Occupancy<sup>381</sup>

A building that provides living units with separate sleeping areas and some combination of shared bath or toilet facilities, and in which occupancy of each bedroom is usually limited to one person and is for a period of at least 30 consecutive days. The building may or may not have separate shared cooking facilities for residents.

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### Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration or absorption by water. Surfaces may include, but are not limited to, compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks, and parking lots.

### Industry, Artisan<sup>382</sup>

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication but is not limited to, manufacturing, and other industrial uses and processes such as welding and sculpting.

### Industry, Heavy<sup>383</sup>

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "Light Industry." This use may include outdoor activities, outdoor storage, and indoor storage of flammable liquids or gases necessary to the processes on the premises. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable, hazardous, or explosive materials and processes, uses involving the fabrication, use, or repair of heavy special purpose equipment. Examples of this use include atmospheric gas production plant, lumbermill or sawmill, tannery, asphalt, and concrete batch plant, bottling and distribution plants, and construction materials manufacturing unless performed on a scale that meets the definition of "Artisan Industry."

### Industry, Light<sup>384</sup>

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this Code. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. Examples of activities include but are not limited to

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<sup>381</sup> Revised definition for clarity and to better distinguish from a Hotel

<sup>382</sup> New term and definition.

<sup>383</sup> New term and definition to reflect consolidated uses.

<sup>384</sup> New term and definition to reflect consolidated uses.

commercial laundries, food products and wholesale bakeries, newspaper and printing establishments, hair products and barbering supplies, signs and other metal workings, architectural and artist supplies, ceramics and miscellaneous clothing or accessories, small medical or specialty equipment, or musical instruments; and assembly of small appliances or equipment.

### **Interstate**

One of a system of highways connecting the major cities of the 48 contiguous United States. No direct access to a property is provided.

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## **J**

### **Jail or Detention Facility<sup>385</sup>**

A facility established by a law enforcement agency for the long-term detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

### **Junkyard, Vehicle Salvage**

An outdoor space where junk, waste, or discarded or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used or salvaged building and structural steel materials and equipment. Does not include yards or establishments for the sale, purchase or storage of used cars or machinery in operable conditions, and the processing of used, discarded, or salvaged materials as a part of a permitted manufacturing operation on the same premises.

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## **K**

### **Kennel**

Any lot or premises or portion of a lot or premises on which five or more dogs, cats, and other household domestic animals are maintained, harbored, possessed, boarded, bred, or cared for in return for compensation or are offered for sale.

### **Kitchen**

Any room or portion of a room within a building that is designed and intended to be used primarily for cooking or preparation of food.

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## **L**

### **Landscaping**

Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection, and replacement of existing trees.

### **Large Animals**

Large animals include horses, mules, donkeys, llamas, and cows.

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<sup>385</sup> New term and definition.

### Lattice Tower

A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

### Limited Food and Drink Service<sup>386</sup>

An establishment serving drinks and a limited menu of food items such as sandwiches and bakery goods, but not serving full meals. If alcoholic drinks are served, the revenue from sales of alcoholic drinks is smaller than the revenue from food sales.

### Livestock

Livestock are animals kept outside the home in enclosures such as pens, barns, or corrals. The term includes cattle, llamas, mules, swine, sheep, goats, rabbits, poultry, domestic birds and any other grazing or foraging animal except those defined as pets.

### Livestock and Animals<sup>387</sup>

Uses related to the keeping and care of livestock and pets.

### Lot

A tract or land that has been platted as a portion of a recorded subdivision and is intended as a unit for transfer of ownership or for development.

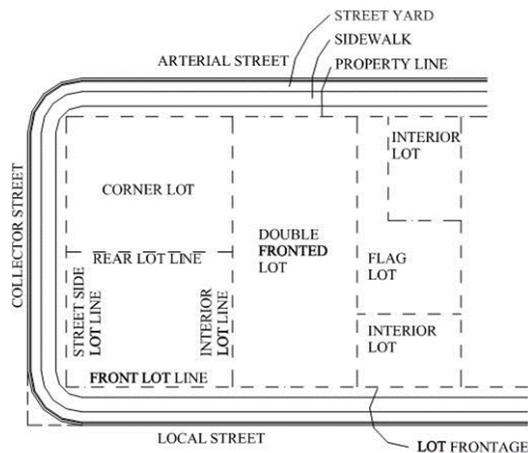


Figure 6.1: Lot types

### Lot, Corner

A lot that is bounded on two or more sides by streets; where the angle of intersection of the streets does not exceed 135 degrees.

### Lot, Frontage

That portion of a lot that abuts a public right-of-way or other access. Lot, Interior: A lot other than a corner lot or reversed corner lot.

<sup>386</sup> New, but incorporating current Coffee/Esspresso stand use.

<sup>387</sup> New definition.

### Lot Line

The boundary property line encompassing a lot.

### Lot, Non-conforming

A lot of record that does not meet the dimensional requirements of this Code.

### Lot, Reversed Corner

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

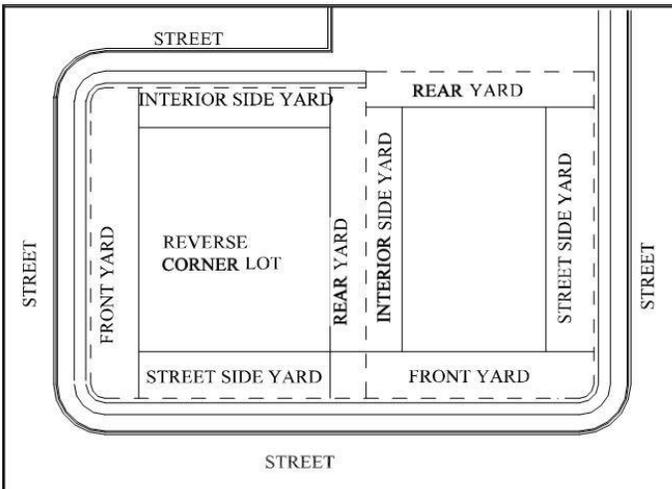


Figure 6.2: Reversed corner lot

### Lot Line, Front

The front lot line for a regular-shaped lot is the property boundary that abuts a public or private street; the front lot line for an undeveloped corner lot is either one of the property boundaries that abuts a public or private street, as selected by the property owner; the front lot line for a flag lot may be either:

- A. The closest line, parallel or most nearly parallel to the public or private street at the end of the flagpole, or
- B. A line perpendicular or nearly perpendicular to the public or private street at the end of the flagpole, depending upon which orientation provides for the closest matching of like yards of adjoining properties.

### Lot Line, Rear

The boundary line of a lot that is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line, the following shall apply:

- A. In the case of a lot with a rear boundary formed by a single line that is parallel or nearly parallel to the front lot line, such rear boundary is the rear lot line.
- B. In the case of a lot with a rear boundary formed by two or more lines, the rear lot line shall be a line at least ten feet in length within the lot that is furthest removed from and most parallel to the front lot line.

### Lot Line, Side

Any property line that is not a front or rear lot line.

## M

### Main Channel

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, a portion of the Boise River that is not defined as a side channel. This includes lands and waters below the high water mark and the 6500 c.f.s. setback line, connection with the main channel of the Boise River and all islands claimed by the State of Idaho.

### Manufactured Home Community<sup>388</sup>

Any site, lot, tract, plot, or parcel of land, designed for the placement of ten or more manufactured homes or Tiny Houses, located, and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

### Maps, Zoning

The map or maps designating zoning districts.

### Maximum Extent Practicable<sup>389</sup>

The applicant has taken all possible steps to comply with the standards or regulations and to minimize potential harmful or adverse impacts, and no other feasible or prudent alternative exists. The economic costs of further efforts to comply may be taken into account in determining whether additional efforts to comply are feasible or prudent, but shall not be the overriding factor. Constraints to full compliance that are self-created by the owner or previous owner of the land, such as those created by prior platting, development, or design decisions, shall not be considered sufficient justification for a determination that no feasible or prudent alternative exists.

### Medical or Dental Clinic

A facility for a group of one or more physicians for the examination and treatment of human patients, primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals. Patients are not kept overnight except under emergency conditions. Ancillary laboratory facilities may be included.

### Microcell Wireless Communication Facility (WCF)

A small wireless communications facility consisting of an antenna that is either:

- A. Four feet in height and with an area of not more than 580 square inches; or
- B. If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

### Mining and Extraction

Mining and extractive uses include the extraction of minerals, sand, gravel, and ores, and distribution of extracted materials, including the excavation, processing and distribution of clay, gravel, stone, and soils.

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<sup>388</sup> References to Tiny Houses is new.

<sup>389</sup> New.

### **Mitigation**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, measures to avoid impacts, minimize impacts, restore impacted areas, and compensate for impacts to a natural resource attributable to a proposed action.

### **Mitigation Sequence**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, a prescribed procedure for planning mitigation that requires negative impacts to a natural resource attributable to a proposed action to be mitigated.

### **Mobile Food Truck<sup>390</sup>**

A retail food establishment that is not intended to be permanent and is a motorized wheeled vehicle, or a trailer that is licensed for use on public roadways, designed and equipped to serve food and beverages, operating in either a static or transitory location.

### **Mobile Home, Rehabilitated**

Any mobile home constructed prior to June 15, 1976 (the effective date of the National Manufactured Housing and Safety Standards Act of 1974), that are currently sited within Idaho or that may be brought into the state after July 1, 1998, that have been upgraded to comply with Chapter 25, Title 44, Idaho Code and received a "Certificate of Compliance" from the Division of Building Safety of the State of Idaho.

### **Monopole WCF**

A support structure that consists of a single pole sunk into the ground and/or attached to a foundation.

### **Mortuary or Mausoleum<sup>391</sup>**

A facility in which deceased human bodies are kept and prepared for burial or cremation or containing niches or other designated places intended to be a final resting place for human or pet animal remains as an alternative to land burial.

### **Motor Vehicle Junked/Abandoned**

Any automobile, truck, or other vehicle that is inoperable or in some obvious state of disrepair or abandonment. The following factors, among others, shall be considered individually in determining whether or not a vehicle is inoperable, junked, or abandoned:

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<sup>390</sup> New term and definition.

<sup>391</sup> New term and definition.

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- A. The vehicle is currently inoperable. This shall include, but is not limited to the vehicle not having body parts to be in working condition; such as missing engine, transmission, tires, windshield, mirror, taillight, head light, or battery;
  - B. The vehicle has been parked for at least 30 days on property not owned or rented by the vehicle owner;
  - C. The vehicle has not been licensed or registered for at least 30 days; and
  - D. The vehicle has been parked for 30 days on property where the premises have been vacated.
- 

## N

### Natural Resources

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, all of the plants, animals, and environmental and ecological processes that occur in aquatic, wetland, riparian, and upland environments associated with the Boise River.

### Natural Resource Functions and Values

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, environmental, ecological, recreational, historic, and cultural benefits attributable to natural resources that occur in aquatic, wetland, and riparian, and upland environments associated with the Boise River. They are further described in the Federal Highway Administration publication titled A Method for Wetland Functional Assessment and the US Army Corps of Engineers publication titled Wetland Evaluation Technique (WET) II.

### Nonconforming Use

Any use, parcel or structure that was legally established but that is not in compliance with this Code due to a subsequent Code amendment, annexation, change of zoning, eminent domain, or similar action as of the Effective Date.

### Non-residential Structure

A building other than a residential structure. The term includes but is not limited to buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums, nursing homes, hotels, and motels.

### No Net Loss

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, a measure of the success of mitigation that requires avoidance, minimization, restoration, and compensation of all functions, and values of a natural resource impacted by a proposed action.

### Nucleus Colony

A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

### **Nuisance, Public**

- A. The following shall be defined as a public nuisance. The owner or person in control shall maintain all property, premises, or rights-of-way in a nuisance-free manner.
- B. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment, or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture not designed for outdoor use, household fixtures, machinery, equipment, cans, or containers standing or stored on property, sidewalks, alleys, and streets that can be viewed from a public street, walkway, alley, or other public property and are readily accessible from such places, or are stored on private property in violation of any other law or Code;
- C. Discarded putrescibles, garbage, rubbish, refuse, or recyclable items that have not been recycled within 15 days of being deposited on the property;
- D. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that could constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety;
- E. Lumber (excluding lumber for the construction project on the property with a valid building permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of 30 days and visible from a public street, walkway, alley, or other public property;
- F. Receptacles for trash, discarded materials, and recyclables that are left in the front yard or on public rights-of-way on any day except the day of the regularly scheduled refuse pick-up for the property;
- G. Swimming pool, pond, spa, other body of water, or excavation that is abandoned, unattended, unsanitary, empty, that is not securely fenced, or that poses a threat to be detrimental to human life, health, or safety; and
- H. Weeds, grasses, or other vegetation which (1) cover 50 percent or more of any lot or yard; (2) average 12 inches or more in height; and, (3) could become a fire hazard.
- I. Trees, shrubs, or other vegetation blocking public rights-of-way or clear vision triangles lower than a height of 8 feet above the rights-of-way or clear vision triangle.

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### **O**

#### **Office**

An establishment primarily used for conducting the affairs of a business, profession, service, or industry, or like activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales. This use includes radio or television stations and trade and vocational schools.

#### **One and One-Half Story Structure**

A structure that does not exceed 18 feet in height to the midline of the roof. The structure also provides the second story within a basement that is sunk into the ground a minimum of four feet or is located within a pitched roofline located within a front gable, the exterior second floor wall height shall not exceed two feet six inches in height and contains a maximum of one dormer on each side of the structure that does not exceed eight feet in width.



Figure 6.3: Example of second story within a basement

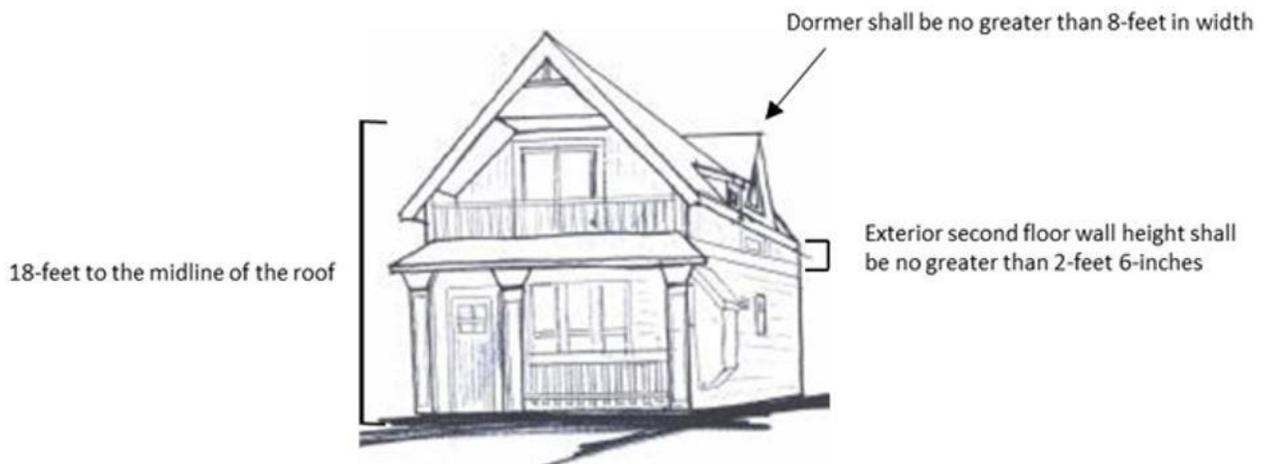


Figure 6.4: Example of a second story within a pitched roofline

### Occupancy Permit

The approval to occupy a building that is granted after zoning and building requirements and conditions of approval, if any, have been met or bonded for.

### One-hundred Year Flood

The flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with "Base Flood."

### Open Space

An open area for a visual amenity, passive recreation, or active recreation.

### **Open Space, Private**

An open area for passive or active recreation developed, designated, and protected for the benefit and private use of the employees or residents within a planned development or residential development.

### **Ordinary High Water Mark**

The Ordinary High Water Mark (OHWM) is the line that the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes. The location of the OHWM is determined on-site by the Idaho Department of Lands for purposes of determining land ownership only.

### **Other Communications Towers<sup>392</sup>**

Any tower used for electronic communications or transmission of energy that does not meet the definition of a Wireless Communication Facility or that is not subject to the Federal Communications, including without limitation:

- A. A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.
- B. A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals. This definition includes nonresidential broadcast, communication, transmission, and similar towers, either freestanding or attached to an adjacent broadcasting or transmitting facility.

### **Outdoor Storage<sup>393</sup>**

Storage of materials, merchandise, stock, supplies, machines, vehicles, equipment, vehicles (but not wrecked or inoperable vehicles), manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises.

### **Outdoor Storage, Accessory<sup>394</sup>**

An outdoor area used for the long-term deposit (more than 24 hours) of any goods, material, merchandise, or vehicles as an accessory use to and associated with a primary use on the property.

### **Owner**

The fee owner of the real property subject to this regulation. The owner may assign, in writing, application submittal and subdivision development authority to an applicant who is not the owner. To the extent an owner is applying for subdivision of property in its own name, such owner shall be the "applicant" for purposes of this Code.

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<sup>392</sup> Renaming and consolidation of current Lattice/Communications Towers use and Transmission Towers uses,

<sup>393</sup> New definition.

<sup>394</sup> New definition.

**P**

**Parcel**

A lot or tract of land. Parcels are generally described by a metes and bounds legal description or references to quadrangular survey measurements utilizing Sections, townships and ranges, or government lots.

**Park**

A parcel of land available to the public for passive and/or active recreation.

**Park and Ride Facility**

Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

**Parking Garage**

A building or portion of a building consisting of one or more levels at, below, or above grade, designed to be used for the parking of automobiles and commercial vehicles that is available to the public, whether for compensation, free, or as an accommodation to clients or customers.

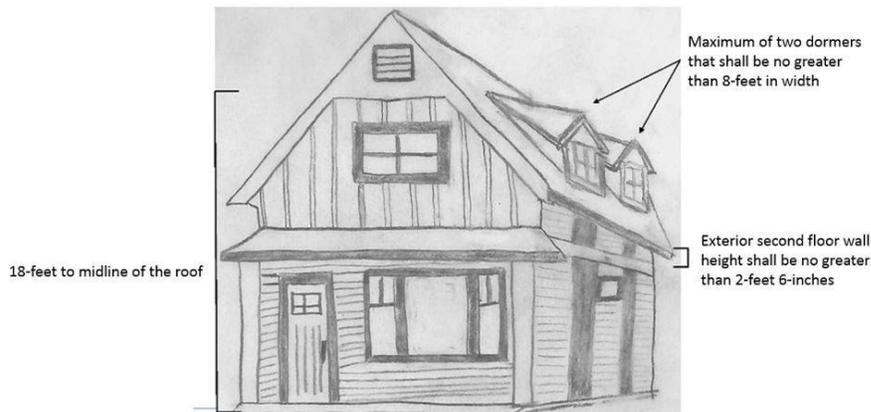
**Parking Lot**

An open, graded, and surfaced area, other than a street or public right-of-way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**Parking Lot, Temporary**

A temporary parking lot for non-required parking where new building construction is planned.

**Partial Two-Story Structure**



**Figure 6.5: Example of a second story contained within a pitched roofline with two side dormers**

A structure that limits the second story floor plate to reduce the height, bulk, and massing of the structure. This can be achieved by increasing the second story setbacks by a minimum of three feet beyond the minimum front, side and rear setbacks required by the zone. It may also contain the second story within a pitched roofline located within a front gable and the building height is a maximum of 18 feet to the midline of the roof that has an exterior second floor wall height no greater than two feet, six

inches in height and a maximum of two dormers with a maximum width of 8 feet located on each side of the structure. It may also contain the second story within a pitched roofline within a side gable and the building height is a maximum of 25 feet to the peak of the roof and 18 feet to the midline of the roof with any dormers on the front or rear of the structure no greater than 10- feet in width.

Dormer shall be no greater than 10-feet in width

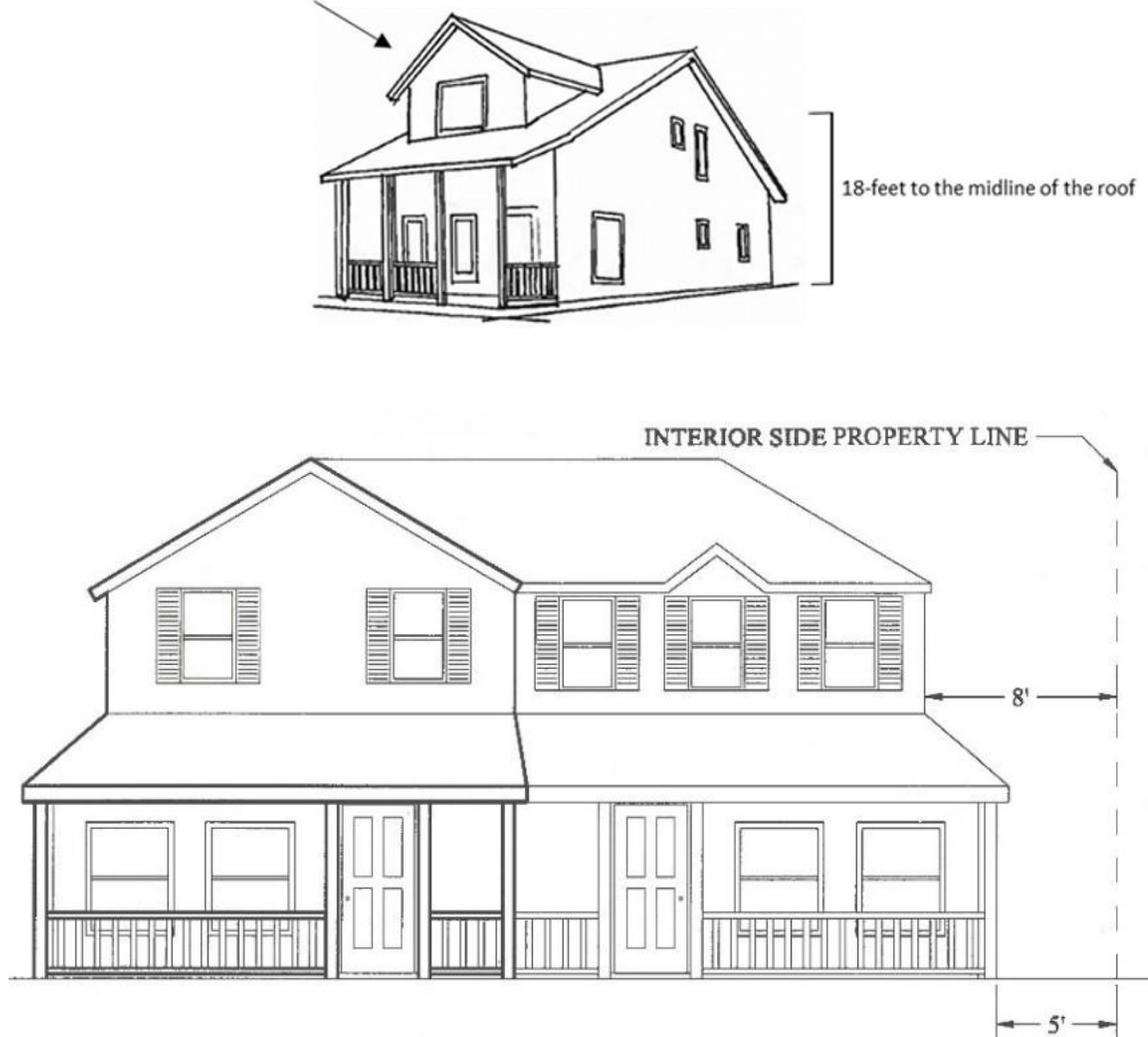


Figure 6.6: Example of setbacks increased by a minimum of three feet

Figure 6.7: Example of a second story contained within a pitched roofline with front and/or rear dormers

### Parking, Covered

A carport that provides full overhead protection from the elements with ordinary roof coverings.

### Parking, On-site

Any required parking space that is located on the same site as the principle use that the parking is intended to serve.

### **Parking Space**

A usable space for the storage of one passenger automobile or commercial vehicle, exclusive of access drives, aisles, or ramps, within a public or private parking area or a building that meets the parking standards of this Code.

### **Parking Space, Tandem**

A parking space designed to accommodate two vehicles parked in tandem (one behind the other) that meets all the parking space dimensional standards as outlined in Section 11-04-07, *Parking and Loading*.

### **Paths, Bicycle and Pedestrian**

Specifically refers to paved bicycle paths or unpaved pedestrian paths built within the Boise River System. Paved bicycle paths shall meet the requirements of the Bicycle/Pedestrian Design Manual for Ada County (1978) and other appropriate and relative design manuals.

### **Pathway**

Any sidewalk, route, lane, path, corridor, open space, or trail designated to move people by non-motorized means for transportation or recreation, including micro-pathways.

### **Person**

A natural person, heirs, executors, administrators, or assigns - including a firm, partnership, or corporation - its or their successors or assigns, or the agent of any of the aforesaid.

### **Personal or Business Service<sup>395</sup>**

A facility that provides individualized services generally related to personal needs. These include, but are not limited to, laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, tattoo parlors and similar uses.

### **Pet**

Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director.

### **Planned Unit Development (PUD)**

A use or a combination of uses planned for a tract of land to be developed as a unit under single ownership or control and that may include two or more principal buildings.

### **Plat, Final**

The plat map of a subdivision, cemetery, condominium, or a replatting of such, prepared by a State of Idaho licensed land surveyor for filing and recording by the County Recorder and containing those elements required by this Code, including certification, descriptions, and final approvals. A final plat, upon its being filed and recorded by the County Recorder, shall be known as an authorized plat.

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<sup>395</sup> New definition to reflect use consolidations.

### Plot Plan

A "to scale" drawing of a lot or lots showing the actual measurements, the size and location of any existing building(s) to be erected, the location of the lot in relation to abutting streets, use and development of the land, and other such information. "Site plan" is a term that is often used interchangeably with plot plan.

### Power Plant<sup>396</sup>

A primary use of land that generates electrical energy, including but not limited to any facility meeting the definition of a Renewable Energy Facility, Accessory, if it were an accessory rather than a primary use of land.

### Principal Dwelling

The primary building designed and used for human habitation on a property. Principal Use: The main use of land or buildings, as distinguished from a subordinate or accessory use.

### Project Engineer

Professional engineer registered in the State of Idaho retained by the developer to supervise a specific development or phase of a development.

### PZC

The City of Boise Planning and Zoning Commission.

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## Q

### Quasi-public Use

A use that is essentially public, although it is under private ownership or control. Quorum: A majority of the authorized members of a board or commission.

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## R

### Recreation, Indoor<sup>397</sup>

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, teen clubs, escape rooms, archery and axe-throwing, trampolines, and similar indoor activities taking place inside an enclosed building. Indoor recreation includes establishments for weddings, birthdays, dances, celebrations, and other similar special events.

### Recreation, Outdoor<sup>398</sup>

Commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Such activities include, but are not limited to ball parks (baseball, football, soccer, tennis), water park, batting cages miniature golf, go-cart tracks, amusement parks, golf driving ranges, swimming pools, and other similar uses.

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<sup>396</sup> New.

<sup>397</sup> New definition to reflect consolidated uses.

<sup>398</sup> New definition to reflect consolidated uses.

### **Recreational Vehicle (RV)**

A portable vehicle or structure used primarily for recreation, hobbies, vacations, extended travel, camping, sports, and aquatic use. An RV may be self-propelled, towed, or transported by trailer. Includes, but is not limited to, motor homes, converted buses, camping, and travel trailers, light-duty trailers and transporters, horse and cattle trailers, boats, rafts and their trailers, and off-street vehicles such as snowmobiles, dune buggies, all-terrain vehicles, and any type of three or four-wheeled sport racing or drag vehicle. Recreational vehicles are for the sole purpose of recreational use and may not be used as a dwelling or temporary or permanent residential use.

### **Recreational Vehicle Park**

Any area, tract, plot, or site of land whereupon two or more recreational vehicles or travel trailers are placed, located, and maintained for temporary living quarters on a temporary basis.

### **Recycling Collection Facility**

A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production.

### **Religious Institution<sup>399</sup>**

A building or property that is used primarily for religious worship and related social, service, care, or educational activities.

### **Renewable Energy Facility, Accessory<sup>400</sup>**

The use of land for:

- A. Solar collectors or other devices or structural design features of a structure that rely upon sunshine as an energy source and is capable of collecting, distributing, or storing the sun's radiant energy for a beneficial use;
- B. Land area and equipment for the conversion of natural geothermal energy into energy for beneficial use; or
- C. Wind energy turbines, wind chargers, windmills, and related accessory equipment such as utility lines and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy.

### **Repair**

The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any other change in a structure such as would be required by additions to or remodeling of such structure.

### **Residential Floor Area**

Amount of all livable space including basements and bonus rooms.

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<sup>399</sup> Wording revised to include social and educational activities, which are generally protected by federal law when conducted in association with religious worship or practices.

<sup>400</sup> New.

### **Residential Structure**

A building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, and dormitories. The term also includes accessory use areas that are used in conjunction with and form an integral part of a residential structure.

### **Restaurant<sup>401</sup>**

Any land, building or part of a building, other than a boarding house, where meals are provided for compensation, including but not limited to a cafe, cafeteria, coffee shop, lunch room, tea room, and dining room, but not including any use meeting the definition of a Tavern or Lounge or a Brewpub, Micro-distillery, or micro-winery.

### **Retail Sales<sup>402</sup>**

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in Table 11-03.1.

#### **Retail Sales, Small**

A facility or establishment with up to 5,000 square feet of gross floor area.

#### **Retail Sales, Medium**

A facility or establishment with between 5,001 and 10,000 square feet of gross floor area

#### **Retail Sales, Large**

A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

#### **Retail Sales, Big Box**

A facility or establishment with more than 60,000 square feet of gross floor area.

### **Riparian Area**

Relating to or living or located on the bank of a natural water course as a stream or river; or the stream corridor consisting of riparian vegetation, stream carved topography, and features that define a continuous corridor on either side of a stream or pond; or all lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds, and lakes and their margins.

### **Riparian Community**

All plant and animal species within a given riparian area.

### **Riparian Habitat**

A riparian area where a plant or animal lives; the sum total of environmental conditions in the area. It may also refer to the place occupied by an entire community of plants or animals.

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<sup>401</sup> New definition.

<sup>402</sup> New terms and definitions.

## Roof

The outside top covering of a building or structure.

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## S

### Sales and Leasing Office<sup>403</sup>

A moveable or modular structure or trailer temporarily used for the sale or leasing of real estate.

### Sanitary Landfill

A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, also known as sanitary landfill, or a facility where solid waste is burned prior to disposal.

### School

An institution of learning, whether public or private, that offers instruction to a group of children in those courses of study required by the Idaho Department of Education. This definition includes nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the Idaho Department of Education, but it does not include a vocational or professional school or any institution of higher education, including a college or university.

### Seasonal Sales<sup>404</sup>

Any business or use (primary or accessory) that may include but not be limited to retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, pumpkins, fireworks; and other similar businesses or uses.

### Self-Service Storage

An outdoor area or a building(s) that are designed or used exclusively for storage of excess property of an individual, family or business. Buildings are divided into individually accessed units. This shall not be deemed to include the day-to-day operations of businesses of any kind.

### Service Station<sup>405</sup>

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory use may include a car wash and convenience food and beverage sales.

### Setback

The space on a lot or parcel that is required to be left open and unoccupied by buildings or structures, either by the requirements of this Code or by delineation on a recorded subdivision map.

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<sup>403</sup> New term and definition.

<sup>404</sup> New definition.

<sup>405</sup> New definition.

### **Sexually Oriented Business<sup>406</sup>**

Any establishment where employees engage in specified sexual activities or display specified anatomical areas.

### **Sexually Oriented Business Employee**

Any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated as an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

### **Shared Reserve Areas**

Are those areas on a given lot on which the animals on neighboring lots are allowed, on a weekly or more frequent basis, to occupy for grazing or other activities.

### **Shelter Home**

A facility providing basic services that may include food; personal hygiene support; information and referrals; employment, mail, and telephone services; including overnight sleeping accommodations, to people with limited financial resources, including people who are homeless.

### **Side Channel**

A stream or watercourse, either natural or manmade, that generally flows from or into the Boise River. This includes waterways developed as amenities in residential or commercial developments.

### **Site Plan**

See Plot Plan.

### **Single-Room Occupancy Hotel<sup>407</sup>**

An establishment other than a Hotel or Motel, that provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The use may or may not have separate shared cooking facilities for residents.

### **Slaughterhouse, Rendering Plant**

A facility for the slaughtering and processing of animals and refining of animal byproducts.

### **Small Animals**

Small animals include rabbits, poultry, geese, ducks turkeys, domestic birds, and game birds, excluding such birds as are caged and housed in the dwelling and other animals deemed as such by the Planning Director and not raised for commercial purposes. FFA, 4-H and other student projects are not considered commercial purposes.

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<sup>406</sup> New definition that avoids definition of specific types of adult uses that can become outdated as markets change. Definitions for adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, and sexual encounter premises are not carried forward.

<sup>407</sup> New use and definition.

### **Solid Waste Transfer Facility<sup>408</sup>**

A facility at which non-hazardous refuse awaiting transportation to a disposal site is transferred from one type of collection vehicle to another. Refuse may be sorted and repackaged at a transfer station.

### **Special Exception**

A special approval granted by the Council for a use that is not identified as an allowed or conditional use within the zoning district subject to conditions set forth in this Code.

### **Specified Anatomical Areas**

Any of the following parts of the human body with less than full opaque coverings: the human genitals, anus, cleft of the buttocks, or the female breast.

### **Specified Sexual Activities**

Shall mean and include any of the following whether actual or simulated:

- A. The fondling or other erotic touching of any specified anatomical areas;
- B. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain;
- C. Sexual intercourse, masturbation, sodomy, oral copulation, coitus, ejaculation;
- D. Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above;
- E. Erotic or lewd touching, fondling, or other contact with an animal by a human;
- F. The exposure of display of human genitals in a state of sexual stimulation, arousal, or tumescence;  
or
- G. Erotic dancing or rhythmic movements with a device, instrument, object, or pole.
- H. Under no circumstance shall the issuance of conditional use permit be considered an affirmative defense or consent by the City of Boise for any activity that is prohibited by federal or state law, or any other prohibition not a part of this Section of the Code.

### **Stable, Private**

A detached accessory building or structure for the keeping of one or more horses or cows that is owned and used by the occupant of the premises and not for remuneration, hire, or sale.

### **Stable, Riding**

A building or structure used or designed for the boarding or care of riding horses.

### **Street**

The public right-of-way or private property and related improvements that provides vehicular and pedestrian access to adjacent properties. The term "street" also includes the terms highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, and other such terms.

### **Street, Arterial**

Any street as designated by the ACHD, whether existing or proposed, with a primary purpose of carrying through traffic and designed with limited access to abutting property. Direct lot access is restricted.

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<sup>408</sup> New term and definition.

### **Street, Collector**

Any street, as designated by the ACHD, existing or proposed, with a primary purpose and design to intercept traffic from the local street system and carry it to the nearest arterial street, while provided limited access to abutting property. Direct lot access is restricted.

### **Street Frontage**

Distance measured along the property line that fronts upon a street or alley. To constitute frontage, the subject street or alley must provide access to abutting properties.

### **Street, Gateway**

Streets within the city as listed below:

- A. Broadway Avenue, from I-84 to Warm Springs Avenue,
- B. Capitol Boulevard,
- C. Federal Way, from Capitol Boulevard to Bergeson Street,
- D. Front Street,
- E. Myrtle Street,
- F. Parkcenter Boulevard,
- G. State Street, from the State Capitol to State Highway 55,
- H. Vista Avenue, from I-84 to Capitol Boulevard, and
- I. Warm Springs Avenue.

### **Street, Local**

Any public street, other than an arterial or collector, designed to provide access to abutting property and principally serves local traffic.

### **Street, Private**

A street approved by the Council in conformance with the subdivision regulations of this Code that provides both access and street frontage for individual lots. Private streets are owned and maintained by private individual(s) or entities. Governmental entities do not own nor maintain private streets.

### **Street, Public**

A right-of-way that provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the ACHD. The term "street" also includes the terms highway, thoroughfare, parkway, road, avenue, boulevard, place, and other such terms.

### **Street Vista**

The view, framed by buildings, at the termination of the axis of a thoroughfare.

### **Structure**

Anything constructed or erected, except a fence, that requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, platforms, frame work, antennas, portable carport or cover, prefabricated metal, or plastic sheds and tents.

### **Subdivision**

The division of a lot, tract, or parcel of land into two or more lots for the purpose of transfer of ownership or for the construction of improvements thereon, whether immediate or future, including dedication of streets.

### **Supportive Housing, Large<sup>409</sup>**

A dwelling where nine or more persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Amendments Act, as amended and as interpreted by the courts, and that does not meet the definition of another use in this Code. This use includes but is not limited to residential facilities for homeless persons, victims, of domestic violence, and persons exiting from or being diverted from correctional facilities.

### **Supportive Housing, Small<sup>410</sup>**

A dwelling where eight or fewer persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Amendments Act, as amended and as interpreted by the courts, and that does not meet the definition of another use in this Code. This use includes but is not limited to residential facilities for homeless persons, victims, of domestic violence, and persons exiting from or being diverted from correctional facilities.

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## **T**

### **Tavern or Lounge<sup>411</sup>**

An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that may or may not serve food. This use also includes “hookah” bars in which patrons consume flavored tobacco from a stemmed instrument designed for vaporizing tobacco.

### **Townhouse**

An attached single family dwelling unit located on a platted lot and for which the individual owner may acquire title to the unit and lot. A townhouse may have an undivided common interest in the common areas including but not limited to sidewalks, open spaces, and recreational facilities and private drives.

### **Tract**

A generic term for an area of land that does not denote a specific condition. Used when speaking of both platted lots and unplatted parcels.

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<sup>409</sup> New term and definition.

<sup>410</sup> New term and definition.

<sup>411</sup> Inclusion of hookah bar is new.

### **Trade or Vocational School**

An institution or facility conducting instruction in the technical or trade skills such as business, secretarial training, medical-dental technician training, beauticians, barbers, electronics, and automotive technician training.

### **Trailer, Travel**

A vehicular portable structure designed as temporary living quarters for travel, recreational, and vacation uses.

### **Transit Terminal**

A passenger terminal or loading facility for a privately or publicly owned transit system, including a private shuttle service.

### **Tributary**

A stream or watercourse, excluding manmade waterways exclusively used for irrigation, that flows into the Boise River that flows for all or a portion of the year.

### **Trucking Terminal**

An area or building where cargo is stored and where trucks, including tractors and trailer units, load, and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops serving or selling food or convenience items and fueling stations where primarily diesel fuel is sold.

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## **U**

### **University<sup>412</sup>**

Boise State University and operations related to that University.

### **Upland Areas**

Areas within the floodplain that are not defined by the Code as wetlands or riparian areas. See also Natural Resource Functions and Values.

### **Urban Farm**

Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, and use by those cultivating the land, or for sale locally. This use includes accessory beekeeping, but does not include gardens that are accessory to a home.<sup>413</sup>

### **Utilities**

Water, sewage, gas, telephone, cable television, pressure irrigation, electricity, and similar facilities normally providing individual customer service to a building site.

### **Utility Facility, Major**

A large facility required for the operation of a utility controlled by the Idaho Public Utilities Commission including electrical substations, major water storage reservoirs, and similar uses that are larger than those

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<sup>412</sup> Expanded definition.

<sup>413</sup> Added current Use Table footnote 1.

facilities needed for distribution or collection of water, sewer, electrical power, or communications from main lines or substations to individual homes or neighborhoods of the City.

**Utility Facility, Minor**

A small facility required for the operation of a utility controlled by the Idaho Public Utilities Commission including minor wells, pump houses, and similar facilities primarily used to distribute or collect water, sewer, electrical power, or communications from mail lines or substations to individual homes or neighborhoods of the City.

**Utility, Public**

Any person, company or municipal department that is duly authorized to furnish to the public under public regulations electricity, gas, steam, telephone, transportation, sewage/wastewater disposal, or water.

**Use**

The purpose for which land or a building thereon is designed, arranged, or intended or for which it is occupied, maintained, or leased.

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**V**

**Variances**

A modification of the requirements of this Code as to lot size, lot coverage, lot width, street frontage, setback requirements, parking requirements, loading requirements, or other code provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

**Vehicle, Commercial**

A vehicle or trailer with a gross vehicle weight of over 8,000 pounds and designed for commercial use, construction equipment; any standard type of vehicle with commercial or industrial attachments or modifications including but not limited to lifts, tanks, spray equipment, cranes, and extension platforms utilized for commercial use or constructive equipment.

**Vehicle Fleet Operations Center<sup>414</sup>**

A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services. This use does not include a "Transit Terminal."

**Vehicle Repair, Major<sup>415</sup>**

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, framework, welding, and major painting.

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<sup>414</sup> New term and definition.

<sup>415</sup> New definition.

**Vehicle Repair, Minor<sup>416</sup>**

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items. This definition does not include engine degreasing or major repairs such as vehicle bodywork, painting, or repair of engines or transmissions or "Service Station."

**Vehicle and Equipment Sales, Rental, and Leasing, Heavy<sup>417</sup>**

An establishment that specializes in the sale, display, lease, rental, or storage of heavy equipment including, but not limited to, tractors, trucks with a gross vehicle weight of over 10,000 pounds, semi-trucks and/or trailers, boats, recreational vehicles, and other large equipment.

**Vehicle Sales, Rental, and Leasing, Light<sup>418</sup>**

An establishment that specializes in the sale, display, lease, rental, of light motor vehicles, including automobiles, vans, light trucks, and light trailers. Accessory uses may include sales of parts for, washing, and servicing of light vehicles.

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**W**

**Wetland**

An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances supports a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs, and similar areas.

**Wetland, Emergent**

Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses, and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants. Other common names are "marsh" and "slough."

**Wetland, Forested**

Wetland areas characterized by wood vegetation over 20 feet tall and possessing an overstory of trees, an understory of young trees or shrubs, and an herbaceous layer.

**Wetland, Riparian Functions and Values**

As used in Section 11-02-05.3.B, BR-O: *Boise River System Overlay*, includes water quality protection and improvement, habitat for fisheries and wildlife, nutrient retention and removal, channel stability, food chain support, flood storage, and desynchronization, groundwater recharge and discharge, active, and passive recreation, aesthetics, and cultural resources. See also, Natural Resource Functions and Values.

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<sup>416</sup> New definition.

<sup>417</sup> New term and definition.

<sup>418</sup> New term and definition.

### **Wetland, Scrub-shrub**

Wetland areas that are dominated by woody vegetation less than 20 feet tall. The species include true shrubs, young trees, and trees, and shrubs that are stunted because of environmental conditions. Includes types such as alder, willows, dogwood, and red maple.

### **Wholesale or Warehouse<sup>419</sup>**

A facility that is used for the selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, selling merchandise to such individuals or companies, or the storage of merchandise, stock, vehicles, furnishings, supplies, and other trade or business material.

### **Wireless Communication Facility-Related Definitions**

Wireless communications shall mean any personal wireless services as defined in the Federal Telecommunications Act of 1996 that includes Federal Communications Commission licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

[Additional definitions will be added after City Council approves a new WCF ordinance currently being drafted by staff and scheduled for adoption before the Consolidated Draft.]

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## **X**

[reserved]

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## **Y**

### **Yard**

An open space on the same lot with a principal building or group of buildings, that is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and that extends along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located.

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## **Z**

### **Zero Lot Line Development**

Single family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line or attached sidewalls on a property line.

### **Zoning Certificate**

A notation attached to a building permit, occupancy permit, or business license or that is issued separately by the city, certifying that the building, structure, use, or occupancy specified is in compliance with relevant zoning regulations and approvals.

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<sup>419</sup> New consolidated term and definition.

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## Chapter 11-07 Approved Specific District Plans<sup>420</sup>

### 11-07-01. Harris Ranch<sup>421</sup>

[To be reformatted and carried forward with no changes in Consolidated Draft]

### 11-07-02. Barber Valley<sup>422</sup>

[To be reformatted and carried forward with no changes in Consolidated Draft]

### 11-07-03. Syringa Valley<sup>423</sup>

[To be reformatted and carried forward with no changes in Consolidated Draft]

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<sup>420</sup> Carried forward current 11-13 except to update cross-references and organize content to follow the same heading styles as the overall Code or as otherwise noted.

<sup>421</sup> Carried forward current 11-13-01.

<sup>422</sup> Carried forward current 11-13-02.

<sup>423</sup> Carried forward current 11-13.03.