

Table of Contents

Chapter 11-01 General Provisions.....	1
11-01-01. Title and Authority	1
1. Title.....	1
2. Authority	1
11-01-02. Effective Date.....	1
11-01-03. Purpose.....	1
11-01-04. Applicability.....	1
1. Uniform Applicability	1
2. Public Services Excepted	1
11-01-05. Area of City Impact.....	2
1. Area of City Impact Boundary Map	2
2. Annexation Area	2
3. Applicable Plan Policies and Ordinances.....	2
4. Coordination of Plan Amendments, Code Amendments, and Zoning Applications	3
5. Renegotiation	3
11-01-06. Relationship to Other Laws and Regulations	3
1. Other Laws	3
2. Most Restrictive Regulations Govern.....	3
11-01-07. Relationship to City Policies and Best Practices	4
11-01-08. Relationship to Private Covenants	4
11-01-09. Transition from Prior Zoning Code	4
11-01-010. Severability.....	4
Chapter 11-02 Zoning Districts	5
11-02-01. Zoning Districts Established	5
1. Summary Table of Zoning Districts	5
2. Official Zoning Map.....	5
A. Incorporation of Map	5
B. Rules for Interpretation of Boundaries	5
C. Amendments to the Official Zoning Map	6
3. Organization of this Chapter.....	6
A. Base Zoning Districts.....	6
B. Overlay Districts	6
11-02-02. Residential Zoning Districts.....	8
1. R-1A Residential: Large Lot	8
A. Purpose.....	8
B. Cross-References to Other Applicable Code Sections.....	8
C. Dimensional Standards.....	9
D. Streetscape Standards.....	10
2. R-1B Residential: Suburban.....	11

	A. Purpose.....	11
	B. Cross-References to Other Applicable Code Sections.....	11
	C. Dimensional Standards.....	12
	D. Streetscape Standards.....	13
3.	R-1C Residential: Traditional.....	14
	A. Purpose.....	14
	B. Cross-References to Other Applicable Code Sections.....	14
	C. Dimensional Standards.....	15
	D. Streetscape Standards.....	16
4.	R-2 Residential: Compact.....	17
	A. Purpose.....	17
	B. Cross-References to Other Applicable Code Sections.....	17
	C. Dimensional Standards.....	18
	D. Streetscape Standards.....	19
5.	R-3 Residential: Urban	20
	A. Purpose.....	20
	B. Cross-References to Other Applicable Code Sections.....	20
	C. Dimensional Standards.....	21
	D. Streetscape Standards.....	22
11-02-03. Mixed-Use Zoning Districts		23
1.	MX-1 Mixed-Use: Neighborhood.....	23
	A. Purpose.....	23
	B. Cross-References to Other Applicable Code Sections.....	23
	C. Dimensional Standards.....	24
	D. Form and Layout Standards	25
2.	MX-2 Mixed-Use: General	28
	A. Purpose.....	28
	B. Cross-References to Other Applicable Code Sections.....	28
	C. Dimensional Standards.....	29
	D. Form and Layout Standards	30
3.	MX-3 Mixed-Use: Active	31
	A. Purpose.....	31
	B. Cross-References to Other Applicable Code Sections.....	31
	C. Dimensional Standards.....	33
	D. Layout Standards	34
4.	MX-4 Mixed-Use: Transit Oriented Development (TOD) Node	38
	A. Purpose.....	38
	B. Cross-References to Other Applicable Code Sections.....	38
	C. Dimensional Standards.....	39
	D. Layout, and Design Standards	40
5.	MX-5 Mixed-Use: Downtown	44
	A. Purpose.....	44
	B. Cross-References to Other Applicable Code Sections.....	44
	C. Dimensional Standards.....	45
	D. Design Standards	46
	E. Additional Standards.....	48
6.	MX-U Mixed-Use: University	49
	A. Purpose.....	49

B. Cross-References to Other Applicable Code Sections.....	49
C. Dimensional Standards.....	50
D. Streetscape Standards.....	51
E. Additional Standards.....	51
7. MX-H Mixed-Use: Health	52
A. Purpose.....	52
B. Cross-References to Other Applicable Code Sections.....	52
C. Dimensional Standards.....	53
D. Streetscape Standards.....	54
11-02-04. Industrial Zoning Districts.....	55
1. I-1 Industrial: Light	55
A. Purpose.....	55
B. Cross-References to Other Applicable Code Sections.....	55
C. Dimensional Standards.....	56
D. Streetscape Standards.....	57
E. Additional Standards.....	57
2. I-2 Industrial: Heavy	58
A. Purpose.....	58
B. Cross-References to Other Applicable Code Sections.....	58
C. Dimensional Standards.....	59
D. Streetscape Standards.....	60
E. Additional Standards.....	60
3. I-3 Industrial: Technology	61
A. Purpose.....	61
B. Cross-References to Other Applicable Code Sections.....	61
C. Dimensional Standards.....	62
D. Streetscape Standards.....	63
E. Additional Standards.....	63
11-02-05. Open Land Zoning Districts	65
1. A-1 Open Land: Very Low Density.....	65
A. Purpose.....	65
B. Cross-References to Other Applicable Code Sections.....	65
C. Dimensional Standards.....	66
D. Streetscape Standards.....	67
2. A-2 Open Land: Reserve	68
A. Purpose.....	68
B. Cross-References to Other Applicable Code Sections.....	68
C. Dimensional Standards.....	69
D. Streetscape Standards.....	70
11-02-06. PUD: Planned Unit Development	71
1. Purpose	71
2. Eligibility Criteria	71
A. Minimum Size of Planned Development	71
B. Mandatory Eligibility Requirements.....	71
C. Additional Eligibility Requirements	72
3. Identification of Base Districts from Which Flexibility is Requested	72
4. Areas of Flexibility Permitted	72

11-02-07. Overlay Districts	73
1. Character Overlay Districts	73
A. Purpose.....	73
B. Designation of Character Overlay Districts	73
C. Establishment of Character Overlay District	73
D. HC-O: Hyde Park Character Overlay	73
E. NC-O: Near North End Character Overlay	75
F. BC-O: Big Sky Overlay	77
G. SC-O: Sycamore Overlay	80
2. Design Review Overlay Districts	84
A. Purpose.....	84
B. Designation of Design Review Overlay Districts	84
C. Establishment of Design Review Overlay District	84
D. CD-O: Capitol Boulevard Design Overlay	84
E. HD-O: Historic Design Overlay	90
3. Sensitive Lands Overlay Districts	93
A. Purpose.....	93
B. Designation of Sensitive Lands Overlay Districts.....	93
C. Establishment of Sensitive Lands Overlay District	93
D. AI-O Airport Influence Area Overlay	94
E. BR-O: Boise River System Overlay	95
F. FP-O Flood Protection Overlay	106
G. HS-O: Hillside Development Overlay	116
H. WUI-O: Wildland Urban Interface Overlay	123
11-02-08. Specific Plan Districts.....	129
1. Purpose	129
2. Scope	129
A. Examples of Specific Plans.....	129
B. Specific Plan Elements	129
3. Land Use Controls.....	129
4. Initiation	129
5. Minimum Area Standards	130
6. Additional Eligibility Requirements.....	130
A. Natural Systems	130
B. Housing Affordability.....	130
C. Sustainable Building Design	130
Chapter 11-03 Use Regulations	131
11-03-01. General	131
1. Purpose	131
2. Organization of the Table.....	131
3. Abbreviations Used in the Table	131
A. Allowed Uses.....	131
B. Allowed Subject to Use-Specific Standards.....	131
C. Conditional Uses.....	131
D. A/C Uses	132
E. Prohibited Uses	132
F. Symbols	132

4.	Use for Other Purposes Prohibited	132
5.	Multiple Uses	132
6.	Previously Allowed Uses	132
7.	Classification of New and Unlisted Uses	133
8.	All Licenses and Permits Required	133
9.	Industrial and Heavy Commercial Uses	133
11-03-02. Table of Allowed Uses		134
11-03-03. Use-Specific Standards		146
1.	General Standards	146
A.	Principal and Accessory Uses	146
B.	Additional Standards for Accessory Uses	146
2.	Residential Uses	148
A.	General Standards	148
B.	Accessory Dwelling Unit (ADU)	149
C.	Dwelling, Single-Family Detached	150
D.	Dwelling, Cottage Village	150
E.	Dwelling, Single-Family Attached	150
F.	Dwelling, Live/Work	151
G.	Dwelling, Duplex, Triplex, or Fourplex	151
H.	Dwelling, Multiple-Family	156
I.	Livestock and Animals, Accessory	157
J.	Manufactured Home – Not Within a Manufactured Home Community	159
K.	Manufactured Home Community	159
L.	Assisted Living Facility, Continuing Care Retirement Facility, Convalescent or Nursing Home, Fraternity or Sorority House, and Recovery Residence	161
M.	Dwelling, Co-Housing	161
N.	Home Occupation, Child or Adult Daycare	161
O.	Home Occupation, Other	162
P.	Tiny Homes on Wheels (THOW)	165
3.	Public, Institutional, and Civic Uses	166
A.	Adult or Child Daycare Uses	166
B.	Cemetery, Mortuary or Mausoleum	168
C.	Jail or Detention Facility	168
D.	College or Other Institution of Higher Education	168
E.	School	168
F.	Trade or Vocational School	169
4.	Commercial Uses	169
A.	Animal Daycare or Kennel	169
B.	Beekeeping, Accessory	169
C.	Urban Farm	170
D.	Wireless Communication Facilities	171
E.	Brewpub, Micro-distillery, or Micro-winery	178
F.	Food Truck, Accessory	179
G.	Food Truck Court	179
H.	Neighborhood Café	180
I.	Bed and Breakfast	180
J.	Recreational Vehicle Park	180

K. Financial Establishment, Medical or Dental Clinic, Personal and Business Services	181
L. Office.....	181
M. Firing Range, Indoor.....	181
N. Retail Sales, Neighborhood	182
O. Retail Sales Small, Medium, or Large	182
P. Sexually Oriented Business	182
Q. Drive-Through Facility	184
R. Electric Vehicle Charging Station	186
S. Service Station.....	186
T. Vehicle Repair, Major and Minor	186
U. Vehicle and Equipment Sales, Rental and Leasing, Light and Heavy	187
5. Industrial Uses	187
A. Artisan Industry	187
B. Light Industry and Heavy Industry	187
C. Mining and Extraction	187
D. Outdoor Storage / Sales.....	188
E. Self-Service Storage	188
F. Trucking Terminal.....	188
G. Wholesale or Warehouse, Small and Large.....	189
H. Electric Substation.....	189
I. Renewable Energy Facility	189
J. Utility Facility, Minor	190
K. Composting Facility	190
L. Junkyard, Vehicle Salvage	190
M. Recycling Collection Facility	191
N. Solid Waste Transfer Facility	191
6. Accessory Uses and Structures	192
A. Unlisted Uses Accessory to an Allowed Use	192
7. Temporary Uses.....	192
A. General Temporary Uses	192
B. Temporary Uses not Requiring a Permit.....	193
C. Specific Temporary Uses	193
Chapter 11-04 Development and Design Standards.....	195
11-04-01. Purpose.....	195
11-04-02. Applicability.....	195
1. Generally	195
2. Activities That Require Compliance with Specific Standards	195
3. Compliance with Design Standards Required.....	196
11-04-03. Lot and Building Design and Dimensions	196
1. General Lot and Design Standards.....	196
A. Access to Public Street.....	196
B. Construction Over Platted Lot Line/Property Lines	196
2. Dimensional Standards Summary Tables	197
A. Residential Districts.....	197
B. Mixed-Use, Industrial, and Open Land Districts	198
3. Exceptions and Encroachments.....	200

A.	Permitted Exceptions to Minimum Street Frontage	200
B.	Permitted Encroachments into Setbacks.....	200
C.	Permitted Exceptions Through Building Height Limits	201
4.	Residential Small Lots	202
A.	Purpose.....	202
B.	Applicability.....	202
C.	General Provisions.....	203
D.	Development Standards.....	203
E.	Design Guidelines	207
5.	Neighborhood Transition Standards.....	208
A.	Applicability.....	208
B.	Building and Parking Area Setbacks	208
C.	Building Height Stepdown.....	209
D.	Lighting Height	209
6.	Other Standards	210
7.	Housing Incentives.....	210
A.	Purpose.....	210
B.	Approval Procedure	210
C.	Nonconforming Uses and Structures	210
D.	Housing Incentives Available	210
11-04-04.	Subdivision Standards	216
1.	Purpose	216
2.	Applicability	216
A.	General	216
B.	Exception for Five-Acre Parcel Division	216
3.	Records of Survey	217
A.	Property Line Adjustment	217
B.	Minor Land Division	221
4.	Subdivision of Land.....	223
A.	Applicability.....	223
B.	General	223
C.	Design Standards	223
D.	Utility and Pathway Easements	225
E.	Subdivision Buffers Along an Arterial and Collector Street	225
5.	Required Improvements	226
A.	Filing of Plans and Financial Surety	227
B.	Water Lines and Hydrants	227
C.	Sanitary Sewer	227
D.	Drainage	228
E.	Irrigation Conveyance	228
F.	Street Lighting.....	228
G.	Access and Connectivity Improvements	229
H.	Land Dedications.....	229
I.	Landscaping.....	229
J.	Pressure Irrigation	229
K.	Written Assurance	229
L.	Proof of Compliance	230
11-04-05.	Sensitive Lands.....	230

1.	Airport Influence Area Standards	230
2.	Boise River System Standards	230
3.	Flood Hazard Standards	230
4.	Hillside Development Standards.....	230
5.	Wildland Urban Interface Standards	230
6.	Foothills Development Standards.....	230
	A. Purpose.....	230
	B. Applicability.....	230
	C. General Requirements	231
	D. Permitted Development Densities	231
11-04-06.	Building Design	236
1.	Purpose	236
2.	Applicability	236
3.	Compliance with Additional Design Standards Required	236
4.	General Site and Building Design Standards	236
	A. Buildings and Parking Placement	236
	B. Building Entrances.....	237
	C. Façade Transparency	238
	D. Building Façade Articulation	239
5.	Zone-Specific Building Design Standards	239
	A. Applicability.....	239
	B. Uses Located in the MX-1 District	239
	C. Uses Located in the MX-3 District	239
	D. Uses Located in the MX-4 District	240
	E. Uses Located in the MX-5 District	240
11-04-07.	Access and Connectivity	240
1.	Purpose	240
2.	Applicability	240
3.	General.....	241
	A. Compliance with Life Safety Regulations	241
	B. Americans with Disabilities Act	241
	C. Compliance with Solid Waste Ordinance and Solid Waste Design Standards	241
4.	Design Standards.....	241
	A. Purpose.....	241
	B. Public Streets	242
	C. Private Streets	244
	D. Alleys – Public	245
	E. Cul-de-Sacs	245
	F. Block Size and Design	246
	G. Cross-Access between Adjacent Mixed-Use and Nonresidential Uses	246
	H. Transit Stops.....	247
	I. Pedestrian and Bicycle Connectivity and Circulation	247
	J. General Ingress and Egress.....	249
	K. Mixed-Use, Industrial, and Open Land Districts Vehicular Circulation	252
	L. Pedestrian Access and Connectivity	253
5.	Compliance with Design Standards	254

11-04-08. Parking and Loading	254
1. Purpose	254
2. Applicability	255
A. Generally.....	255
B. Exceptions.....	255
3. General Parking Standards	255
A. Use of Parking Areas	255
B. Parking and Loading Calculations	255
C. Reductions of Existing Parking	255
D. Parking for Unlisted Uses	256
4. Accessible Parking	256
A. Amount of Accessible Parking Required	256
B. Additional Requirements	257
C. Traditional Accessible Parking Stall Dimensions	257
5. Minimum and Maximum Off-Street Parking Standards	258
6. Electric Vehicle (EV) Parking Spaces	264
A. Number of EV Parking Spaces Required	264
B. Adjustment of EV Parking Requirements.....	264
C. Dimensions and Design	265
7. Parking Adjustments	265
A. General	265
B. Shared Parking Facility Reduction	265
C. Two Wheeled Parking Reduction.....	266
D. Tree Preservation.....	266
E. Housing Incentive Parking Reduction	267
F. Transportation Demand Management Reduction	267
G. Adjustments to Exceed Parking Maximums.....	268
8. Vehicle Parking Location and Design.....	268
A. Location	268
B. Dimensional Standards.....	269
C. Tandem Parking	270
D. Driveways.....	270
E. Surfacing	271
F. Residential Garages	271
G. Parking Area Landscaping	271
H. Parking Area Lighting	271
9. Required Bicycle Parking.....	272
A. Amount Required.....	272
The development shall include at least the minimum number of bicycle parking spaces shown in the following table based on the category of the use or individual use as shown in Table 11-03.1: <i>Table of Allowed Uses</i>	272
B. Parking for Unlisted Uses	272
C. Location	273
D. Design Standards	273
10. Off-Street Loading Facilities.....	274
A. Quantity and Size	274
B. Standards.....	275
11. Modifications.....	275

12.	Compliance with Design Standards	275
11-04-09.	Landscaping, Fencing, Walls, and Screening	275
1.	Purpose	275
2.	Applicability	276
	A. Development	276
	B. Compliance With Existing Approvals Required	276
	C. Existing Parking Lots.....	276
3.	General Landscaping Standards	277
	A. Landscape Plan Required	277
	B. Adopted Streetscape Plans	277
	C. Site Area Landscaping	277
	D. Landscape Material Standards.....	277
	E. Water Conservation Standards	279
	F. Placement and Installation of Trees	280
	G. Berms	282
	H. Clear Areas	282
	I. Irrigation	282
	J. Installation	282
4.	Street Frontage Landscaping	283
	A. Applicability.....	283
	B. Size and Location.....	283
	C. Street Trees.....	283
5.	Site Perimeter Buffers.....	284
	A. Arterial and Collector Street Buffering	284
	B. Other Side and Rear Perimeter Buffers.....	285
	C. Lot Buffers Between Different Land Uses	285
6.	Parking Lot Interior Landscaping	289
	A. Applicability.....	289
	B. Planter Design and Size	290
	C. Landscaping Locations.....	290
	D. Trees Required	291
	E. Lights Prohibited	292
7.	Building Foundation Planting	292
8.	Tree Preservation	292
	A. Credit Towards Required Landscaping.....	292
	B. Parking Reduction.....	292
	C. Mitigation Trees	292
	D. Protection During Construction.....	292
9.	Stormwater Integration	293
	A. Purpose.....	293
	B. Design Standards	293
10.	Fences, Walls, and Screening	295
	A. Permitted Fencing and Screening Materials	295
	B. Permitted Fences	295
	C. Retaining Walls	297
	D. Screening	298
11.	Alternative Compliance	301
	A. Purpose.....	301

	B. Process	301
	C. Standard	301
	D. Required Findings.....	301
12.	Compliance with Design Standards	302
11-04-010.	Assured Water Supply.....	302
1.	Purpose	302
2.	Applicability	302
3.	Exemption.....	303
4.	Designated Water Provider.....	303
5.	Elements of Demonstrating Assured Water Supply	303
	A. Physical and Legal Water Availability	303
	B. Continuous Water Availability	304
	C. Adequate Delivery and Quality	304
	D. Compliance with GMD, CGA, GMA, ARD Standards	304
	E. Standards and Guidelines	304
6.	Proof of Assured Water Supply Required.....	304
7.	Representations	305
8.	Certification and Required Recertification	305
	A. By the Designated Water Provider	305
	B. By the Applicant	305
11-04-011.	Exterior Lighting.....	305
1.	Purpose	305
2.	Applicability	306
3.	Prohibited Lighting.....	306
4.	General Standards	306
	A. Lighting Types and Efficiency	306
	B. Shielding	306
	C. Light Trespass	307
	D. Reduced Lighting During Evening Hours.....	308
	E. Maintenance.....	308
	F. Parking Lots or Areas.....	308
	G. Canopy Lighting	308
	H. Pedestrian-Scaled Lighting	309
	I. Lighting Within Planter Islands and Landscape Buffers	309
5.	Alternative Compliance	309
	A. Purpose.....	309
	B. Process	309
	C. Required Findings.....	309
6.	Historic Street Lights	310
	A. Applicability.....	310
	B. General Standards.....	313
	C. Exceptions to General Standards	313
	D. Installation	316
11-04-012.	Signs.....	316
1.	Purpose	316
2.	Applicability	317
3.	Prohibited Signs.....	317

4.	Signs Not Requiring a Permit	318
A.	General Signs.....	318
B.	Temporary Signs	318
5.	Signs Requiring a Permit.....	320
6.	General Sign Standards.....	320
A.	Sign Measurement	320
B.	Design.....	321
C.	Traffic Visibility	321
D.	Adjacent to Residential Zones	321
E.	Street Trees.....	321
F.	Maintenance and Repair	321
7.	On-Premise Signs	321
A.	Accessory On-Premise Signs	321
8.	Alternative Sign Plan	326
9.	Off-Premise Signs	327
A.	Off-Site Identification.....	327
B.	Poster Panel and Bulletin Panel Off-Premise Signs (Billboards)	327
10.	Special Sign Districts	328
A.	Capitol Boulevard Sign Standards.....	328
11-04-013.	Operations and Maintenance	329
1.	Landscaping, Buffering, and Screening Maintenance	329
2.	Exterior Lighting	330
3.	Signs.....	330
4.	Glare, Heat, Smoke, Fumes, Radiation, and Odors	330
5.	Vibration	330
6.	Hazardous Materials.....	330
7.	Waste Materials	330
Chapter 11-05 Administration and Procedures.....		331
11-05-01. Purpose.....		331
11-05-02. Summary Table of Review and Decision-Making Procedures		331
11-05-03. Review and Decision-Making Bodies		335
1.	Purpose	335
2.	City Council.....	335
A.	Duties, Jurisdiction, and Authority	335
B.	Membership.....	336
C.	Procedures.....	336
3.	Planning and Zoning Commission	337
A.	Duties, Jurisdiction, and Authority	337
B.	Membership.....	337
C.	Procedures.....	338
4.	Design Review Commission.....	338
A.	Duties, Jurisdiction, and Authority	338
B.	Limitations	339
C.	Membership.....	339
D.	Procedures.....	340
5.	Historic Preservation Commission	340

A. Duties, Jurisdiction, and Authority	340
B. Membership	340
C. Procedures.....	341
6. Hearing Examiner	341
A. Duties, Jurisdiction, and Authority	341
B. Qualifications.....	341
C. Procedures.....	342
7. Planning Director	342
A. Duties, Jurisdiction, and Authority	342
B. Qualifications.....	343
8. Floodplain Administrator	343
A. Duties, Jurisdiction, and Authority	343
9. City Engineer	345
A. Duties, Jurisdiction, and Authority	345
11-05-04. Common Procedures	345
1. General.....	345
2. Four Paths for Review and Approval	346
A. Type 1 - Ministerial Decisions	346
B. Type 2 - Planning Director Decisions	346
C. Type 3 - Appointed Body Decisions	346
D. Type 4 - City Council Decisions	347
3. Pre-Submittal Activities.....	347
A. Concept Review	347
B. Neighborhood Meeting	348
C. Interdepartmental Review.....	349
4. Application Submittal and Processing	350
A. Application Submittal and Fees	350
B. Application Processing.....	351
C. Concurrent Permit Processing	351
D. Mediation.....	352
5. Scheduling and Notice of Public Hearing	353
A. Notice	353
B. Public Hearing Procedure and Conduct	355
6. Decision	359
A. Decision.....	359
B. Period of Validity	363
C. Regulatory Takings Analysis	366
7. Post-Decision Actions and Limitations.....	367
A. Appeals	367
B. Modifications of Approvals	371
11-05-05. Specific Procedures	373
1. Type 1 Ministerial Decisions.....	373
A. Sign Permit for On-Premise Sign.....	373
B. Temporary Use Permit	374
C. Zoning Compliance Review	375
2. Type 2 Administrative Decisions.....	376
A. Allowed Use with Allowed Zone-Specific Standards	376
B. Alternative Sign Plan	377

C. Certificate of Appropriateness - Minor	377
D. Conditional Use Permit - Minor Modification	379
E. Design Review - Minor	380
F. Floodplain Permit	381
G. Hillside Development Permit - Category 2.....	382
H. Legal Nonconformity - Confirmation, Change, or Minor Expansion	383
I. Planned Unit Development Modification - Minor	385
J. Reasonable Accommodation for Accessibility	386
K. Record of Survey	387
L. Residential Small Lot Approval - Minor	388
M. River System Permit - Minor	389
N. Zoning Certificate	390
3. Type 3 Decisions by an Appointed Body.....	392
A. Allowed Use with Alternative Zone-Specific Standards	392
B. Certificate of Appropriateness - Major	393
C. Conditional Use Permit - Initial Approval or Major Modification	398
D. Design Review - Major	402
E. Floodplain Variance	404
F. Hillside Development Permit - Category 3.....	407
G. Legal Nonconformity - Major Expansion	408
H. Planned Unit Development Modification - Major	409
I. Reclassification of Historic Resource.....	409
J. Residential Small Lot Approval - Major	411
K. River System Permit - Major	411
L. Variance	413
4. Type 4 Major Decisions by City Council.....	414
A. Annexation of Land and Related Zoning Map Amendment	414
B. Code Adoption or Amendment	420
C. Comprehensive Plan Adoption or Amendment	421
D. Development Agreement or Modification	423
E. Major Historic Preservation Actions	425
F. Subdivision Plat - Preliminary	433
G. Subdivision Plat - Final.....	435
H. Subdivision Plat – Vacation.....	436
I. Zoning Map Amendment (Rezoning, including Planned Unit Development)	437
11-05-06. Nonconformities	441
1. Legal Nonconforming Uses, Parcels, and Structures.....	441
2. Determination of Legal Nonconforming Status	441
3. Legal Nonconforming Parcels	441
4. Legal Nonconforming Structures	441
5. Legal Nonconforming Uses	441
6. Legal Nonconforming Signs	442
7. Legal Nonconforming Site Features	442
8. Discontinuance of Use, Building, or Sign	443
9. Destruction by Calamity	443
11-05-07. Violations, Enforcement, and Penalties	443
1. Authority	443

2.	Violation.....	443
	A. General	443
	B. Housing Affordability Incentives	444
3.	Inspection And Enforcement	444
	A. General	444
	B. Inspections	445
	C. Withholding of Permits and Approvals	445
	D. Abatement	445
4.	Remedies And Penalties	446
	A. General Penalties.....	446
	B. Housing Affordability Incentive Penalties.....	446
	C. Revocation of Permits and Certificates	446
5.	Required Property Maintenance.....	447
	A. Purpose.....	447
	B. General	447
	C. Restoration of a Damaged or Dilapidated Building or Completion of an Unfinished Building	447
	D. Due Process Hearing	447
	E. Notice	447
	F. Required Findings.....	448
	G. Restoration and Demolition	448
Chapter 11-06 Definitions.....		449
11-06-01. Meanings of Words Generally		449
1.	General Rules.....	449
	A. Meanings and Intent	449
	B. Headings, Illustrations, And Text	449
	C. Lists and Examples	449
	D. Computation of Time	449
	E. References to Other Regulations/Publications	449
	F. Delegation of Authority	449
	G. Technical and Non-Technical Terms	449
	H. Public Officials and Agencies	449
	I. Mandatory and Discretionary Terms	450
	J. Conjunctions.....	450
	K. Tenses and Plurals	450
2.	Interpretations.....	450
11-06-02. Rules of Measurement.....		450
1.	Density.....	450
2.	Fractions	450
	A. Off-Street Parking, Loading, or Vehicle Stacking.....	450
	B. Landscaping.....	450
3.	Lot and Building Standards	450
	A. Backup Space.....	450
	B. Buildable Area.....	450
	C. Effective Lot Area	451
	D. Floor Area, Gross	451
	E. Floor Area, Net Leasable	451

F. Floor Area Ratio (FAR)	451
G. Grade	451
H. Grade, Established.....	451
I. Lot Area.....	451
J. Lot Coverage	451
K. Lot Depth	451
L. Lot Width (Average)	451
M. Non-buildable Area	453
N. Open Space	453
O. Percent Slope	453
P. Story	453
Q. Story Above Grade Plane	453
4. Height.....	453
A. Building Height.....	453
B. Fence Height	453
C. Retaining Wall Height	453
5. Setbacks	454
A. Definitions.....	454
B. Measurement	454
11-06-03. Definitions	456
A	456
B	461
C	467
D	471
E	475
F	476
G	486
H	486
I	492
J	493
K	493
L	493
M	497
N	498
O	501
P	502
Q	506
R	506
S	508
T	518
U	519
V	520
W	521
X	524
Y	524
Z	524
Chapter 11-07 Adopted Specific Plans.....	525

11-07-01. Harris Ranch	525
1. Interpretation of District	525
A. Specific Plan District Established	525
B. Boundary of Specific Plan District Established	525
C. Interpretation of District Boundaries	525
2. Purpose	525
3. Conformity Required	525
4. Administration	526
A. Harris Ranch Review Board	526
B. Planning Director	526
C. Design Review Commission	526
D. Planning and Zoning Commission	526
E. City Council	527
F. Annual Review	527
5. Administrative Review - Use	527
A. Uses Specified Within the Harris Ranch Specific Plan	527
B. Uses Not Specified Within the Harris Ranch Specific Plan	528
C. Application	529
D. Fees	530
E. Review Period	530
F. Term	530
G. Revocation	530
6. Administrative Review-Design	530
7. Hearing Process	532
A. Procedure Before the Review Body	532
8. General and Specific Use Standards	532
A. Purpose	532
B. General Standards	533
C. Specific Use Standards	535
9. Parking Standards - General	548
A. Purpose	548
B. Use	548
C. Fractional Requirements	549
D. Reduction of Parking Requirements (Single Use)	549
E. Distance for Private Off-Street Parking When Off-Site	550
F. Restricted Parking	550
G. Compact Spaces	551
H. Tandem Parking	551
I. Drive-Through Facilities	551
J. Access to Parking	551
K. Bicycle Parking	551
L. Parking Garage Screening	552
M. Accessible Parking Spaces	552
N. Exceptions	552
O. Dimensions	553
P. Design	553
Q. Location	553
R. Common Facilities for Joint and Mixed Uses	553

S.	Public and Private Parking Areas	554
T.	Parking Lot and Service Drive Improvements	557
U.	Short Term Parking	560
V.	Loading Requirements	560
W.	Temporary Parking Lots	561
10.	Sign Standards	561
A.	Purpose	561
B.	General Provisions and Requirement	562
C.	Sign Orientation	562
D.	Sign Area	562
E.	Street Address	563
F.	Blanketing of Signs	563
G.	Signs Adjacent to Predominantly Residential Areas	563
H.	Signs in Areas Where a Use Exception Has Been Approved	563
I.	Gateway Streets	563
J.	Special Sign District	563
K.	Sign Maintenance and Repair	564
L.	Abandoned Signs	564
M.	Clear Vision Triangles	564
N.	Further Regulation of Particular Sign Types	567
O.	Signs for Which a Permit Is Not Required	569
P.	Nonconforming Signs	571
Q.	Prohibited Signs	572
11-07-02.	Barber Valley	573
1.	Applicability of Ordinance	573
2.	Interpretation of Districts	573
A.	Sub-Districts Established	573
B.	District Boundaries	573
3.	Conformity Required	573
A.	General	573
B.	Purpose of SP02-LR Sub-District	573
C.	Purpose of SP02-MR Sub-District	574
D.	Purpose of SP02-HR Sub-District	574
E.	Purpose of SP02-OMR Sub-District	574
F.	Purpose of SP02-OC Sub-District	574
G.	Purpose of SP02-P Sub-District	574
H.	Design Review	574
I.	Allowed Uses	575
J.	Lot and Structure Dimensions	580
K.	Property Development Standards	581
4.	Off-Street Parking and Loading Requirements	582
5.	Administrative Provisions	582
A.	Plat Approval Criteria	582
B.	Annexation into SP02 District	582
C.	Amendments	582
D.	Exceptions	582
E.	Periodic Review	583
6.	Definitions	583

A. Assisted Living Apartment	583
B. Barber Valley Specific Plan Zoning Ordinance	583
C. Barber Valley Specific Plan	583
D. Barber Valley Specific Plan Applicant	583
E. Barber Valley Specific Plan District	583
F. Continuing Care Retirement Community	584
G. Memory Care Facility	584
H. Skilled Nursing Facility	584
11-07-03. Syringa Valley	588
1. Applicability of Ordinance	588
2. Interpretation of Districts:	588
A. Sub-Districts Established.....	588
B. District Boundaries.....	588
3. Conformity Required	588
A. General	588
B. Purpose of the Low-Density Residential (LR) Sub-District	588
C. Purpose of the Medium-Density (MR) Sub-District.....	589
D. Purpose of the Village Center (VC) Sub-District.....	589
E. Purpose of the Commercial/Business Campus (CB) Sub-District	589
F. Purpose of the Industrial (IND) Sub-District.....	589
G. Residential District Standards.....	589
H. Allowed Uses.....	590
I. Lot and Structure Dimensions	593
J. Property Development Standards	594
K. Design Review	595
4. Off-Street Parking and Loading Requirements	595
A. Plat Approval Criteria	596
B. Annexation Into SP-03 Syringa Valley Specific Plan District	596
C. Amendments.....	596
D. Exceptions.....	596
E. Periodic Review.....	597
5. Definitions	597
A. Syringa Valley Specific Plan Zoning Ordinance	597
B. Syringa Valley Specific Plan.....	597
C. Syringa Valley Specific Plan Applicant	597
D. Syringa Valley Specific Plan District	597
E. Boise City Code.....	597
F. Gross Acres	597
G. Continuing Care Retirement Community	597
H. Memory Care Facility	598
I. Skilled Nursing Facility	598
Chapter 11-08 Appendix A.....	600
11-08-01. Prior Zoning Conversion	600

Chapter 11-01 General Provisions

11-01-01. Title and Authority

1. Title

This Code shall be known as the "Boise Zoning Code" and is referred to in this document as the "Code."

2. Authority

This Code is adopted under the authority for the Local Land Use Planning Act (LLUPA) established in Title 67, Chapter 65, of the Idaho State Statutes including, but not limited to §67-6520 ("the Local Land Use Planning Act"); Plats and Vacations established in Title 50, Chapter 13; and Preservation of Historic Sites established in Title 67, Chapter 46.

11-01-02. Effective Date

This Code shall become effective on December 1, 2023. All references in this Code to the "Effective Date of this Code" or to the "Effective Date" shall refer to that date unless otherwise stated.

11-01-03. Purpose

This purpose of this Code is to:

1. Promote the public health, safety, and general welfare of present and future residents;
2. Bring about coordinated and efficient development that encourages affordable and fair housing, stimulates economic opportunity, and promotes diverse, inclusive communities with a variety of housing choices for residents;
3. Preserve and enhance natural resources, promote the use of environmentally friendly development practices, and promote energy conservation and alternative energy production;
4. Protect the character of residential, institutional, business, employment, and natural areas;
5. Achieve an integrated approach to land use and transportation to provide a safe, efficient, equitable transportation system for pedestrians, bicyclists, transit, and vehicles;
6. Emphasize the importance of high-quality urban design in the built environment; and
7. Protect the City's historic resources and support the development of public spaces that promote community interactions, gatherings, and cultural events.

11-01-04. Applicability

1. Uniform Applicability

A. It shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the base zoning district, and in any applicable overlay zoning district, in which the structure, building, land, or use is located and in compliance with all applicable provisions of this Code.

B. In addition to complying with all applicable provisions of this Code, no property shall be allowed to maintain an attractive nuisance or public nuisance at any time.

2. Public Services Excepted

This Code shall not limit or interfere with the temporary use of any property as a public voting place, or with the construction, installation, or operation of the following by any public agency

or private corporation, when such construction is otherwise in conformity with all federal, state, county, and city regulations:

- A.** Public street or highway.
- B.** Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, wells, valves, or any other similar distributing and transmitting equipment for telephone or other communications; electric power, gas, water, and sewer lines, provided that the installation shall conform when applicable with the rules and regulations of any federal or state commissions and agencies, or any other authorities having jurisdiction and subject to other city ordinance provisions, rules, and regulations; except that poles, towers, or similar installations of a height of 85 feet or greater are subject to the standards in Section 11-03-03.5.J, *Utility Facility, Minor*. Electrical substations are considered a major utility facility and are subject to the requirements of this Code.
- C.** Railroad right-of-way, excluding yards and stations.
- D.** Incidental appurtenances to any of the above.

11-01-05. Area of City Impact

1. Area of City Impact Boundary Map

The Area of City Impact is the area designated on the Boise City Area of City Impact Boundary Map as amended, incorporated in this Code by reference. Copies are available for inspection at the Planning and Development Services Department and on the City's website.

2. Annexation Area

Boise City shall limit its annexation to those lands within its Area of City Impact. If Boise City wishes to annex lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact Boundary with Ada County in accord with Idaho Code 67-6526(d) unless renegotiation is not required pursuant to Idaho Code 50-222, Annexation by Cities, Category A.

3. Applicable Plan Policies and Ordinances

- A.** The adopted Comprehensive Plan shall apply within the unincorporated part of the Boise Area of City Impact.
- B.** The Zoning Ordinance set forth in Title 8 of the Ada County Code shall be used to implement the Comprehensive Plan within the Area of City Impact. All land use applications shall also comply with the provisions of this Chapter.
- C.** The Boise City Uniform Street and Address Number Ordinance set forth in Section 7-4-1 of the Boise City Code shall apply to all property within the Area of City Impact. Street names and addresses shall be assigned by Boise City. Existing street names and addresses in the Area of City Impact, not in compliance with the Boise City Uniform Street and Address Number Ordinance at the time this Section goes into effect, shall not be changed until address changes are necessary for address continuity.
- D.** The Boise City Impact Fee Ordinance set forth in Title 9, Chapter 2 of the Boise City Code shall be applicable within the Area of City Impact in accordance with the Agreement for the Collection of Boise City Park Impact Fees for Development in the Boise City Area of City Impact. Development of parks by Boise City within the Area of Impact shall be subject to the provisions of the agreement, adopted by Boise City and Ada County, and made a part of this Code by this reference.

4. Coordination of Plan Amendments, Code Amendments, and Zoning Applications

A. At least 30 days prior to a Planning and Zoning Commission (PZC) hearing, all County and City amendments to their respective Comprehensive Plans and Zoning Ordinances that apply within the Boise City Area of City Impact shall be sent by the entity considering such amendment to the other entity. The City shall send all Code Amendments to the County.

B. At least 30 days prior to any public hearing, all County applications for subdivisions, rezones, and conditional use permits within the Boise City Area of City Impact shall be sent to Boise City. Written comments and recommendations shall be sent to Ada County no later than 24 days after the referral is received. The City Council may direct that the PZC or staff review and comment on such applications.

C. Applications for Subdivisions and Zoning Map Amendments within the Boise Area of Impact shall occur as a result of a request for annexation to Boise City; however, Ada County may consider such applications in those exceptions where annexation is not approved by Boise City or where the parcel on which such application is filed is not contiguous to Boise City and therefore cannot be annexed.

5. Renegotiation

A. In accordance with Idaho Code 67-6526(d), the Boise City Council or the Board of Ada County Commissioners may request to renegotiate any provision of this Section 11-01-05.5. Within 30 days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

B. While renegotiation is occurring, the provisions of this Section shall remain in effect until this Chapter is amended or a substitute ordinance is adopted by Boise City and Ada County, in accordance with the notice and hearing procedures provided in Ada County and Idaho Codes, or until a declaratory judgment from the District Court is final. However, this Section or stipulated portions of this Section shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

11-01-06. Relationship to Other Laws and Regulations

1. Other Laws

A. All the provisions of this Code 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. Where this Code imposes greater restrictions than those imposed by other law or by private restrictions, this Code shall prevail.

B. The stricter provisions of the Boise Air Terminal regulations, Central District Health, and other regulating ordinances or codes shall apply in the enforcement of this Code.

2. Most Restrictive Regulations Govern

A. Wherever the regulations of this Code require a greater width or size of building setbacks, are more restrictive as to height of building or permit a lower number of stories, require a greater percentage of lot to be left unoccupied, or impose standards that are more restrictive than are required by any other City ordinance or regulation, the provisions of this Code shall apply.

- B.** Notwithstanding Subsection 1., above, in the case of a conflict between the standards in an overlay district and another provision of this Code, the provisions of the overlay district shall apply.
- C.** Wherever the provisions of any other City ordinance or regulation require a greater width or size of building setbacks, are more restrictive as to the height of buildings or permit a lower number of stories, require a greater percentage of lot to be left unoccupied, or impose other standards that are more restrictive than are required by the regulations contained in this Code, the provisions of such ordinance or regulation shall apply.

11-01-07. Relationship to City Policies and Best Practices

The City maintains a repository of adopted policies and best practices. These policies and practices may be used to supplement the interpretation of this Code when they are not inconsistent with the provisions of this Code or other adopted city, state, or federal laws or regulations.

11-01-08. Relationship to Private Covenants

This Code is not intended to impair or interfere with other regulations of private restrictions on the use of land improvements and structures. The provisions of this Code shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant, or deed restriction. Where this Code imposes greater restrictions than those imposed by private restrictions, this Code shall prevail. The City shall not have any obligation to enforce any private covenant or agreement unless it is a party to the covenant or agreement; if the City is a party to the covenant or agreement, enforcement shall be at the discretion of the City.

11-01-09. Transition from Prior Zoning Code

- 1.** The enactment of this Code shall not terminate or otherwise affect rights, Variances, permits, and approvals acquired or authorized under prior Code.
- 2.** Except as stated in Subsection 3., where any development permit or approval required by this Code and any Building Permit required by the City has been issued for the construction of a building or structure, and for an authorized use and occupancy of that use, in accordance with the law prior to the Effective Date, the building or structure may be completed in conformance with the approved plans and on the basis for which the development permit or approval and/or Building Permit had been issued, provided construction of the building or structure is commenced.
- 3.** Applicants that have a valid pre-application meeting case number prior to the Effective Date of this Code but have not submitted a complete application prior to the Effective Date shall be subject to the terms and conditions of this Code. Upon showing an undue hardship, an applicant may be allowed by the Planning and Zoning Commission to process such applications under the terms and conditions of the previous Code.
- 4.** Prior zoning classifications shall convert to the zoning districts of this Code generally in accordance with Table 11-08.1 in Chapter 11-08, *Appendix A*.

11-01-010. Severability

Each section, clause, and provision of this Code is declared severable. If a court of competent jurisdiction declares that any section, clause, or provision of this Code is invalid, the same shall not affect the validity of the remainder of this Code as a whole, or any other part of this Code, or the application of the provisions to other persons or circumstances, and the remainder shall continue in full force and effect.

Chapter 11-02 Zoning Districts

11-02-01. Zoning Districts Established

1. Summary Table of Zoning Districts

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

TABLE 11-02.1: BOISE ZONING DISTRICTS	
RESIDENTIAL DISTRICTS	OVERLAY DISTRICTS
R-1A Residential: Large Lot	CHARACTER OVERLAY DISTRICTS
R-1B Residential: Suburban	HC-O Hyde Park Character Overlay
R-1C Residential: Traditional	NC-O Near North End Character Overlay
R-2 Residential: Compact	NEIGHBORHOOD OVERLAY DISTRICTS
R-3 Residential: Urban	BC-O Big Sky Overlay
MIXED-USE DISTRICTS	SC-O Sycamore Overlay
MX-1 Mixed-Use: Neighborhood	DESIGN REVIEW OVERLAY DISTRICTS
MX-2 Mixed-Use: General	CD-O Capitol Boulevard Design Overlay
MX-3 Mixed-Use: Active	HD-O Historic Design Overlay
MX-4 Mixed-Use: Transit Oriented Development (TOD) Node	SENSITIVE LANDS OVERLAY DISTRICTS
MX-5 Mixed-Use: Downtown	AI-O Airport Influence Area Overlay
MX-U Mixed-Use: University	BR-O Boise River System Overlay
MX-H Mixed-Use: Health	FP-O Flood Protection Overlay
INDUSTRIAL DISTRICTS	HS-O Hillside Development Overlay
I-1 Industrial: Light	WUI-O Wildland Urban Interface Overlay
I-2 Industrial: Heavy	SPECIFIC PLAN DISTRICTS
I-3 Industrial: Technology	SP-1 Harris Ranch Specific Plan District
OPEN LAND DISTRICTS	SP-2 Barber Valley Specific Plan District
A-1 Open Land: Very Low Density	SP-3 Syringa Valley Specific Plan District
A-2 Open Land: Reserve	

2. Official Zoning Map

A. Incorporation of Map

(1) The location and boundaries of zoning districts are shown upon the Official Zoning Map for Boise City.

(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. A digital version of the Official Zoning Map will be made available through the City's website.

B. Rules for Interpretation of Boundaries

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 centerline thereof.

(2) Where a boundary line is indicated as approximately following a lot line/property line, such lot line/property line shall be construed to be the boundary line.

(3) A parcel with two or more zoning districts or overlays shall meet the applicable development parameters such as uses, density, coverage, height, setbacks, and applicable regulations for each particular zone separately for each portion of the parcel which is split-zoned.

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 11-05-05.4.I, *Zoning Map Amendment (Rezoning, including Planned Unit Development)*.

3. Organization of this Chapter

A. Base Zoning Districts

(1) Content

Sections 11-02-02 through 11-02-06 follow a common structure for each base zoning district in Boise. Each district includes the following:

- (a) A purpose statement describing the intended character of the district.
- (b) Chapters and sections of the Code that contain additional requirements for development in the district.
- (c) The basic lot and building standards that apply to development within that district such as lot size, setbacks, building height, and building form.
- (d) Other standards that apply to that district (as opposed to a specific use or type of development).

(2) Graphics

- (a) 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.
- (b) The graphics and illustrations are not regulatory and are not to be compared to the visual look of a proposed development.
- (c) The graphics do not reflect all standards from the Code that may apply to a project and are intentionally conceptual versus detailed.
- (d) 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 apply.

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. Each overlay district title ends with “-O” (for overlay).

(2) Section 11-02-07 identifies the overlay districts and establishes the purpose and applicable standards that modify the requirements of the underlying base zoning district.

11-02-02. Residential Zoning Districts

1. R-1A Residential: Large Lot

A. Purpose

The R-1A district is intended for predominantly residential uses on large “estate” style lots that allow low-density development and preserve a character in which homes are separated by relatively large yards.

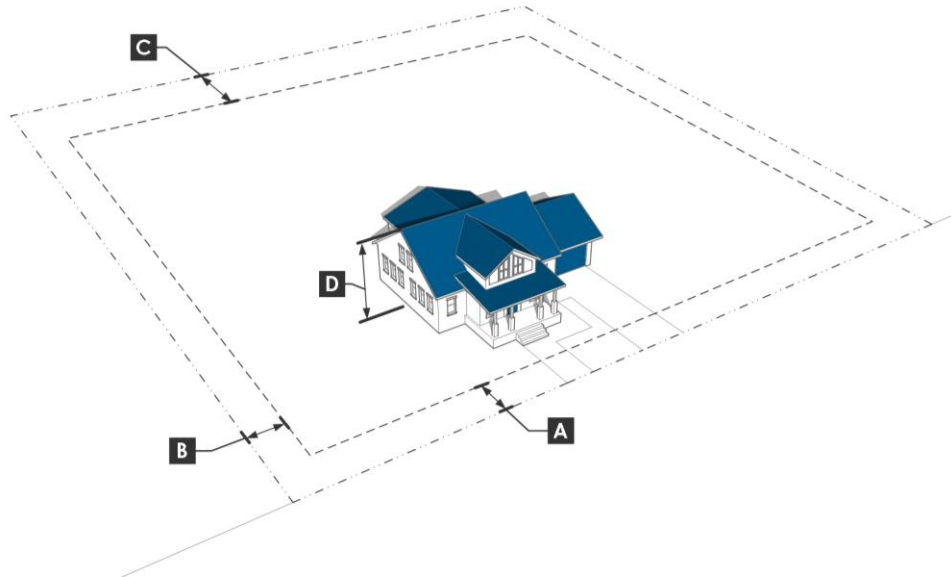


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.3: R-1A LOT AND BUILDING STANDARDS

LOT STANDARDS [1]

Lot Area (minimum) [2]	20,000 sf.
Lot Width (average)	75 ft.
Street Frontage (minimum)	20 ft.
Density (maximum) [2][3]	2.1 units/acre

SETBACKS (MINIMUM)

A	Front	
	Front Entry Parking/Garage	20 ft.
	Remainder of Structure	15 ft.
	Street Side	
	Side Street Entry Parking/Garage	20 ft.
	Remainder of Structure [4]	20 ft.
B	Interior Side [5]	10 ft.
C	Rear	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	35 ft.

Notes:

[1] All Residential Small Lots shall meet the standards in Section 11-04-03.4, *Residential Small Lots*.

[2] Minimum lot area and maximum density requirements shall not apply to Accessory Dwelling Units or Duplex Dwellings.

TABLE 11-02.3: R-1A LOT AND BUILDING STANDARDS

[3] Maximum density requirement shall not apply to properties using housing incentives earned pursuant to Section 11-04-03.7.D.

[4] See Section 11-06-02.5.B(4).

[5] No interior side setback is required between Single-Family Attached Dwellings.

D. Streetscape Standards

All new development or an intensification of the development, with the exception of an Accessory Dwelling Unit or Single-Family Detached Dwelling on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

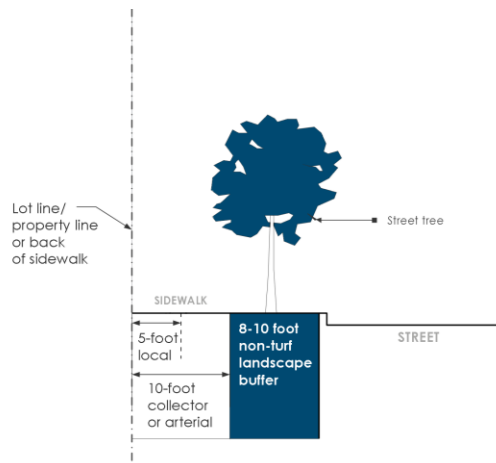


Figure 2.1. R-1A Streetscape Standards

2. R-1B Residential: Suburban

A. Purpose

The R-1B district is intended to accommodate predominantly residential uses on medium- and large-sized lots as well as supportive civic and community uses.

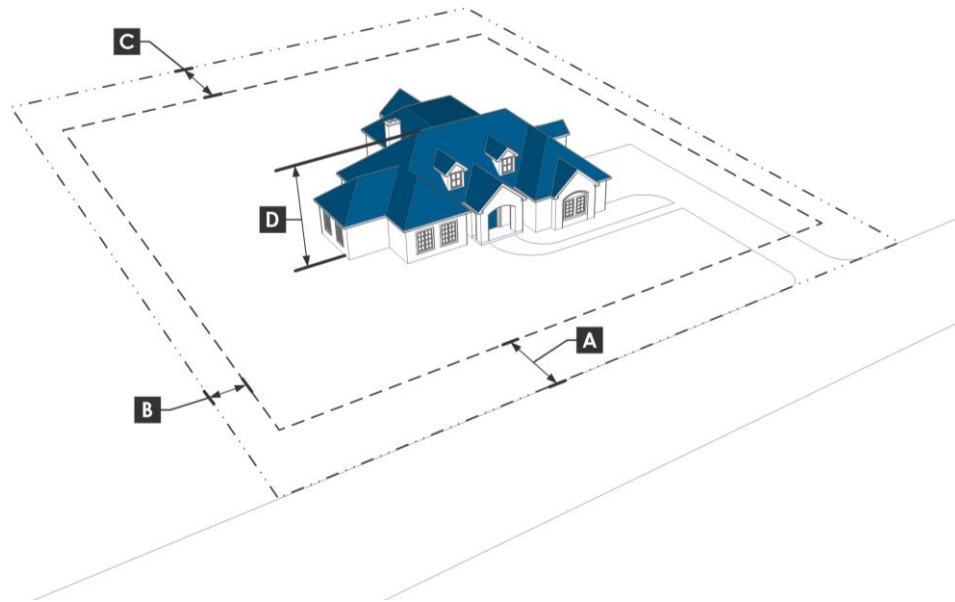


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.5: R-1B LOT AND BUILDING STANDARDS

LOT STANDARDS [1]

	Lot Area (minimum) [2]	9,000 sf.
	Lot Width (average)	50 ft.
	Street Frontage (minimum)	20 ft.
	Density (maximum) [2][3]	4.8 units/acre

SETBACKS (MINIMUM)

A	Front	
	Front Entry Parking/Garage	20 ft.
	Remainder of Structure	15 ft.
	Street Side	
	Side Street Entry Parking/Garage	20 ft.
	Remainder of Structure [4]	20 ft.
B	Interior Side [5]	10 ft.
C	Rear	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	35 ft.

Notes:

[1] All Residential Small Lots shall meet the standards in Section 11-04-03.4, *Residential Small Lots*.

TABLE 11-02.5: R-1B LOT AND BUILDING STANDARDS

- [2] Minimum lot area and maximum density requirements shall not apply to Accessory Dwelling Units or Duplex Dwellings.
- [3] Maximum density requirement shall not apply to properties using housing incentives earned pursuant to Section 11-04-03.7.D.
- [4] See Section 11-06-02.5.B(4).
- [5] No interior side setback is required between Single-Family Attached Dwellings.

D. Streetscape Standards

All new development or an intensification of the development, with the exception of an Accessory Dwelling Unit or Single-Family Detached Dwelling on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

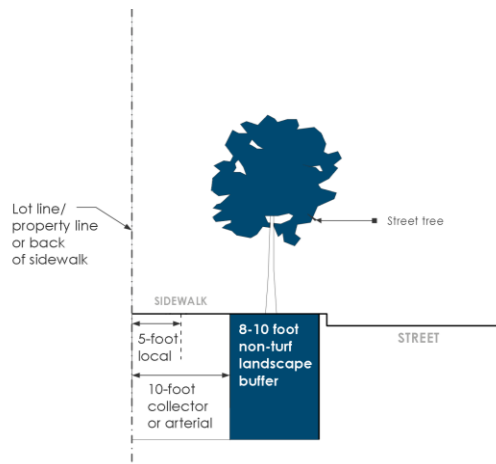


Figure 2.2. R-1B Streetscape Standards

3. R-1C Residential: Traditional

A. Purpose

The R-1C district is intended to provide predominantly residential uses on smaller-sized lots as well as supportive civic and community uses.

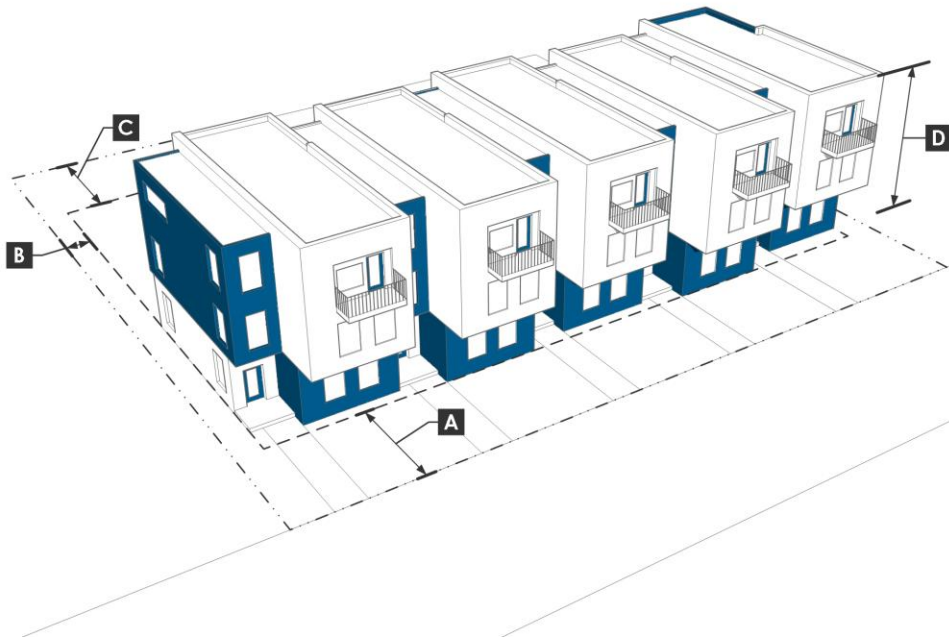


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.7: R-1C LOT AND BUILDING STANDARDS

LOT STANDARDS [1]

	Lot Area (minimum) [2]	3,500 sf.
	Lot Width (average)	25 ft.
	Street Frontage (minimum)	20 ft.
	Density (maximum) [2][3]	12.4 units/acre

SETBACKS (MINIMUM)

A	Front	
	Front Entry Parking/Garage	20 ft.
	Remainder of Structure	15 ft.
	Street Side	
	Side Street Entry Parking/Garage	20 ft.
	Remainder of Structure	15 ft.
B	Interior Side [4]	5 ft. or 10 ft. [5]
C	Rear	15 ft.

HEIGHT (MAXIMUM)

D	Building Height	3 stories, not to exceed 40 ft.

Notes:

TABLE 11-02.7: R-1C LOT AND BUILDING STANDARDS

- [1] All Residential Small Lots shall meet the standards in Section 11-04-03.4, *Residential Small Lots*.
- [2] Minimum lot area and maximum density requirements shall not apply to Accessory Dwelling Units or Duplex Dwellings.
- [3] Maximum density requirement shall not apply to properties using housing incentives earned pursuant to Section 11-04-03.7.D.
- [4] No interior side setback is required between Single-Family Attached Dwellings.
- [5] For the third story of a building when abutting a single-story building.

D. Streetscape Standards

All new development or an intensification of the development, with the exception of an Accessory Dwelling Unit or Single-Family Detached Dwelling on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

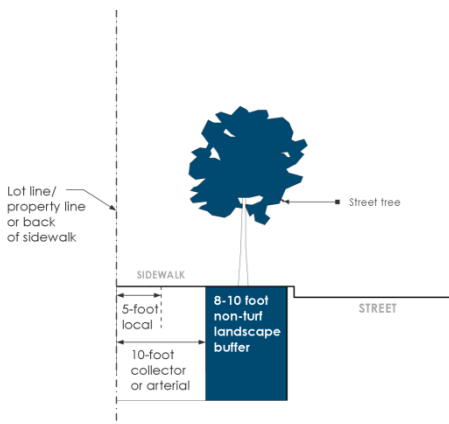


Figure 2.3. R-1C Streetscape Standards

4. R-2 Residential: Compact

A. Purpose

The R-2 district is intended to provide a flexible mix of compact detached, attached, and Multiple-Family housing as well as civic, community, and limited commercial uses.

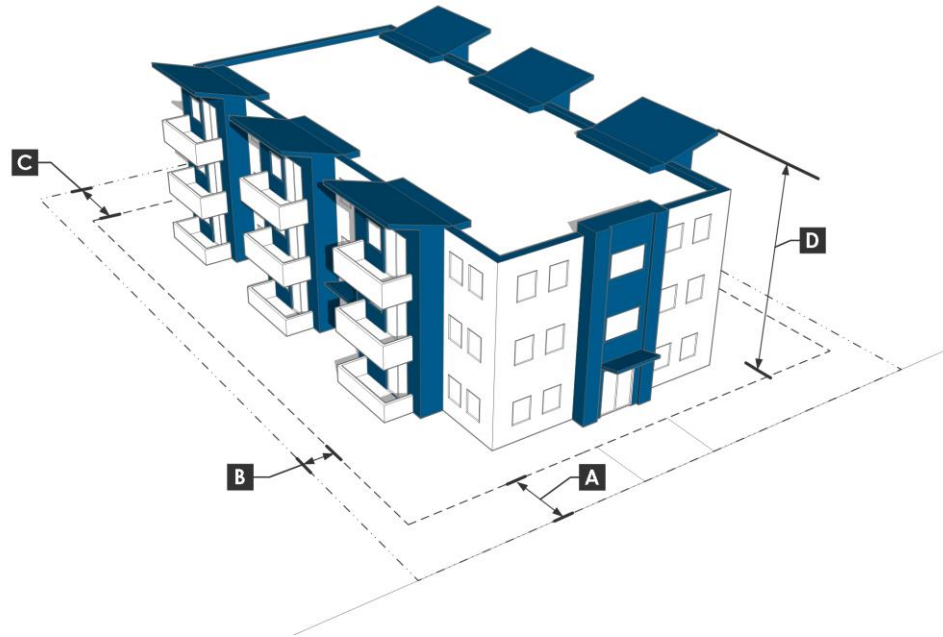


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.9: R-2 LOT AND BUILDING STANDARDS

LOT STANDARDS [1]

	Lot Area (minimum) [2]	2,500 sf.
	Lot Width (average)	20 ft.
	Street Frontage (minimum)	20 ft.
	Density (maximum)	N/A

SETBACKS (MINIMUM)

A	Front	
	Front Entry Parking/Garage	20 ft.
	Remainder of Structure	10 ft.
	Street Side	
	Side Street Entry Parking/Garage	20 ft.
	Remainder of Structure	15 ft.
B	Interior Side [3]	5 ft. or 10 ft. [4]
C	Rear	15 ft. [5]

HEIGHT (MAXIMUM)

D	Building Height	4 stories not to exceed 45 ft.

Notes:

[1] All Residential Small Lots shall meet the standards in Section 11-04-03.4, *Residential Small Lots*.

[2] Minimum lot area requirements shall not apply to Accessory Dwelling Units or Duplex Dwellings.

TABLE 11-02.9: R-2 LOT AND BUILDING STANDARDS

- [3] No interior side setback is required between Single-Family Attached Dwellings.
- [4] For the third story or higher of a building when abutting a single-story building.
- [5] Reduced to 5 ft. when rear property line abuts an alley.

D. Streetscape Standards

All new development or an intensification of the development, with the exception of an Accessory Dwelling Unit or Single-Family Detached Dwelling on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

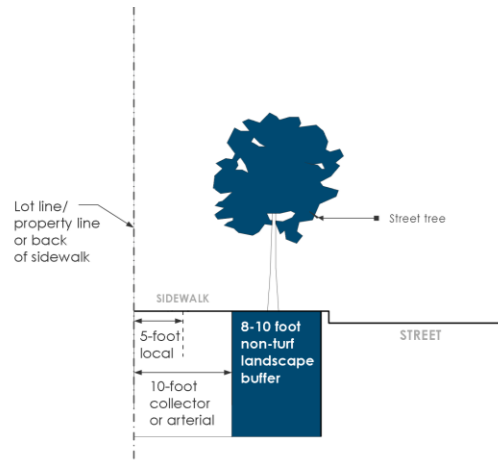


Figure 2.4. R-2 Streetscape Standards

5. R-3 Residential: Urban

A. Purpose

The R-3 district is intended to provide predominantly residential development near retail, employment, transit, and other concentrated uses, as well as supportive civic, public, institutional uses, and limited commercial uses.

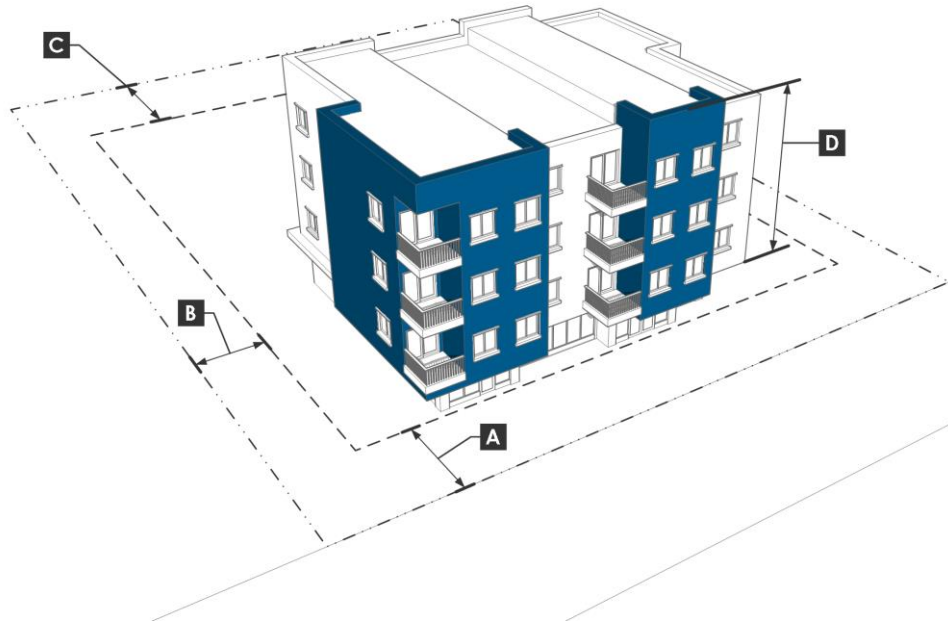


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.11: R-3 LOT AND BUILDING STANDARDS

LOT STANDARDS [1]

	Lot Area (minimum) [2]	Single-Family Attached: 1,500 sf. All Other Uses: 2,000 sf.
	Lot Width (average)	20 ft.
	Street Frontage (minimum)	20 ft.
	Density (maximum)	N/A

SETBACKS (MINIMUM)

A	Front	
	Front Entry Parking/Garage	20 ft.
	Remainder of Structure	10 ft.
	Street Side	
	Side Street Entry Parking/Garage	20 ft.
	Remainder of Structure	15 ft.
B	Interior Side [3]	5 ft. or 10 ft. [4]
C	Rear	15 ft. [5]

HEIGHT (MAXIMUM)

D	Building Height	4 stories not to exceed 50 ft.

Notes:

TABLE 11-02.11: R-3 LOT AND BUILDING STANDARDS

- [1] All Residential Small Lots shall meet the standards in Section 11-04-03.4, *Residential Small Lots*.
- [2] Minimum lot area requirements shall not apply to Accessory Dwelling Units or Duplex Dwellings.
- [3] No interior side setback is required between Single-Family Attached Dwellings.
- [4] For the third story or higher of a building when abutting a single-story building.
- [5] Reduced to 5 ft. when rear property line abuts an alley.

D. Streetscape Standards

All new development or an intensification of the development, with the exception of an Accessory Dwelling Unit on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

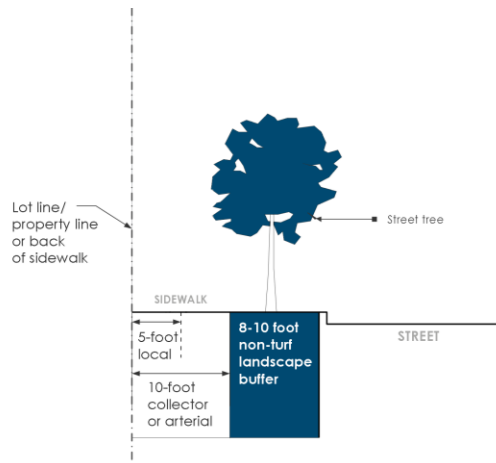


Figure 2.5. R-3 Streetscape Standards

11-02-03. Mixed-Use Zoning Districts **MX-1 Mixed-Use: Neighborhood**

A. Purpose

The MX-1 district is intended to provide opportunities for a mix of neighborhood-serving small-scale commercial, institutional, and residential uses. It is intended to facilitate convenient, walkable access to these services while fostering pedestrian-oriented design and the creation of neighborhood districts.

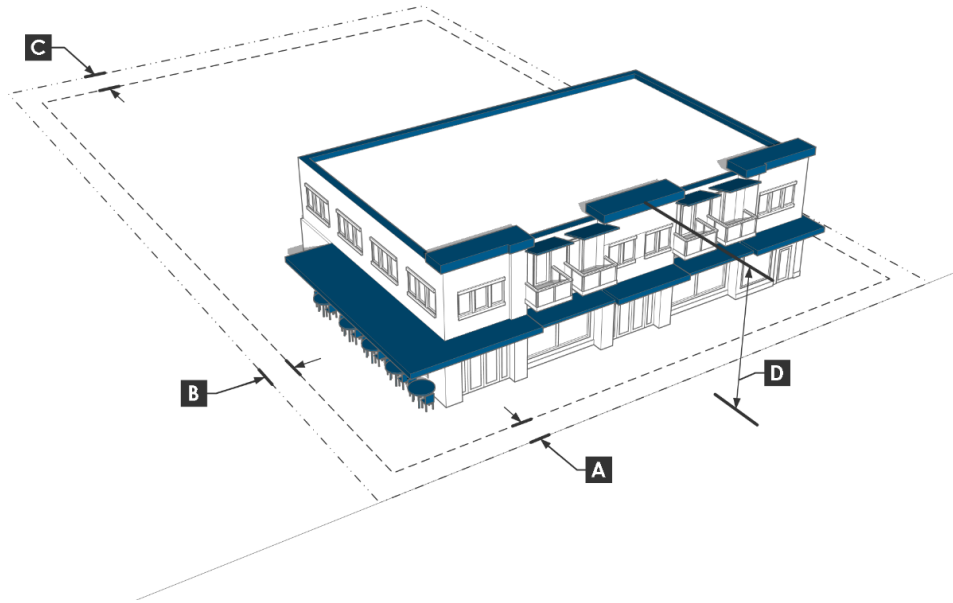


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.13: MX-1 LOT AND BUILDING STANDARDS

LOT STANDARDS

Lot Area (minimum)	N/A
Street Frontage (minimum)	N/A

BUILDING SETBACKS (MINIMUM/MAXIMUM)

A Front	Min 0 ft. Max 20 ft.
Street Side	Min 0 ft. Max 20 ft.
B Interior Side	Min 0 ft.
C Rear Yard	Min 10 ft. [1]

PARKING SETBACKS (MINIMUM)

Front	20 ft.
Street Side	20 ft.
Interior Side	5 ft.
Rear	5 ft.
Any Yard Adjacent to Interstate (I-84 & I-184)	10 ft.

HEIGHT (MAXIMUM)

D Building Height	45 ft.

[1] Reduced to 5 ft. when rear property line abuts an alley.

D. Form and Layout Standards

(1) General Standards for All Uses

The following standards apply to all uses. In the event of a conflict with the General Standards for All Uses, below, the provisions of Zone-Specific Standards (2) shall apply.

(a) Applicability

- i.** When the MX-1 district is applied to lands that have not previously been developed, the development shall comply with this Section 11-02-03.1.D.
- ii.** When the MX-1 district is applied to lands that have previously been developed, the redevelopment shall comply with this Section 11-02-03.1.D to the maximum extent practicable if it involves one or more of the following:
 - A.** An increase in the total site area occupied by structures;
 - B.** An increase in the total gross square footage of structures; or
 - C.** An intensification of land use, as determined by the Planning Director.
- iii.** In the event of a conflict between these provisions and any provision in Chapter 11-03, *Use Regulations*, Chapter 11-04, *Development and Design Standards*, or [Chapter 11-04-06, Building Design Standards](#), the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

(b) Active Use Required

Within each contiguous area of land zoned MX-1 that is under common control or ownership after the Effective Date, at least 60 percent of the approved ground floor street frontage shall be occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

(c) Streetscape Standards

All development, with the exception of an Accessory Dwelling Unit on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

- i.** Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.
- ii.** Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape

buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

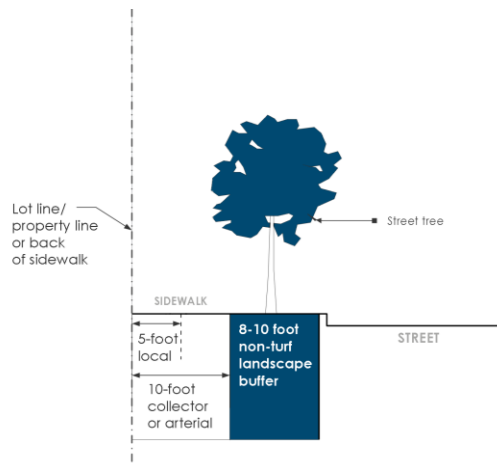


Figure 2.6. MX-1 Streetscape Standards

(d) Amenities

An amenity feature that complies with one or more of the following standards:

- i. A landscape feature clearly visible from the street and containing at least 200 square feet of area and a minimum width of five feet, or 10 feet if trees are included. Features may include enhanced landscaping areas, lighting, water, art, and/or provisions for seating;
- ii. An outdoor gathering area containing at least 400 square feet of area, that is clearly visible from an adjacent street, with seating for patrons; or
- iii. Another site feature that improves the experience of pedestrian and/or users of non-motorized vehicles experience, as determined by the Planning Director.

(e) Connectivity

At least one pedestrian connection to the local street system in the adjacent neighborhood(s), that shall permit residents of such neighborhood(s) to enter the district without using a collector or an arterial street to the maximum extent practicable.

(f) Parking

No surface parking spaces may be located between the building and any street adjacent to the property.

(2)Zone-Specific Form Standards

(a) Applicability

- i. Each development containing more than 10,000 square feet of contiguous land area under common control or ownership that includes a principal use referenced in Subsection (b) below in a new primary structure shall comply with the following Zone-Specific Standards. In the event of a conflict between these standards and applicable standards in Chapter 11-04,

Development and Design Standards, the standards in this Subsection (2) shall apply.

- ii. If an application for an allowed use does not comply with one or more of the Zone-Specific Standards in Subsection (b) below, an Alternative Zone-Specific Standard for the building or development containing the use may be approved by the Planning and Zoning Commission pursuant to Section 11-05-05.3.A, *Allowed Use with s*.

(b) Zone-Specific Standards for Residential, Commercial, and Public, Institutional, or Civic Uses Within the MX-1 Zoning District

- i. The use shall be located in a building at least two stories in height; or
- ii. The use shall be located in a building or development containing at least two different uses listed in Table 11-03.1: *Table of Allowed Uses*.

(c) Drive-Through Facilities

Drive-Through Facilities shall comply with Section 11-03-03.4.Q, *Drive-Through Facility*.

2. MX-2 Mixed-Use: General

A. Purpose

The MX-2 district is intended to provide opportunities for a mix of office, commercial, institutional, and residential at a scale designed to serve community needs broader than those of nearby neighborhoods.

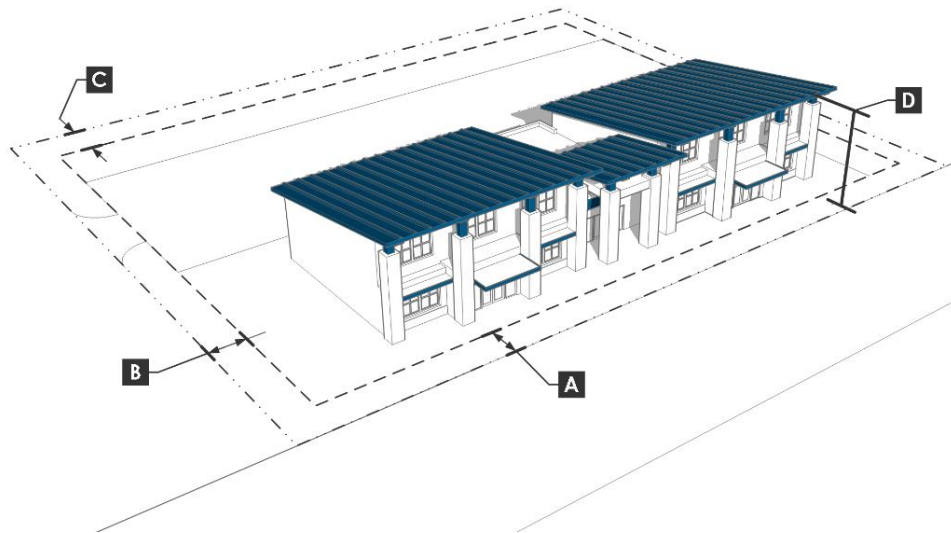


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.15: MX-2 LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Street Frontage (minimum)	N/A

BUILDING SETBACKS (MINIMUM/MAXIMUM)

A	Front	Min 0 ft. Max 20 ft.
	Street Side	Min 0 ft. Max 20 ft.
B	Interior Side	Min 0 ft.
C	Rear Yard	Min 10 ft. [1]

PARKING SETBACKS (MINIMUM)

	Front	10 ft.
	Street Side	10 ft.
	Interior Side	5 ft.
	Rear	5 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	45 ft.

[1] Reduced to 5 ft. when rear property line abuts an alley.

D. Form and Layout Standards

(1) Applicability

(a) All existing and new development in the MX-2 zoning district shall comply with this Section 11-02-03.2.D.

(b) In the event of a conflict between these provisions and any provision in Chapter 11-03, *Use Regulations*, Chapter 11-04, *Development and Design Standards*, or [Chapter 11-04-06, *Building Design Standards*](#), the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

(2) Vehicle-Oriented Facilities

(a) No vehicle-oriented ancillary facilities (such as Service Stations or Vehicle Washes) shall be located between the building and any street adjacent to the property.

(b) Drive-Through Facilities shall comply with Section 11-03-03.4.Q, *Drive-Through Facility*.

(3) Parking

No surface parking spaces may be located between the building and any street adjacent to the property.

(4) Streetscape Standards

All development, with the exception of an Accessory Dwelling Unit on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(a) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(b) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

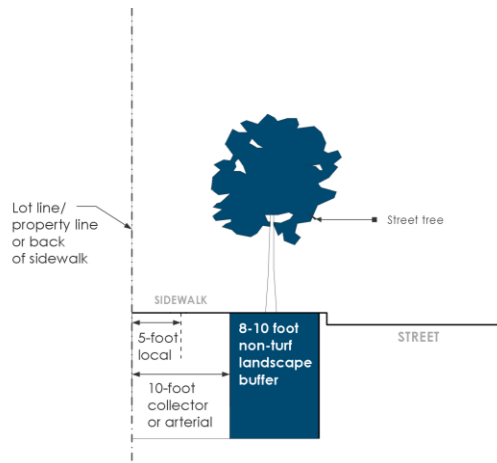
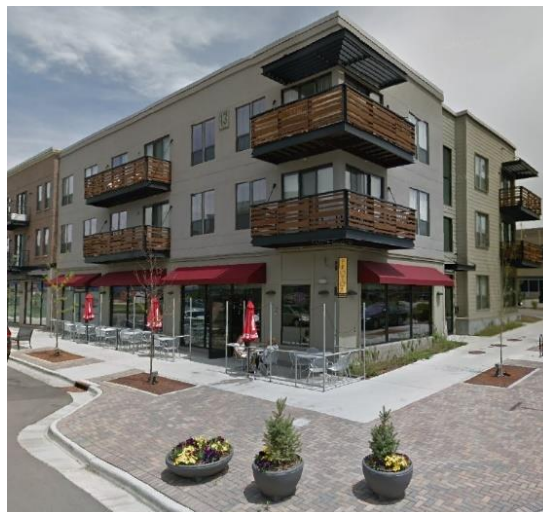


Figure 2.7. MX-2 Streetscape Standards

3. MX-3 Mixed-Use: Active

A. Purpose

The MX-3 district is intended to provide opportunities for office, commercial, institutional, and residential uses to support active modes of transportation. This zoning district will require transit- and pathway-oriented development organized along the City's Best-in-Class Transit Routes and pathways at a scale designed to support the City's transportation goals and investments and serve community needs broader than those of nearby neighborhoods. This zoning district may be expanded as new investments in Best-in-Class Transit Routes and pathways are developed.

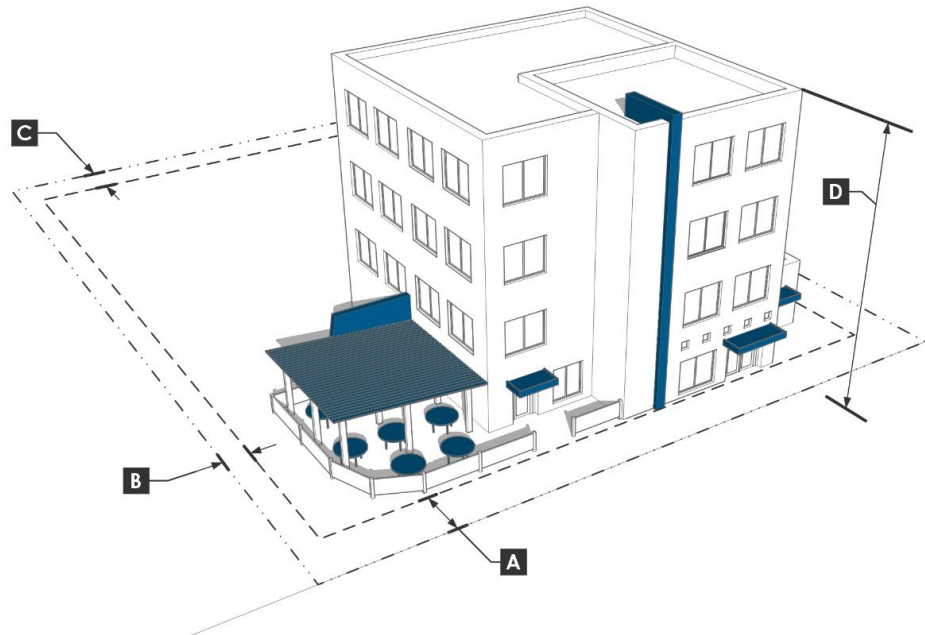


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.17: MX-3 LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Street Frontage (minimum)	N/A

BUILDING SETBACKS (MINIMUM/MAXIMUM)

A	Front	Min 0 ft. Max 20 ft.
	Street Side	Min 0 ft. Max 20 ft.
B	Interior Side	Min 0 ft.
C	Rear Yard	Min 10 ft. [1]

PARKING SETBACKS (MINIMUM)

	Front	10 ft.
	Street Side	10 ft.
	Interior Side	5 ft.
	Rear	5 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	70 ft.

[1] Reduced to 5 ft. when rear property line abuts an alley.

D. Layout Standards

(1) Applicability

- (a) When the MX-3 district is applied to lands that have not previously been developed, the development shall comply with this Section 11-02-03.3.D.
- (b) When the MX-3 district is applied to lands that have previously been developed, the redevelopment shall comply with this Section 11-02-03.3.D to the maximum extent practicable if it involves one or more of the following:
 - i. An increase in the total site area occupied by structures;
 - ii. An increase in the total gross square footage of structures; or
 - iii. An intensification of land use, as determined by the Planning Director.
- (c) In the event of a conflict between these provisions and any provision in Chapter 11-03, *Use Regulations*, Chapter 11-04, *Development and Design Standards*, or [Chapter 11-04-06, *Building Design Standards*](#), the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

(2) Standards for All Development

(a) Active Use Required

Within each contiguous area of land zoned MX-3 that is under common control or ownership after the Effective Date, at least 60 percent of the approved ground floor street frontage shall be occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

(b) Streetscape Standards

All development, with the exception of an Accessory Dwelling Unit on a conforming lot, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

- i. Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.
- ii. Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

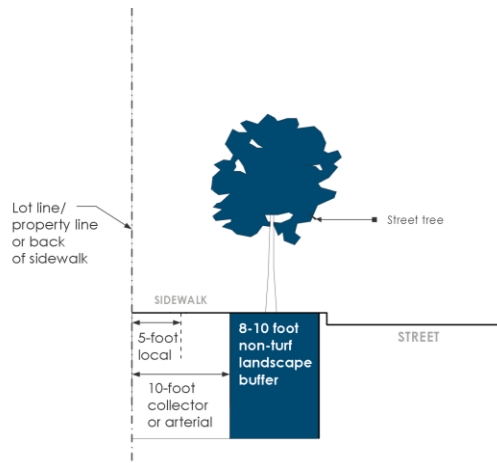


Figure 2.8. MX-3 Streetscape Standards (Except State Street)

- iii. Each lot with frontage on State Street shall include a multi-use pathway at least 12 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

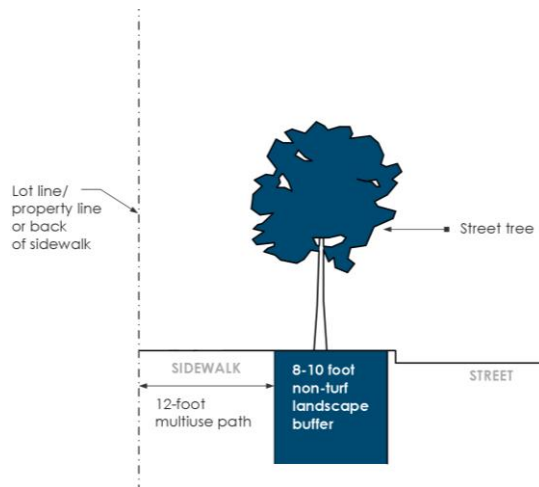


Figure 2.9. MX-3 Streetscape Standards (State Street)

(c) Amenities

An amenity feature that complies with one or more of the following standards:

- i. A landscape feature containing at least 400 square feet of area and a minimum width of five feet, or 10 feet if trees are included. Features may include enhanced landscaping areas, lighting, water, art, and/or provisions for seating; or
- ii. An outdoor gathering area containing at least 800 square feet of area, that is clearly visible from an adjacent street, with seating for patrons.

- iii. Another site feature that improves the experience of pedestrian and/or users of non-motorized vehicles experience, as determined by the Planning Director.

(d) Connectivity

- i. At least one pedestrian walkway of at least 10 feet in width that is bordered by street trees, or by a public or private street with detached sidewalks at least 10 feet in width that:
 - A. Connects the MX-3 zoning district to one of the adjacent collector or arterial streets;
 - B. Is bordered along at least 60 percent of its length by buildings with façades no more than 10 feet from the sidewalk; and
 - C. Is interrupted by no more than one driveway per 200 linear feet, except as required by Idaho law.
- ii. At least one pedestrian connection to the local street system in an adjacent residential neighborhood, designed and located to allow residents of the neighborhood to enter mixed-use and nonresidential areas of the MX-3 zoning district without using an arterial street to the maximum extent practicable.

(e) Vehicle-Oriented Facilities

- i. No surface parking spaces, or vehicle-oriented ancillary facilities (such as Service Stations or Vehicle Washes) may be located between the building and any street adjacent to the property.
- ii. Drive-Through Facilities shall comply with Section 11-03-03.4.Q, *Drive-Through Facility*.

(f) Ground Floor Design

- i. 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/property line and occupy at least 50 percent of the width of the primary street frontage.
- ii. Each building façade facing a public or private street or driveway with ground floor nonresidential uses shall:
 - A. Have at least 50 percent of the area between three and eight feet above the ground floor occupied by windows or other transparent building features through which activity inside the building may be viewed; and
 - B. Have at least one door open during hours of operation and leading directly from the building interior onto the street (without an intervening shared lobby or entrances shared by multiple tenants or uses) for each 100 feet of horizontal façade length.

(3) Zone-Specific Standards

(a) Applicability

- i. Each development containing more than 10,000 square feet of contiguous land area under common control or ownership that includes a principal use referenced in Subsection (b) below in a new primary structure shall comply with the following Zone-Specific Standards. In the event of a conflict between these standards and applicable standards in Chapter 11-04, *Development and Design Standards*, the standards in this Subsection (2) shall apply.
- ii. If an application for an allowed use does not comply with one or more of the Zone-Specific Standards in Subsection (b) below, an Alternative Zone-Specific Standard for the building or development containing the use may be approved by the Planning Commission pursuant to Section 11-05-05.3.A, *Allowed Use with s*.

(b) Zone-Specific Standards for Residential, Commercial, and Public, Institutional, or Civic Uses Within the MX-3 Zoning District

- i. The use shall be located in a building at least four stories in height; and
- ii. The use shall not provide a greater number of vehicle parking spaces than the minimum required by Table 11-04.9: *Off-Street Parking Requirements*, as adjusted pursuant to Section 11-04-08.7, *Parking Adjustments*.
- iii. As an alternative to Subsections (i) and (ii) above, a Multiple-Family Dwelling may meet the requirements of Section 11-04-03.7.D(4) regarding affordable and sustainable development and earn the related housing incentives.

4. MX-4 Mixed-Use: Transit Oriented Development (TOD) Node

A. Purpose

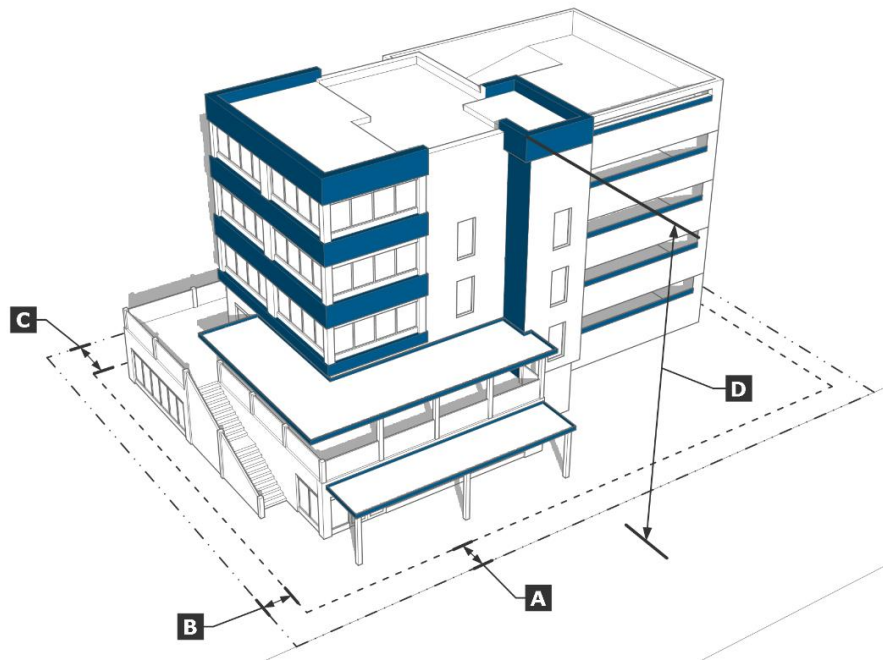
The MX-4 district is intended to provide opportunities for a mix of office, commercial, institutional, and residential uses to support transit. This zoning district will require transit-oriented development concentrated at identified transit stations. This zoning district will be expanded as new investments in Best-in-Class Transit Routes are added and transit stations identified.



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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.19: MX-4 LOT AND BUILDING STANDARDS**LOT STANDARDS**

Lot Area (minimum)	N/A
Street Frontage (minimum)	N/A

BUILDING SETBACKS (MINIMUM/MAXIMUM)

A	Front	Min 0 ft. Max 20 ft.
	Street Side	Min 0 ft. Max 20 ft.
B	Interior Side	Min 0 ft.
C	Rear Yard	Min 10 ft. [1]

PARKING SETBACKS (MINIMUM)

	Front	10 ft.
	Street Side	10 ft.
	Interior Side	5 ft.
	Rear	5 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	70 ft.

[1] Reduced to 5 ft. when rear property line abuts an alley.

D. Layout, and Design Standards

(1) Applicability

- (a)** When the MX-4 district is applied to lands that have not previously been developed, the development shall comply with this Section 11-02-03.4.D.
- (b)** When the MX-4 district is applied to lands that have previously been developed, the redevelopment shall comply with this Section 11-02-03.4.D to the maximum extent practicable if it involves one or more of the following:
 - i.** An increase in the total site area occupied by structures;
 - ii.** An increase in the total gross square footage of structures; or
 - iii.** An intensification of land use, as determined by the Planning Director.
- (c)** In the event of a conflict between these provisions and any provision in Chapter 11-03, *Use Regulations*, Chapter 11-04, *Development and Design Standards*, or [Chapter 11-04-06, *Building Design Standards*](#), the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

(2) Standards for All Development

(a) Active Use Required

Within each contiguous area of land zoned MX-4 that is under common control or ownership after the Effective Date, at least 60 percent of the approved ground floor street frontage shall be occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

(b) Streetscape Standards

All development shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

- i.** Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.
- ii.** Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

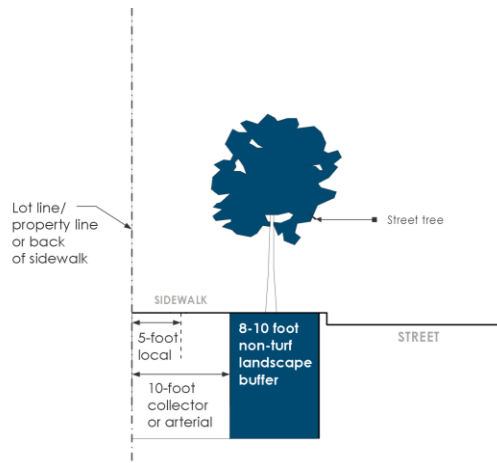


Figure 2.10. MX-4 Streetscape Standards (Except State Street)

- iii. Each lot with frontage on State Street shall include a multiuse pathway at least 12 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

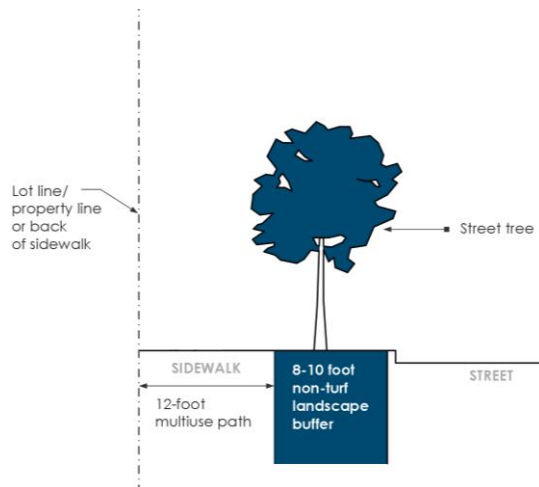


Figure 2.11. MX-4 Streetscape Standards (State Street)

(c) Amenities

Each development shall include an amenity feature that complies with one or more of the following standards:

- i. A landscape feature containing at least 400 square feet of area and a minimum width of five feet, or 10 feet if trees are included. Features may include enhanced landscaping areas, lighting, water, art, and/or provisions for seating; or
- ii. An outdoor gathering area containing at least 800 square feet of area, that is clearly visible from an adjacent street, with seating for patrons.

(d) Connectivity

Each development shall provide the following elements:

- i.** At least one street that:
 - A.** Is bordered along at least 60 percent of its length by buildings with façades no more than 10 feet from the sidewalk; and
 - B.** Is interrupted by no more than one driveway per 200 linear feet, except as required by Idaho law.
- ii.** At least one pedestrian connection to the local street system in an adjacent residential neighborhood, designed and located to allow residents of the neighborhood to enter mixed-use and nonresidential areas of the MX-4 zoning district without using an arterial street to the maximum extent practicable.

(e) Vehicle-Oriented and Parking Facilities

- i.** No Parking Lot unrelated to a Park and Ride Facility designated by the City shall be located within the MX-4 zoning district.
- ii.** Where surface parking lots are part of a Park and Ride Facility designated by the City, no surface parking spaces, or vehicle-oriented ancillary facilities (such as Service Stations or Vehicle Washes) may be located between the front façade of the building and any street fronting the property.
- iii.** At least 80 percent of parking provided to serve a permitted or approved conditional use on the property shall be located in parking garages or alternate parking facilities, such as elevated parking lifts, rather than surface parking lots.
- iv.** Any portion of a permitted Park and Ride Facility or accessory surface parking lot within 50 feet of a street frontage shall screen parked vehicles from view by installing a brick, masonry, or other appropriate screen wall between two and one half and three feet in height between the parking lot and the street.

(f) Pedestrian-Oriented Design

- i.** The maximum length of each primary building facing a public or private street shall be 125 feet.
- ii.** At least one walkway shall be provided from an adjacent sidewalk to each building entrance.
- iii.** Where a sidewalk, trail, or other walkway crosses a street, driveway, drive aisle, or parking lot, the crossing shall be clearly marked with a change in paving material, color, or height, decorative bollards, or similar elements.
- iv.** Where a lot or development includes more than one primary structure, a pedestrian walkway at least five feet in width shall be provided between at least one pedestrian entrance in each primary structure.
- v.** Along all public and private streets, all utility boxes and above-ground utility installations other than street and pedestrian light poles, traffic safety

signals, and fire hydrants shall comply with the following standards to the maximum extent practicable and consistent with their function:

- A. They shall be located to the side or rear of buildings; or
- B. Where a side or rear location is impracticable, they shall be set back a minimum of three feet from the sidewalk, and the three foot minimum setback shall be landscaped with shrubbery that will screen the utility structure from public view.

(3) Zone-Specific Standards

(a) Applicability

- i. Each development containing more than 10,000 square feet of contiguous land area under common control or ownership that includes a principal use referenced in Subsection (b) below in a new primary structure shall comply with the following Zone-Specific Standards. In the event of a conflict between these standards and applicable standards in Chapter 11-04, *Development and Design Standards*, the standards in this Subsection (3) shall apply.
- ii. If an application for an allowed use does not comply with one or more of the Use-Specific Form Standards in Subsection (b) below, an Alternative Zone-Specific Standard for the building or development containing the use may be approved by the Planning Commission pursuant to Section 11-05-05.3.A, *Allowed Use with s*.

(b) Zone-Specific Standard in the Residential, Commercial, and Public, Institutional, or Civic Uses Within the MX-4 Zoning District

- i. The use shall be located in a building at least four stories in height;
- ii. The use shall be located in a building or development that does not include a Parking Lot; and
- iii. The use shall be located in a building or development that does not include a Parking Garage with a greater number of vehicle parking spaces than the minimum required by Table 11-04.9: *Off-Street Parking Requirements*, as adjusted pursuant to Section 11-04-08.7, *Parking Adjustments*; and
- iv. The use shall be located in a building where at least 80 percent of the ground floor street frontage is occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairs that are not accessible from the street frontage.
- v. As an alternative to Subsections (i), (ii), (iii), and (iv) above, a Multiple-Family Dwelling may meet the requirements of Section 11-04-03.7.D(5) regarding affordable housing and sustainable development and earn the related housing incentives.

5. MX-5 Mixed-Use: Downtown

A. Purpose

The MX-5 district is intended to provide opportunities for a mix of higher intensity office, commercial, institutional, and residential uses. The MX-5 district is intended to accommodate the needs of the city's Downtown Planning Area as defined in the Comprehensive Plan and to provide for activities conducive to a compact, concentrated, and walkable urban downtown mixed-use center.

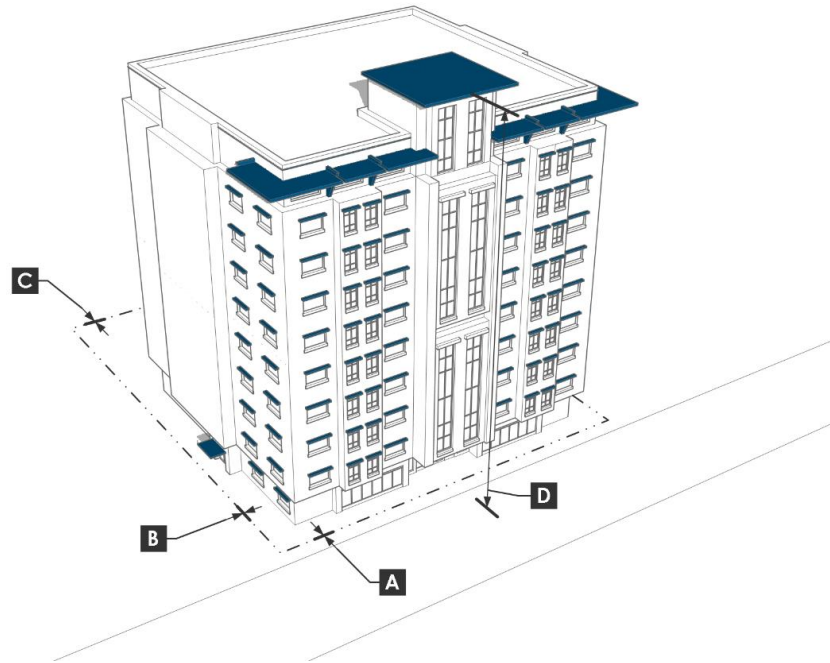


B. Cross-References to Other Applicable Code Sections

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

TABLE 11-02.20: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.21: MX-5 LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Street Frontage (minimum)	N/A

BUILDING SETBACKS (MINIMUM/MAXIMUM)

A	Front	Min 0 ft. Max 20 ft.
	Street Side	Min 0 ft. Max 20 ft.
B	Interior Side	Min 0 ft.
C	Rear Yard	Min 0 ft.

PARKING SETBACKS (MINIMUM)

	Front	10 ft.
	Street Side	10 ft.
	Interior Side	5 ft.
	Rear	5 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	10 ft.

HEIGHT (MAXIMUM)

D	Building Height	N/A

D. Design Standards

(1) Applicability

- (a)** All existing and new development in the MX-5 zoning district shall comply with this Section 11-02-03.2.D.
- (b)** In the event of a conflict between these provisions and any provision in Chapter 11-03, *Use Regulations*, Chapter 11-04, *Development and Design Standards*, or [Chapter 11-04-06, *Building Design Standards*](#), the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

(2) Standards for All Development

(a) Active Use Required

Within each contiguous area of land zoned MX-5 that is under common control or ownership after the Effective Date, at least 80 percent of the approved ground floor street frontage shall be occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

(b) Streetscape Standards

A continuous public walkway, located between the face of building and adjacent street or a vacated street alignment, shall be provided and shall comply with adopted City standards, except that where this Subsection (b) lists more restrictive criteria, this Subsection (b) shall control.

- i.** 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.
- ii.** The location of the 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.
- iii.** The paving pattern and the placement of trees and pedestrian amenities shall be unobstructed.
- iv.** 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.
- v.** 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 one 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.
- vi.** 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.

- vii. Pedestrian street 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 and Guidelines.

(c) Vehicle-Oriented and Parking Facilities

- i. No surface parking spaces, or vehicle-oriented ancillary facilities (such as Service Stations or Vehicle Washes) may be located between the building and any street adjacent to the property.
- ii. Drive-Through Facilities shall comply with Section 11-03-03.4.Q, *Drive-Through Facility*.

(d) Ground Floor Design

- i. At least 70 percent of the ground level, street-facing façade(s) shall abut and be oriented to a public sidewalk, alley, or plaza.
- ii. Each building façade facing a public or private street that contains ground floor nonresidential uses shall be constructed within five feet of each street-facing lot line/property line and occupy at least 80 percent of the width of the primary street frontage.
- iii. 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/property line and occupy at least 80 percent of the width of the primary street frontage.
- iv. Each building façade facing a public or private street or driveway with ground floor nonresidential uses shall:
 - A. Have at least 60 percent of the area between three and eight feet above the ground floor occupied by windows or other transparent building features through which activity inside the building may be viewed; and
 - 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 50 feet of horizontal façade length.

(e) General Building Design

- i. Each side of each primary building shall be designed to minimize or mitigate glare, reflected heat, and wind impacts on abutting properties.
- ii. Each side of each primary building shall be faced with high quality non-reflective materials such as stone, tile, and brick.

(3)Zone-Specific Standards

(a) Applicability

- i. Each development containing more than 10,000 square feet of contiguous land area under common control or ownership that includes a principal use

referenced in Subsection (b) below in a new primary structure shall comply with the following Zone-Specific Standards. In the event of a conflict between these standards and applicable standards in Chapter 11-04, *Development and Design Standards*, the standards in this Subsection (3) shall apply.

- ii. If an application for an allowed use does not comply with one or more of the Zone-Specific Standards in Subsection (b) below, an Alternative Zone-Specific Standard for the building or development containing the use may be approved by the Planning Commission pursuant to Section 11-05-05.3.A, *Allowed Use with s*.

(b) Zone-Specific Standards for Residential and Commercial Uses Within the MX-5 Zoning District

- i. The use shall be located in a building at least four stories in height; and
- ii. The use shall be located in a building or development that does not include a Surface Parking Lot; and
- iii. The use shall be located in a building where at least 80 percent of the ground floor street frontage is occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairs that are not accessible from the street frontage.

E. Additional Standards

(1) Rezoning of Land Contiguous to Existing MX-5 Zoning District

Only lands located in the Downtown Planning Area contiguous to existing land in the MX-5 zoning district may be rezoned into the MX-5 zoning district, provided the parcels are outside of the Near North End Character Overlay district.

(2) Enclosure of Activities Required

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

6. MX-U Mixed-Use: University

A. Purpose

The MX-U district is intended to provide flexible, creative development on Boise State University's (Boise State University) campus, including both new development and infill. This district allows for a mix of uses that support near-university residential, retail, and service functions.

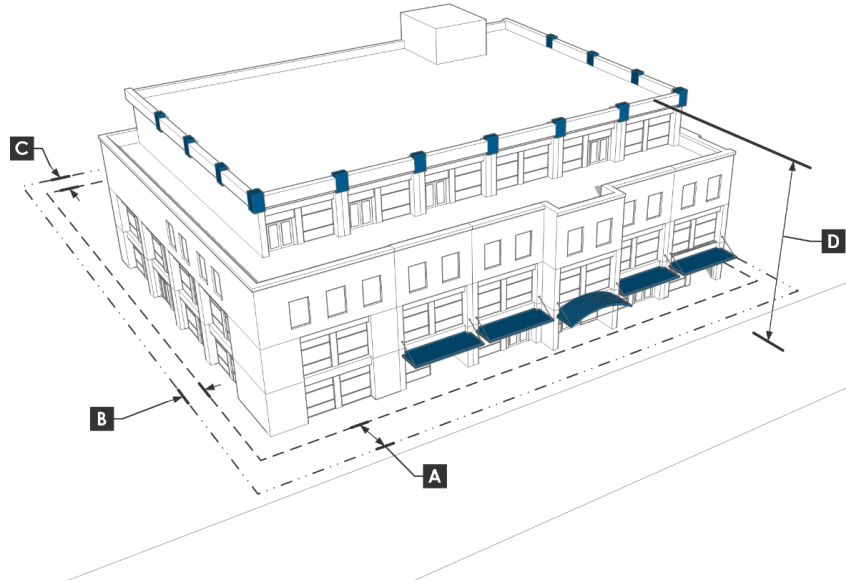


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.23: MX-U LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Street Frontage (minimum)	30 ft.

BUILDING SETBACKS (MINIMUM)

A	Front	0 ft. [1]
	Street Side	10 ft. [1]
B	Interior Side	N/A
C	Rear Yard	20 ft. [1]

PARKING SETBACKS (MINIMUM)

	Front	10 ft. [1]
	Street Side	10 ft. [1]
	Interior Side	10 ft. [1]
	Rear	10 ft. [1]
	Any Yard Adjacent to Interstate (I-84 & I-184)	N/A

HEIGHT (MAXIMUM)

D	Building Height	Unlimited [2]; 70 ft. [3]; or 45 ft. or the maximum height of the Residential zoning district, whichever is greater [4]

Notes:

TABLE 11-02.23: MX-U LOT AND BUILDING STANDARDS

- [1] Only applies from edge of the adopted Boise State University campus master plan boundaries.
- [2] When interior to the campus.
- [3] Where the development site is located within 50 ft. of public right-of-way on Beacon Street, Broadway Avenue, or Boise Avenue.
- [4] Where the development site is located within 50 ft. of a Residential zoning district (adjacent or across public right-of-way).

D. Streetscape Standards

All development adjacent to the adopted Boise State University campus master plan boundaries shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

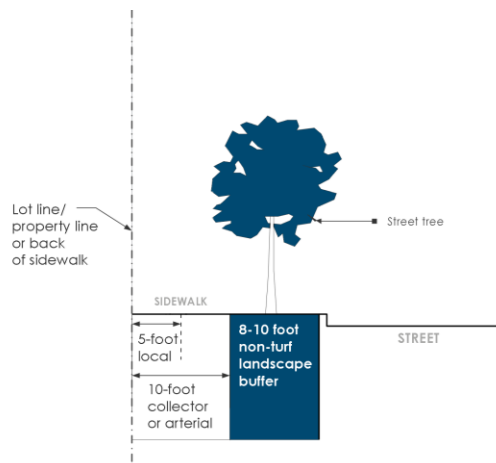


Figure 2.12. MX-U Streetscape Standards

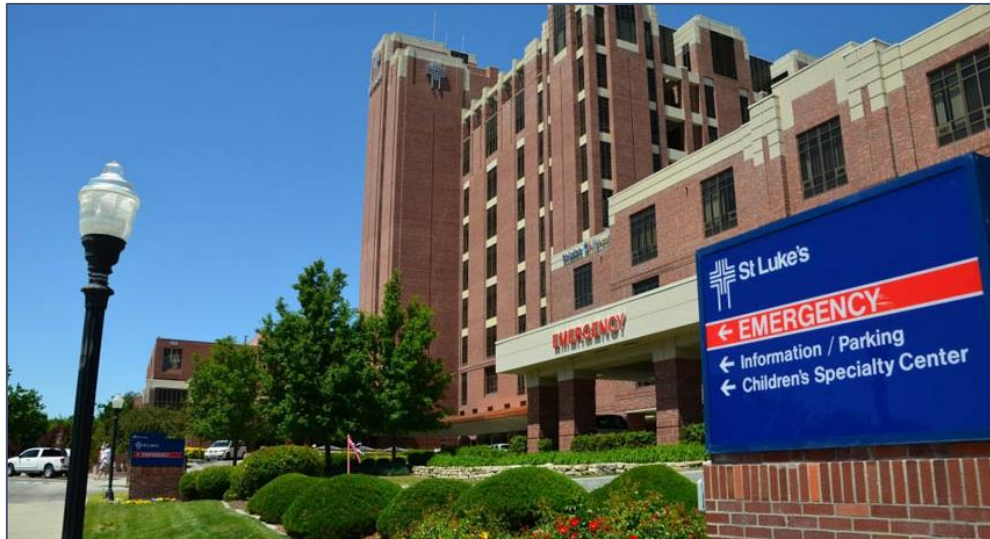
E. Additional Standards

Fire access to existing and new buildings shall be shown on all required 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.

7. MX-H Mixed-Use: Health

A. Purpose

The MX-H district is intended to provide for health- and medical- related uses near major medical institutions. Limited office and Multiple-Family residential uses with similar land use characteristics and provide support services to the health and medical uses may be allowed.

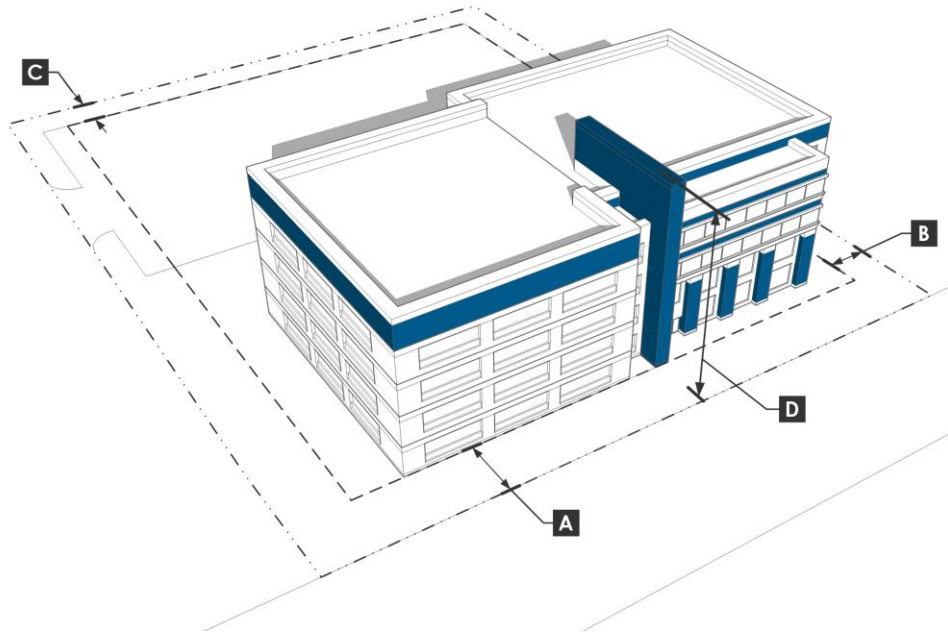


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.25: MX-H LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Street Frontage (minimum)	30 ft.

BUILDING SETBACKS (MINIMUM)

A	Front	10 ft.
	Street Side	10 ft.
B	Interior Side	1 and 2 stories: 5 ft. 3+ stories: 15 ft.
C	Rear Yard	

PARKING SETBACKS (MINIMUM)

	Front	20 ft.
	Street Side	10 ft.
	Interior Side	10 ft.
	Rear	10 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	10 ft.

HEIGHT (MAXIMUM)

D	Building Height	78 ft.

D. Streetscape Standards

All development shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

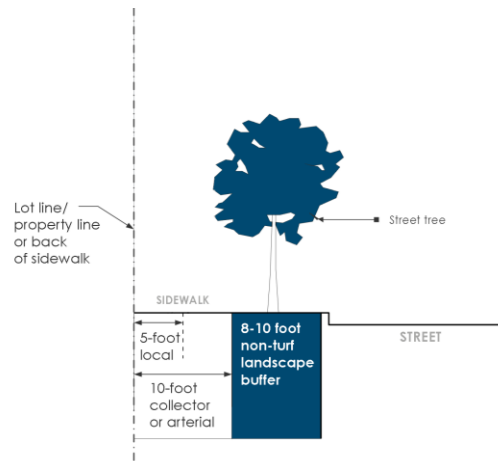


Figure 2.13. MX-H Streetscape Standards

(a) Vehicle-Oriented and Parking Facilities

- i. No surface parking spaces, or vehicle-oriented ancillary facilities (such as Service Stations or Vehicle Washes) may be located between the building and any street adjacent to the property.
- ii. Drive-Through Facilities shall comply with Section 11-03-03.4.Q, *Drive-Through Facility*.

11-02-04. Industrial Zoning Districts

1. I-1 Industrial: Light

A. Purpose

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 typically do not operate during nighttime hours and are generally compatible with nearby commercial and residential areas when accompanied by substantial buffering, screening, and standards designed to mitigate impacts.

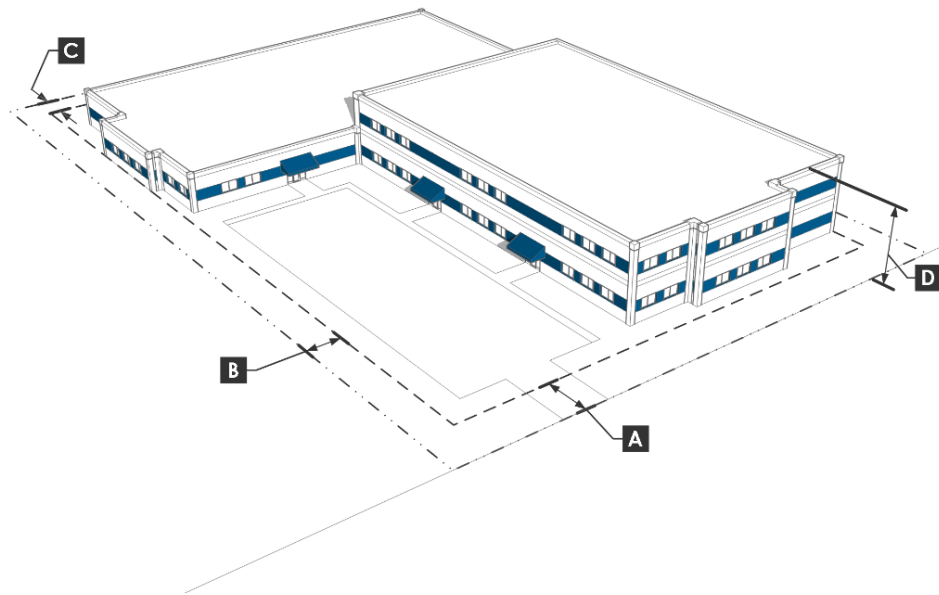


B. Cross-References to Other Applicable Code Sections

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 Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.27: I-1 LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Lot Width (average)	N/A
	Street Frontage (minimum)	30 ft.

BUILDING SETBACKS (MINIMUM)

A	Front	Min 20 ft.
	Street Side	Min 15 ft.
B	Interior Side	Min 0 ft. [1]
C	Rear Yard	Min 0 ft. [1]

PARKING SETBACKS (MINIMUM)

	Front	20 ft.
	Street Side	15 ft.
	Interior Side	0 ft. [1]
	Rear	0 ft. [1]
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	55 ft.

Notes:

TABLE 11-02.27: I-1 LOT AND BUILDING STANDARDS

[1] When adjacent to a Residential zoning district or residential use, 30 ft. minimum for all development under three acres, 50 ft. minimum for all development between three acres and 10 acres, and 100 ft. minimum for all development of 10 or more acres.

D. Streetscape Standards

All new development or an intensification of the development, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

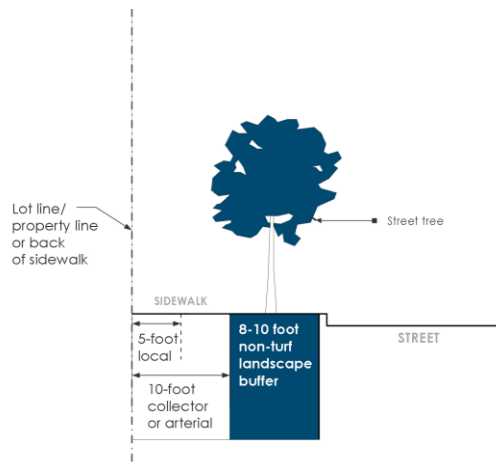


Figure 2.14. I-1 Streetscape Standards

E. 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.

(2) All operations creating odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, water-carried waste, or other emissions shall be reasonably mitigated to protect the health, safety, and general welfare of the surrounding land uses.

2. I-2 Industrial: Heavy

A. Purpose

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 welfare. The I-2 zoning district should be separated from commercial or residential development.

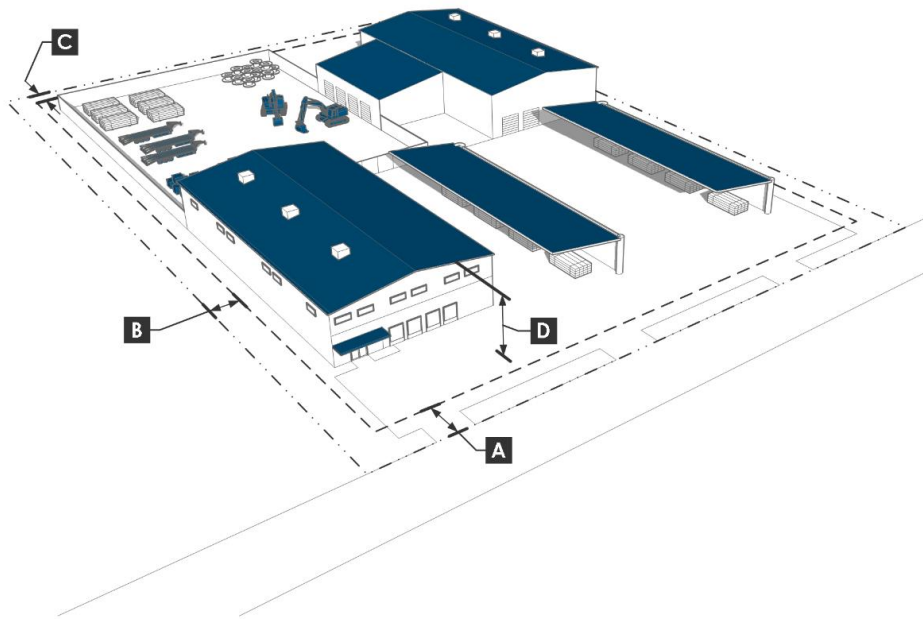


B. Cross-References to Other Applicable Code Sections

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

TABLE 11-02.28: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.29: I-2 LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Street Frontage (minimum)	30 ft.

BUILDING SETBACKS (MINIMUM)

A	Front	20 ft.
	Street Side	15 ft.
B	Interior Side	0 ft. [1]
C	Rear Yard	0 ft. [1]

PARKING SETBACKS (MINIMUM)

	Front	20 ft.
	Street Side	15 ft.
	Interior Side	0 ft. [1]
	Rear	0 ft. [1]
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	55 ft.

TABLE 11-02.29: I-2 LOT AND BUILDING STANDARDS

Notes:

[1] When adjacent to a Residential zoning district or residential use, 30 ft. minimum for all development under three acres, 50 ft. minimum for all development between three acres and 10 acres, and 100 ft. minimum for all development of 10 or more acres.

D. Streetscape Standards

All new development or an intensification of the development, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

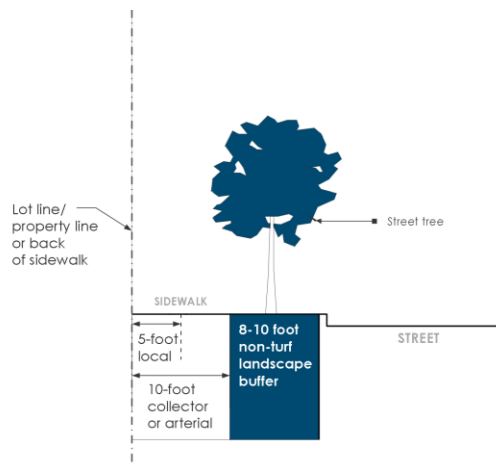


Figure 2.15. I-2 Streetscape Standards

E. Additional Standards

All Allowed 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.

3. I-3 Industrial: Technology

A. Purpose

The I-3 zoning district is intended to provide for manufacturing and technological facilities that may have a greater impact on the surrounding area than industries allowed in the Mixed-Use zoning districts. Lands in the I-3 zoning district should be served by major transportation facilities and be buffered from adjacent residential areas.

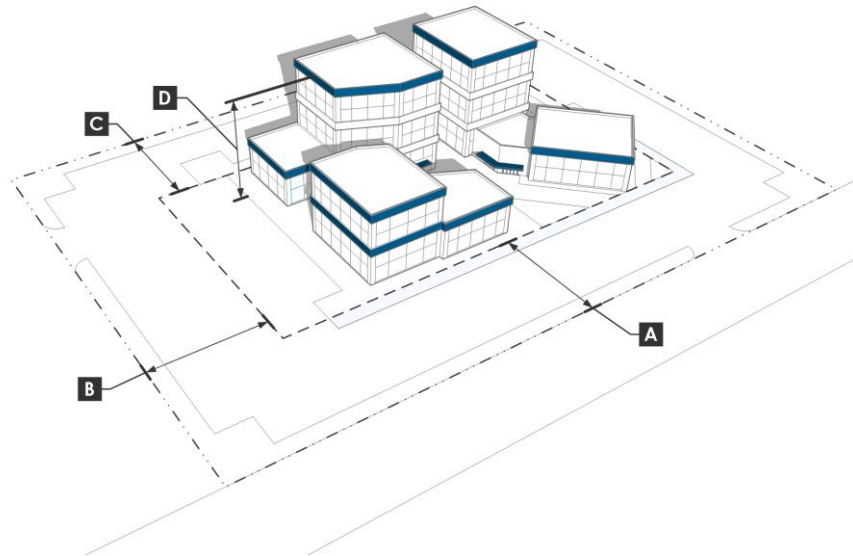


B. Cross-References to Other Applicable Code Sections

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

TABLE 11-02.30: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.31: I-3 LOT AND BUILDING STANDARDS

LOT STANDARDS

	Lot Area (minimum)	N/A
	Lot Width (average)	N/A
	Street Frontage (minimum)	30 ft.

BUILDING SETBACKS (MINIMUM) [1]

A	Front	45 ft. + 1 ft. for every 1-foot increase in building height above 45 ft. OR 100 ft. [2]
	Street Side	
B	Interior Side	
C	Rear Yard	

PARKING SETBACKS (MINIMUM) [1]

	Front	20 ft.
	Street Side	20 ft.
	Interior Side	15 ft.
	Rear	15 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.

HEIGHT (MAXIMUM)

D	Building Height	150 ft. [3]

Notes:

[1] If a development is part of an adopted Industrial Technology master plan, setbacks shall apply only to the perimeter of the campus.

TABLE 11-02.31: I-3 LOT AND BUILDING STANDARDS

[2] Applies when the property is adjacent to a Residential zoning district or residential use, regardless of whether the property is located on the perimeter of the campus.
[3] Controlled by a 45 degree angle of bulk plan from all exterior property lines up to the maximum height of 150 feet.

D. Streetscape Standards

All new development or an intensification of the development, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

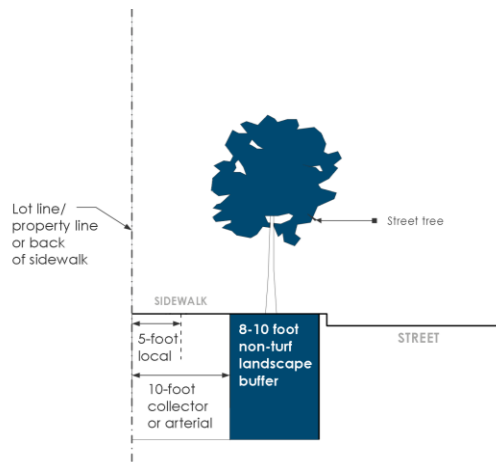


Figure 2.16. I-3 Streetscape Standards

E. Additional Standards

(1) Operational Standards

(a) 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.

(b) All operations shall be free of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, water-carried waste, or other emissions.

(2) Design Review

- (a) To mitigate potential negative impacts on adjacent development, a concept map differentiating "peripheral" and "internal" development areas is required as part of an application to rezone to I-3. Areas approved as "peripheral" shall be subject to Major Design Review pursuant to Section 11-05-05.3.D.
- (b) Because these developments are usually large enough to create an inner character compatible with surrounding uses, areas approved as "internal" shall be exempt from the design review process, unless otherwise required by this Section.
- (c) Buildings taller than 45 feet in an area designated "internal" are subject to Design Review. The Planning Director may waive this requirement where it can be demonstrated that there are no material negative impacts associated with such buildings due to the proximity of surrounding buildings or structures.

11-02-05. Open Land Zoning Districts

1. A-1 Open Land: Very Low Density

A. Purpose

The A-1 zoning district is intended to provide for low density residential use and land uses requiring larger land areas for development such as parks, schools, golf courses, agriculture.

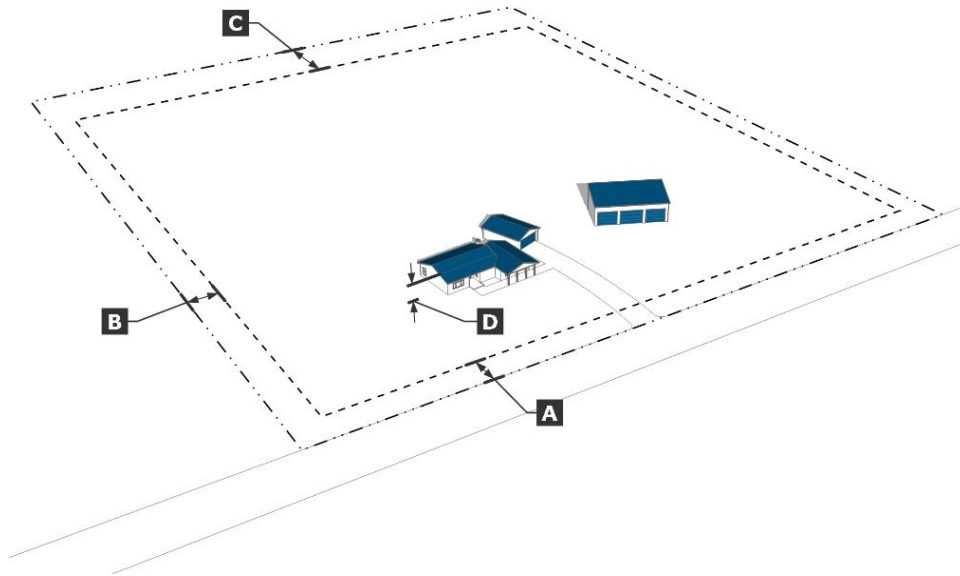


B. Cross-References to Other Applicable Code Sections

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

TABLE 11-02.32: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.33: A-1 LOT AND BUILDING STANDARDS

LOT STANDARDS		
	Lot area (minimum)	1 acre
	Lot width (average)	50 ft.
	Street frontage (minimum)	30 ft.
	Density (maximum)	1 unit/acre
BUILDING SETBACKS (MINIMUM) [1]		
A	Front	20 ft.
	Street Side	20 ft.
B	Interior Side	10 ft.
C	Rear Yard	30 ft.
PARKING SETBACKS (MINIMUM) [1]		
	Front	20 ft.
	Street Side	20 ft.
	Interior Side	20 ft.
	Rear	30 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	30 ft.
HEIGHT (MAXIMUM)		
D	Building Height	45 ft. or

TABLE 11-02.33: A-1 LOT AND BUILDING STANDARDS

35 ft. [1]

Notes:

[1] Applies when the property abuts a Residential zoning district or a residential use.

D. Streetscape Standards

All new development or an intensification of the development, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

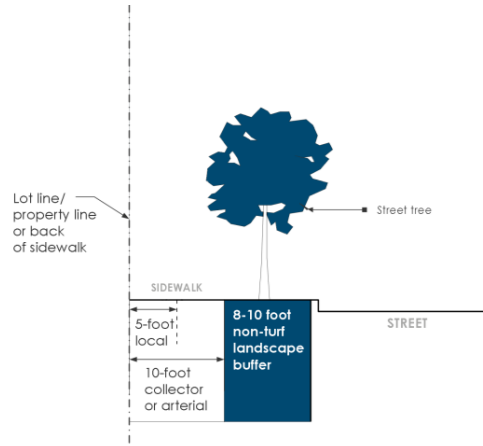


Figure 2.17. A-1 Streetscape Standards

2. A-2 Open Land: Reserve

A. Purpose

The A-2 zoning district is intended to provide for permanent open space and to properly guide growth of the fringe areas of the city. The A-2 district classification should be applied to property that is not intended for development, or for property that the city desires to be subject to stronger development limitations than would be provided by the A-1 district.

Lands may be assigned to an A-2 district classification to:

- (1) Set aside lands for open space uses, including floodways, riparian areas, steep slopes, and flood control facilities;
- (2) Enhance and preserve the character of parks and other publicly owned properties;
- (3) Encourage agricultural and grazing uses;
- (4) Serve as a low intensity use zone.

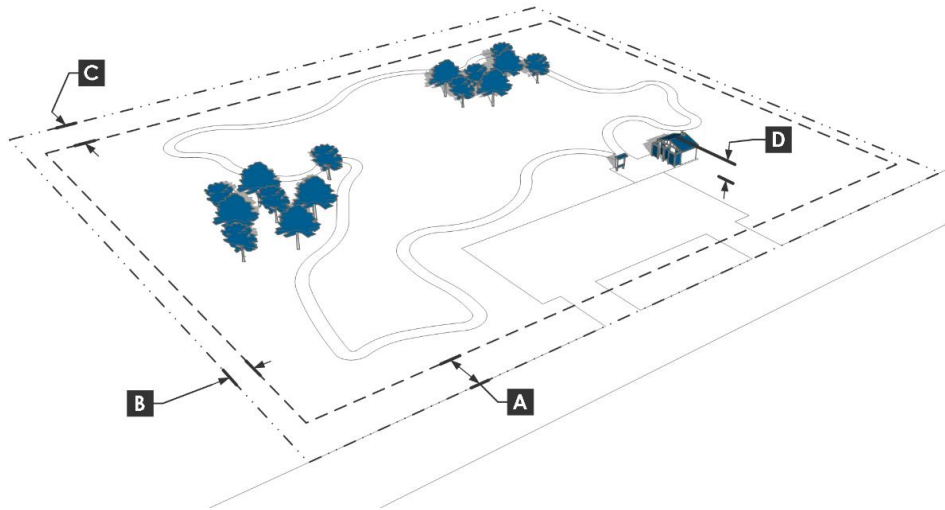


B. Cross-References to Other Applicable Code Sections

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

TABLE 11-02.34: CROSS-REFERENCES TO OTHER APPLICABLE CODE SECTIONS	
CODE SECTION	SECTION REFERENCE
Use Regulations	Chapter 11-03
Lot and Building Design and Dimensions	11-04-03
Subdivision Standards	11-04-04
Sensitive Lands	11-04-05
Building Design	11-04-06
Access and Connectivity	11-04-07
Parking and Loading	11-04-08
Landscaping, Fencing, Walls, and Screening	11-04-09
Assured Water Supply	11-04-010
Exterior Lighting	11-04-011
Signs	11-04-012

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 Design and Dimensions*.

TABLE 11-02.35: A-2 LOT AND BUILDING STANDARDS

LOT STANDARDS		
	Lot Area (minimum)	40 acres
	Lot Width (average)	100 ft.
	Street Frontage (minimum)	100 ft.
	Density (maximum)	1 unit/40 acres
BUILDING SETBACKS (MINIMUM) [1]		
A	Front	40 ft.
	Street Side	40 ft.
B	Interior Side	20 ft.
C	Rear Yard	60 ft.
PARKING SETBACKS (MINIMUM) [1]		
	Front	20 ft.
	Street Side	20 ft.
	Interior Side	20 ft.
	Rear	60 ft.
	Any Yard Adjacent to Interstate (I-84 & I-184)	20 ft.
HEIGHT (MAXIMUM)		
D	Building Height	45 ft. or 35 ft. [1]

Notes:

[1] Applies when the property abuts a Residential zoning district or a residential use.

D. Streetscape Standards

All new development or an intensification of the development, shall comply with the following streetscape standards. The stricter provisions shall supersede any inconsistent dimensional standards in Section 11-04-07, *Access and Connectivity*.

(1) Each frontage on a local street shall include a detached sidewalk at least five feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II, or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

(2) Each frontage on a collector or arterial street shall include a detached sidewalk at least 10 feet in width that is separated from the curb line by a minimum of eight to 10 feet when a Class I, II or III street tree is provided depending on the site conditions. This area will accommodate a landscape buffer and street trees required by Section 11-04-09.4, *Street Frontage Landscaping*. Class I trees are permitted only when overhead powerlines are present.

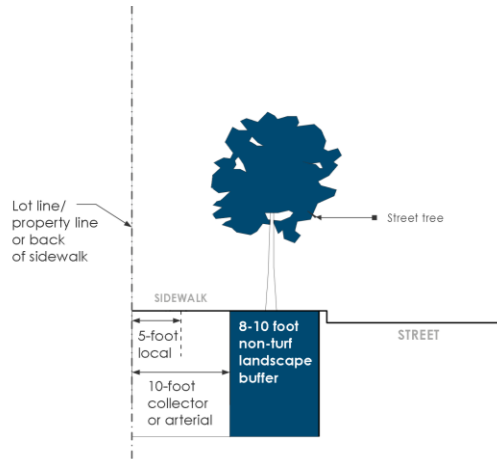


Figure 2.18. A-2 Streetscape Standards

11-02-06. PUD: Planned Unit Development

1. Purpose

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 in ways consistent with the City's adopted Comprehensive Plan. The principal use of this district is to promote innovative 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 pursuant to Section 11-05-05.3.L. Areas rezoned to the PUD district shall be subject to a Development Plan or Development Agreement that shall be approved by City Council at the same time as the rezoning to PUD.

2. Eligibility Criteria

An application for rezoning to a PUD zoning district shall not be accepted by the City unless it complies with all of the provisions of this Subsection 2.

A. Minimum Size of Planned Development

Each PUD application shall include a contiguous area of land at least five acres in size, all of which is under single ownership or control.

B. Mandatory Eligibility Requirements

Each PUD application shall include all of the following elements, each of which shall include a higher level of performance than otherwise required by this Code or other adopted City or governmental regulations, as determined by the Planning Director. If the PUD application does not contain the specific use type addressed by any individual eligibility requirement, the application is not required to comply with that requirement.

(1) Pedestrian and Non-motorized Travel

Enhanced opportunities for non-motorized travel, measured as the sum of the length of all designated public pedestrian and bicycle trails, paths, sidewalks, and walkways.

(2) Parks and Trails

Enhanced access to public or private parks and trails and enhanced landscaping and appearance of public or private parks and trails.

(3) Housing Types

Commitment to include at least three distinct types of housing as listed in Table 11-03.1: *Table of Allowed Uses* or as determined to be distinct housing types by the Planning Director, each of which shall be occupy at least 10 percent of the residential development land or include at least 10 percent of the residential units included in the application, at the applicant's option.

(4) Ground Floor Activation

If the proposal includes residential development, commitments that 60 percent of the ground floor areas of buildings along collector and arterial streets will be designed for and occupied by uses that are in active use by occupants or users of the building or development or by the general public and will incorporate building designs that help

activate street frontages to encourage pedestrian use. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

(5) Building Design

Enhanced building design through compliance with more of the Citywide or Downtown Design Standards and Guidelines (as applicable) or performance of such design standards and guidelines at a higher level of quality or visual interest, as determined by the Planning Director.

(6) Utility Services and Green Infrastructure

Enhanced protection of, or enhanced quality of service from, water, sewer, stormwater, electric, gas, and telecommunications systems.

C. Additional Eligibility Requirements

Each PUD application shall include two of the following three elements, to be selected by the applicant, each of which shall include a higher level of performance than otherwise required by this Code or other adopted City or governmental regulations, as determined by the Planning Director:

(1) Natural Systems

Commitments to permanently protect and manage natural systems and resources on a larger percentage of the project site than otherwise required by this Code.

(2) Housing Affordability

Commitments to deed restrict for a period of at least 20 years at least 10 percent of residential units to households earning not more than 60 percent of the Area Median Income for the Boise area if the dwelling unit(s) is a rental unit or 15 percent of residential units affordable to households earning no more than 120 percent of the Area Median Income if the dwelling unit(s) is a for-sale property.

(3) Sustainable Building Design

Commitments that the project will include conformance with sustainable building practices including Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system or the adopted City of Boise Green Building Code.

3. Identification of Base Districts from Which Flexibility is Requested

Each PUD application shall identify which base zoning district established in this Code shall apply in each area of the PUD unless varied by the terms of the Development Plan and Development Agreement.

4. Areas of Flexibility Permitted

Each PUD application may request only the following types of adjustments from base zoning district standards:

- A.** Minimum lot sizes;
- B.** Increased residential development density;
- C.** Increased nonresidential development intensity;
- D.** Reduced or reorganized internal building setbacks; and

- E. Additional types of housing.

11-02-07. Overlay Districts

1. Character Overlay Districts

A. Purpose

Character overlay districts are intended to maintain the unique character of specific areas. A character overlay district is usually applied to residential neighborhoods with certain identifiable attributes embodied in architecture, urban design, geography, or history.

B. Designation of Character Overlay Districts

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

(a) Has a distinctive character with identifiable attributes embodied in architecture, use, development patterns, or history that make it a unique and integral part of the city's identity; or

(b) 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 that makes the area's conservation significant to the city's history or function.

(2) Character overlay district provisions may apply additional requirements or allow exceptions to the standard regulations of the base zoning district.

(3) Prior to recommending an area for designation as a character overlay district initiated by the Planning Director, the Planning and Zoning Commission shall:

(a) Conduct any necessary plans, studies, research, or investigations;

(b) Assess neighborhood and landowner support; and

(c) Prepare a report containing recommendations.

(4) Prior to adoption of a character overlay district ordinance in a district that may be of historic significance as determined by the Planning Director, the Historic Preservation Commission shall have the opportunity to review and comment on the proposed ordinance.

C. Establishment of Character Overlay District

Character overlay districts shall be approved as described in Sections 11-05-05.4.B, *Code Adoption or Amendment* and 11-05-05.4.I, *Zoning Map Amendment (Rezoning, including Planned Unit Development)*.

D. HC-O: Hyde Park Character Overlay

(1) Purpose

The purpose of the HC-O District is 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



Figure 2.19. Hyde Park Character Overlay District Boundary Map

(3)Uses

The following uses are prohibited:

- (a) Parking Garages or Park and Ride facilities; and
- (b) New off-site parking lots as of March 16, 2006. On-site parking lots used as leasable off-site parking that existed prior to March 14, 2006, may continue to be used, but not expanded.

(4)District Parking Standards

- (a) Parking requirements shall follow Table 11-02.36, below.

TABLE 11-02.36: PARKING ALLOWANCES IN THE HC-O		
LAND USE	GRADUATED SCALE OF USE/UNIT OF MEASURE	REQUIRED PARKING SPACES
Restaurant		
	0 - 40 seats	1 per 20 seats
	41 - 80 seats [1]	1 per 10 seats
	Over 81 seats [1]	1 per 2 seats
Retail		
	0 - 750 sq. ft.	1
	751 - 2000 sq. ft. [1]	1 per 300 sq. ft.

TABLE 11-02.36: PARKING ALLOWANCES IN THE HC-O

LAND USE	GRADUATED SCALE OF USE/UNIT OF MEASURE	REQUIRED PARKING SPACES
	Over 2001 sq. ft. [1]	1 per 200 sq. ft.
Office		
	Street level	100 sq. ft.
	Upper floor	300 sq. ft.
Notes:		
[1] Parking requirements are cumulative.		

(b) Outdoor or seasonal seating shall be counted as regular seating and is required to meet all parking and zoning requirements in this Code. Existing outside seating shall be considered a legal nonconforming use.

(c) The allotment of parking for each business is available in the Planning and Development Services Department.

(d) Tandem parking is permitted in rear yards with alley access, provided setbacks and appropriate backup area requirements are met.

(e) All off-site parking shall have a valid contract. This contract shall state:

- i. The location of the parking space(s);
- ii. The contract is binding on all successors and run with the land;
- iii. How the parking spaces are to be maintained and who is responsible;
- iv. That the parking cannot be revoked without prior approval of the City, and shall show revocation for good cause; and
- v. Provide 60 days' notice of termination to the City.

E. NC-O: Near North End Character Overlay

(1) Purpose

The purpose of the NC-O District is to:

- (a) Encourage continued residential uses;
- (b) Protect the historical and architectural character of the neighborhood using adaptive reuse methods;
- (c) Encourage redevelopment of sites and renovation of structures that contain established historic institutional uses;
- (d) Allow for adaptive reuse of existing structures for Multiple-Family residential and established historic institutional uses;
- (e) Prohibit 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 adjacent predominantly single-family residential neighborhoods.

(2) Map and Boundaries

(a) Boundary Map



Figure 2.20. Near North End Character Overlay District Boundary Map

(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-1 And R-3 Zone

Adaptive reuse of a Single-Family Detached or Single-Family Attached Dwelling for office, Multiple-Family 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.

(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 landscaping.

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

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 an 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

(1) Purpose

The purpose of the BC-O district is to:

- (a)** Preserve the large lots and open character of the Big Sky Neighborhood;
- (b)** Retain the rural personality of this unique location; and
- (c)** Encourage agrarian uses through more flexible standards to maintain, protect, and enhance land use and livability.

(2) Boundary Map

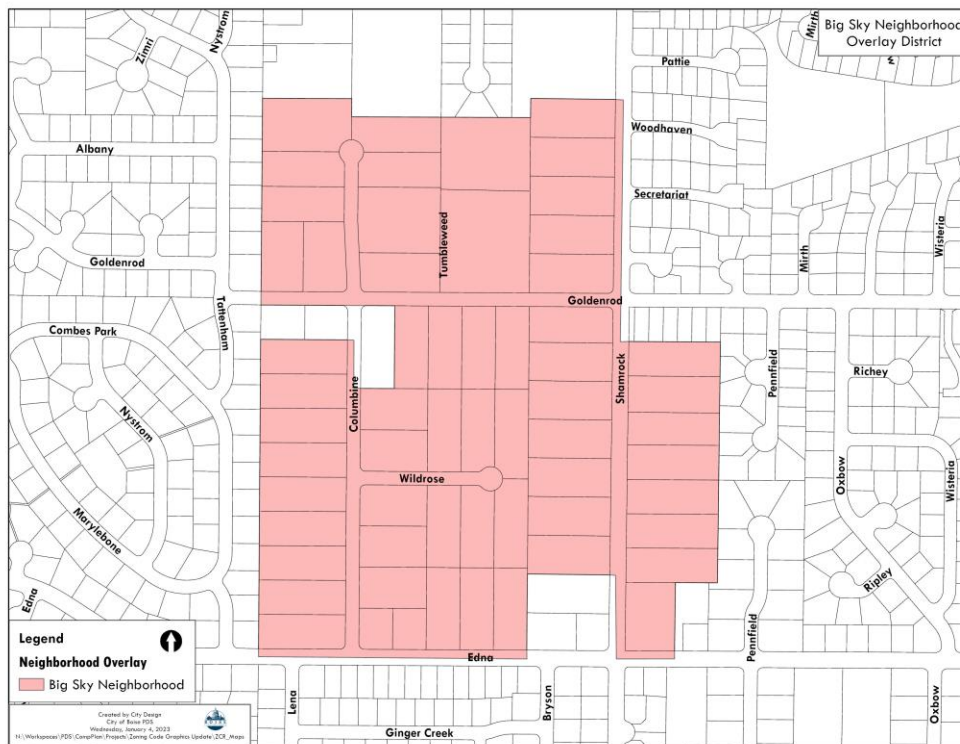


Figure 2.21. Big Sky Character Overlay District Boundary Map

(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.
- ii. Detached outbuildings with an area of up to 500 square feet and height less than 15 feet may have a reduced side and rear setbacks of 10 feet from the property line.
- (b) **Enclosed Garage**
Dwelling units, including each unit of a Duplex Dwelling, 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) **Duplex Dwelling Standards**
Duplex Dwellings in the BC-O district shall be subject to the specific design criteria as per Section 11-03-03.2.G, *Dwelling, Duplex, Triplex, or Fourplex* 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 11-03-03.2.I, and the standards in this Section. Where the standards of this Section conflict with 11-03-03.2.I, 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 in this Code.
- (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 as defined in this Code. 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 shall be added in one-half acre increments to calculate the 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 shall also comply with the setback standards for the BC-O.
- ii. Livestock shall be kept within enclosures such that the livestock is prevented from encroaching on, and/or damaging, neighboring properties, fences, or vegetation or public streets. Enclosures may include but are not limited to fences, corrals, barns, and pens.

(g) Best Management Practices (BMPs)

- i. Best management practices (BMPs) are intended 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 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. The following BMPs shall be met:

A. 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.

B. 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, allow waste to flow through and across the strip, and shall promote the filtering of nutrients, runoff water, and other materials through the grass in a manner so that they are 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:

- (i) Ensures fecal matter and other solid wastes do not create or promote nuisances, odors, or disease-carrying insects and animals; and
 - (ii) 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.
- ii. Additional BMPs shall be required if those listed above are shown to be ineffective. If a resident does not properly maintain or use BMPs, then the resident shall immediately cease the keeping of animals. 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

The purpose of the SC-O district is 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

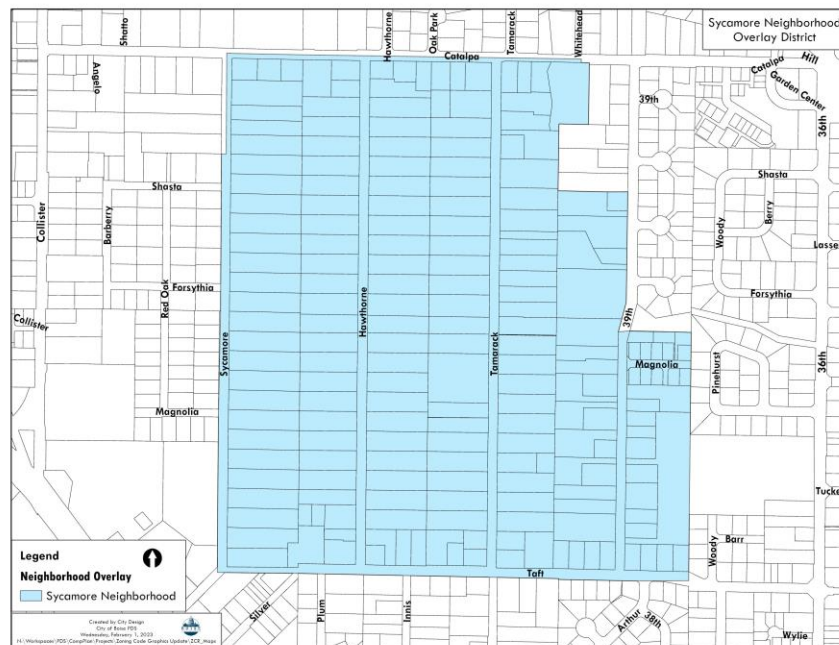


Figure 2.22. Sycamore Character Overlay District Boundary Map

(3) Specific Standards

(a) Setbacks

Excluding lots fronting 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 primary building on the two abutting lots facing the same street. The required setback shall not be less than 20 feet or greater than 40 feet. Additions to existing buildings in the SC-O district are also subject to this setback standard.

(b) Agricultural Standards

The keeping of livestock, small animals, and similar or related agricultural uses shall be subject to the generally applicable use standards of Section 11-03-03.2.I, and the standards in this Section (b). Where the standards of this Section (b) conflict with the generally applicable standards, this Section (b) 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 Code. 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 Code, 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 per 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 the animals. For areas of land different from one-quarter acre, the one animal unit per 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 10 feet from all property lines. Fully enclosed buildings shall comply with the setback standards for the base zoning district and, therefore, may in some cases be set back less than 10 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 SC-O district.

ix. Enclosures Required

Livestock shall be kept within enclosures that prevent animals from encroaching on neighboring properties or public streets. Enclosures may include, but are not limited to fences, corrals, barns, or pens.

x. Best Management Practices (BMPs)

The owner or resident shall use 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 or 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 three year intervals, 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.

2. Design Review Overlay Districts

A. Purpose

Design review overlay districts are intended to maintain the unique design qualities of specific areas. A design review overlay district is usually applied to residential neighborhoods with certain identifiable design features or attributes embodied in architecture, urban design, or history.

B. Designation of Design Review Overlay Districts

(1) Design review overlay districts shall be designated by ordinance. Neighborhoods or areas selected for consideration for a design review overlay district designation shall meet at least one of the following criteria:

(a) Has distinctive design character with identifiable attributes embodied in architecture, urban design development patterns, or history that make it a unique and integral part of the city's design identity; or

(b) Has a recognized neighborhood design identity and a definable design or historical character that has a high design value or a relationship to urban centers or significant areas of the city that makes the area's conservation significant to the city's history or function.

(2) Design review overlay district provisions may apply additional requirements or allow exceptions to the standard regulations of the base zoning district.

(3) Prior to recommending an area for designation as a design review overlay district initiated by the Planning Director, the Planning and Zoning Commission shall:

(a) Conduct any necessary plans, studies, research, or investigations;

(b) Assess neighborhood and landowner support; and

(c) Prepare a report containing recommendations.

(4) Prior to adoption of a design review overlay district ordinance in a district that may be of historic significance as determined by the Planning Director, the Historic Preservation Commission shall have the opportunity to review and comment on the proposed ordinance.

C. Establishment of Design Review Overlay District

Design review overlay districts shall be approved as described in Sections 11-05-05.4.B, *Code Adoption or Amendment* and 11-05-05.4.I, *Zoning Map Amendment (Rezoning, including Planned Unit Development)*.

D. CD-O: Capitol Boulevard Design Overlay

(1) Purpose

The purpose of the CD-O district is to recognize the importance of Capitol Boulevard and to maintain and enhance its special character. The intent of these provisions is to protect Capitol Boulevard as one of the principal gateway streets in the State of Idaho and to visually link two of the most important historic buildings in the city - the State Capitol and the Boise Depot. The CD-O provisions also are intended to ensure consistent streetscape design along the Boulevard and protect 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

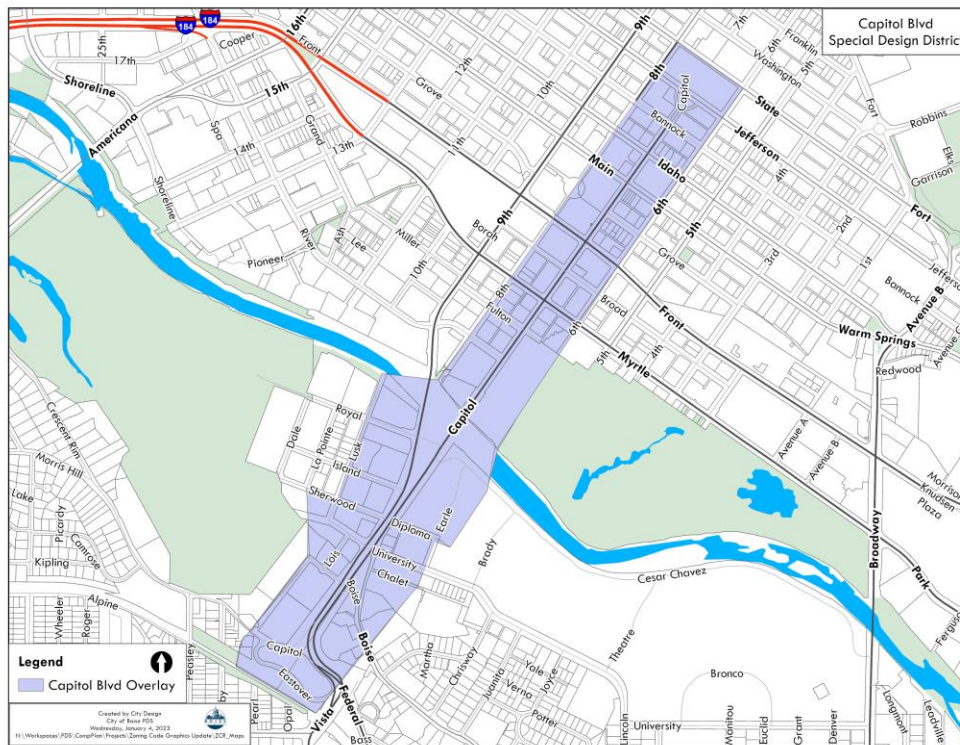


Figure 2.23. Capitol Design Overlay District Boundary Map

(3) District Subareas

The District is divided into four areas:

(a) Downtown Corridor

Both sides of Capitol Boulevard from the 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

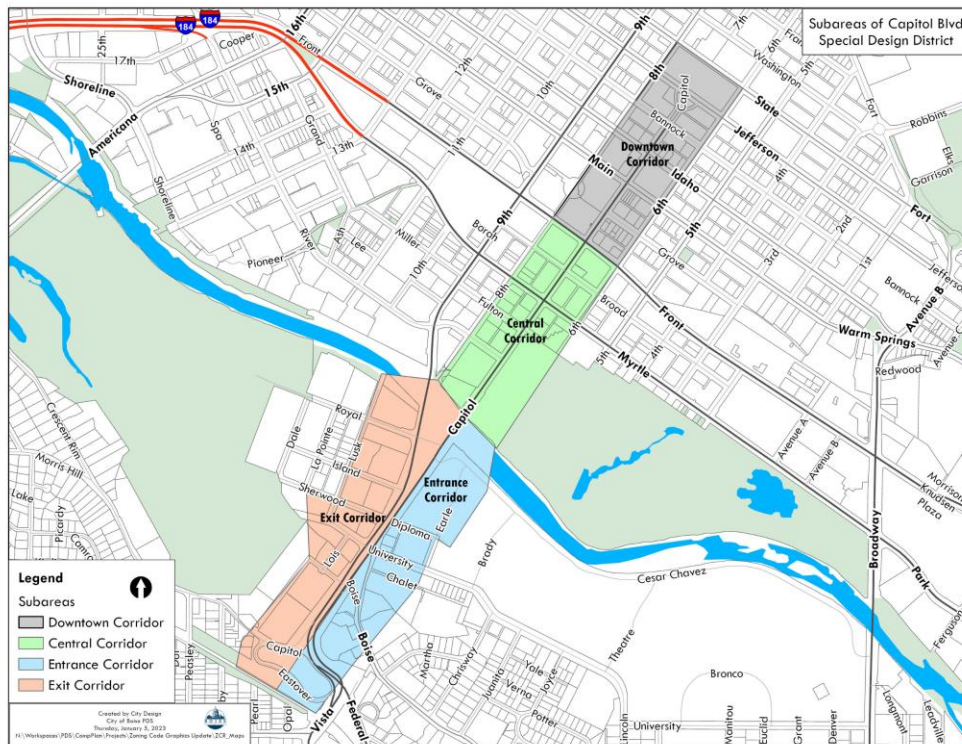


Figure 2.24. Capitol Design Overlay District Subareas Boundary Map

(4) Design Review Permit

Minor or Major Design Review, as applicable pursuant to Sections 11-05-05.2.E and 11-05-05.3.D, is required for the following:

- (a) Increase in building size by 10 percent;
- (b) Replacement of more than 25 percent of a building;
- (c) Any new building; or
- (d) A façade remodel that uses 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 Plan and Action Program.

i. Applicability

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

- A. Constructing a new building or parking lot; or
- 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.

ii. Standards

A. Downtown Corridor

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 Plan and Action Program along the east side of Capitol Boulevard from Bannock Street to Front Street.
- (iii) 10 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

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 measured curb to curb.
- (ii) Sidewalks with pavers.
- (iii) Planters with street trees, shrubs, and low steel fencing, as shown in the Capitol Boulevard Plan and Action Program.
- (iv) Furnishing zone with historic street lights, as shown in the Capitol Boulevard Plan and Action Program.
- (v) Benches, litter receptacles, movable planters, bicycle racks, and newsstands, as shown in the Capitol Boulevard Plan and Action Program.
- (vi) Kiosks, public art, and transit stops may be considered.

C. Entrance and Exit Corridors

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

- (i) 12 foot wide concrete multiuse pathway.
- (ii) Eight to 10 foot wide landscape strips with lawn and street trees.
- (iii) A second row of deciduous trees.
- (iv) Historic street lights.
- (v) Bus stop shelters at select locations.

(b) Building and Structure Setbacks

i. Downtown Corridor

The setbacks of the underlying zoning district 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 11-04-09, *Landscaping, Fencing, Walls, and Screening*).

(c) Parking Lot Setbacks and Requirements

i. Parking Lots

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

ii. Parking Lot Screening

Parking lots shall be screened using one or more of the following, unless otherwise approved by the Design Review Commission (DRC).

- A.** Decorative masonry screen walls that may include wrought iron fencing. The maximum length without modulation shall 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 façade materials should be of high quality to enhance the appearance of Capitol Boulevard including, but not limited to stone, brick, or tile. The same façade materials or other architecturally compatible façade materials should be used for all exposed walls on all sides of the building 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 the scale, mass, and bulk with the overall Capitol Boulevard development.
- iii.** Blank walls or faux windows 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, height, and/or entrance doors.
- v.** Distinctive roof or other termination of the building façade.
- 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 Guidelines 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's exterior materials.
- x.** Utilities shall be installed underground, except for transportation facilities.

(e) Lighting

Pedestrian and 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 the minimum width and number needed for safe vehicular access and pedestrian and bicycle crossings.
- 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 and loading areas;
- ii.** Trash dumpsters;
- iii.** Outdoor storage areas;

- iv. Fuel pumps;
- v. Drive-up windows; and
- vi. Surface parking lots fronting on the street.

(h) Signage

Sign standards for the CD-O district shall be as indicated in Section 11-04-012, *Signs*.

E. HD-O: Historic Design Overlay

(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 that 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 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

These provisions apply to all properties in the HD-O district. In the case of properties located in both the HD-O district and a Character Overlay district listed in Section 11-02-07.1, the provisions of this Section 11-02-07.2.E shall apply.

(3) Criteria for Designation

Historic Districts and Historic Landmarks shall be designated by ordinance as described in Sections 11-05-05.4.E(2), 11-05-05.4.E(3), and 11-05-05.4.I. 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;
- ii. Is associated with the life of a person significant in the past;
- iii. Is the site of an historic event with a significant effect upon society;
- iv. Exemplifies the cultural, political, economic, social, educational, or historic heritage of the community;
- v. 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
- vi. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community, or city.

(b) Architectural Importance

- i. Portrays the environment in an era of history characterized by a distinctive architectural style;
- ii. Embodies those distinguishing characteristics of an architectural-type or engineering specimen;
- 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 that represent a significant innovation.

(c) Archeological Importance

- i. Has yielded or may be likely to yield, information important in pre-history or history; or
- 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

Nothing in this Section 11-02-07.2.E or related to 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 Historic 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.

(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 11-02-07.2.E or related to historic preservation or designation shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an 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

(a) Any property located within an Historic District or Residential Historic District or designated as an Historic 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.

- i. The deterioration of exterior walls or other vertical supports;
- ii. The deterioration of roofs or other horizontal members;
- iii. The deterioration of exterior chimneys;
- iv. The deterioration or removal of exterior finishes or fenestration;
- v. The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
- vi. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(b) If the Historic Preservation Commission (HPC) makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Building Official 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 HPC.

(c) If the owner(s) fail to commence work within the time allotted as evidenced by a Building Permit, the Historic Preservation Commission (HPC) shall notify the owner(s) in writing to appear at a public hearing before the HPC at a date, time, and place to be specified in the notice, which shall be mailed at least 28 days before the hearing. The HPC shall also notify in writing adjacent property owners and the Registered Neighborhood Association of such hearing. The HPC 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 HPC determines that the resource is being demolished by neglect, it may direct the City Attorney to commence legal action against the owner(s) if the necessary repairs are not completed within 90 days or a time frame as specified by the HPC.

(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 an Historic District may, upon the recommendation of the Historic Preservation Commission, exempt an Historic Landmark or property within an Historic District from the application of the City Fire or Building Codes upon compliance with the criteria for exemption set forth in the Codes and upon a finding that non- exemption would prevent or seriously hinder the preservation or restoration of the Historic Landmark or property in an Historic District. Upon rescission of an 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 11-02-07.2.E, 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

A current register and map of all Historic Districts and Landmarks that have been designated by ordinance shall be made available upon request from the Planning and Development Services Department or on the City's website. Such register and map shall be made public and available to the City departments, other governmental agencies, and any interested person.

3. Sensitive Lands Overlay Districts

A. Purpose

Sensitive lands overlay districts are intended to protect unique environmental features and systems within the city from the impacts of development, or to protect public health and safety by including additional restrictions on development in or near areas where necessary and permitted activities may create additional risks to the public.

B. Designation of Sensitive Lands Overlay Districts

(1) Sensitive lands overlay districts shall be designated by ordinance. Areas selected for consideration for a sensitive lands overlay district designation shall meet at least one of the following criteria:

- (a)** Includes sensitive environmental areas or systems or portions of systems that need additional protection from the impacts of development in order to retain healthy environmental functions or to protect a unique environmental feature within the city; or
- (b)** Includes lands in or around an area where needed and permitted activities may create additional risks to public health and safety unless additional restrictions on the location and type of development or permitted human occupancy of those lands is subject to additional regulations.

(2) Sensitive lands overlay district provisions may apply additional requirements or allow exceptions to the standard regulations of the base zoning district.

(3) Prior to recommending an area for designation as a sensitive lands overlay district initiated by the Planning Director, the Planning and Zoning Commission shall:

- (a)** Conduct any necessary plans, studies, research, or investigations; and
- (b)** Prepare a report containing recommendations.

C. Establishment of Sensitive Lands Overlay District

Sensitive lands overlay districts shall be approved as described in Sections 11-05-05.4.B, *Code Adoption or Amendment* and 11-05-05.4.I, *Zoning Map Amendment (Rezoning, including Planned Unit Development)*.

D. AI-O Airport Influence Area Overlay

(1) Purpose

The purpose of the AI-O district is to:

- (a) Promote development that is compatible with and protects the safe operation of the airport;
- (b) Ensure all development is compatible with the noise levels from operations at the airport;
- (c) Ensure future development within the Airport Influence Area is designed in accordance with the Airport Master Plan; and
- (d) Ensure compliance with applicable federal regulations and guidance.

(2) Boundary Map

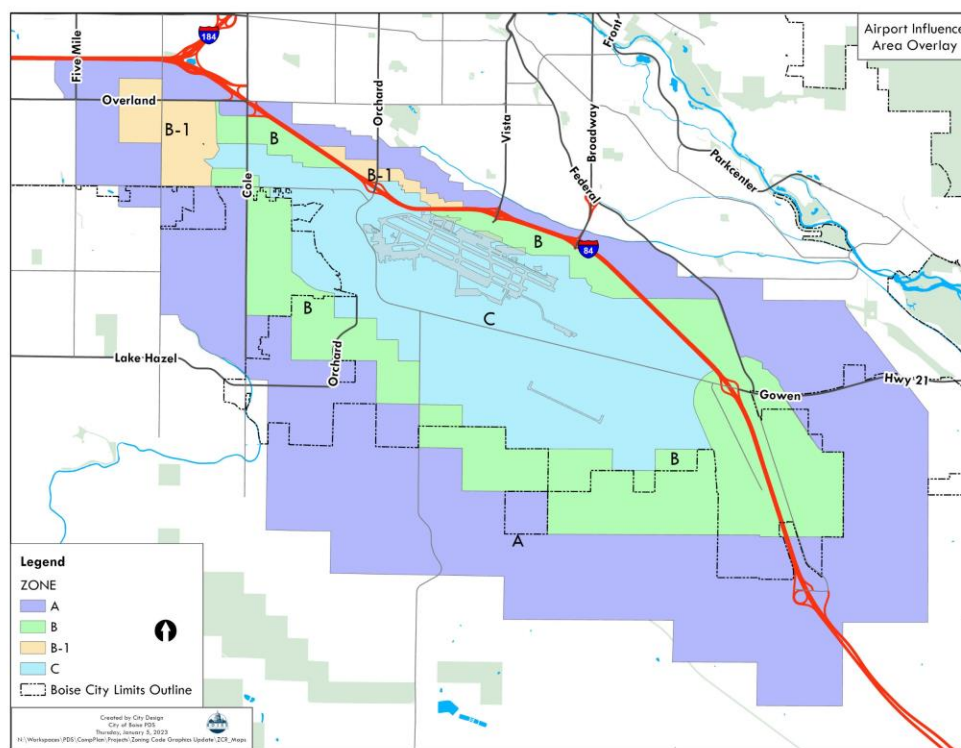


Figure 2.25. Airport Influence Overlay District Boundary Map

(3) Design Standards

All new development and existing structures within the Airport Influence Areas shall comply with the following:

- (a) All new residential development and new Schools in the Airport Influence Area A are required to provide insulation to achieve a noise level reduction of 25 decibels.
- (b) Residential development or other noise sensitive development such as Schools, Universities, Religious Institutions, or Adult or Child Day Care Facilities are prohibited within the Airport Influence Area B. All compatible uses are required to provide insulation to achieve a noise level reduction of 35 decibels within the noise sensitive areas of a facility.

- (c) New residential development within Airport Influence Area B-1 is required to provide insulation to achieve a noise level reduction of 30 decibels. For new residential development or redevelopment of an existing site, the maximum density within the Airport Influence Area B-1 is five residential units per acre with additional density being considered on a case-by-case basis pursuant to Section 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification* .
- (d) Schools, Universities, Religious Institutions, and Adult or Child Day Care Facilities are prohibited within the Airport Influence Area B-1. Commercial uses are compatible but are required to provide insulation to achieve a noise level reduction of 25 decibels within noise sensitive areas of a facility.
- (e) Existing residential uses in the Airport Influence Area C are considered legally nonconforming. New residential uses in this area are prohibited. Non-noise sensitive manufacturing, industrial and commercial uses are allowed but are required to provide insulation in noise sensitive areas of a facility.
- (f) All approved developments in the Airport Influence Areas are required to grant the airport an avigation easement in a form acceptable to the City Attorney. Sample avigation easements are available on the airport website.

E. BR-O: Boise River System Overlay

(1) Purpose

The purpose of the BR-O district is to:

- (a) Ensure protection from flooding;
- (b) Allow for conveyance of the 100 year flood flow to lessen damage to public and private properties;
- (c) Preserve, protect, and enhance the abundance and diversity of fish, wildlife, and riparian vegetation native to the Lower Boise River and its floodplain, and that of its tributaries;
- (d) Control runoff and pollution so as to protect water quality of the river and its tributaries;
- (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;
- (g) Ensure that development is designed to enhance and protect rivers including riparian areas, fish, wildlife, and recreational values; and
- (h) Provide and maintain continuous public access to and along the river including appropriate facilities for parking of bikes and motor vehicles.

(2) Applicability

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

TABLE 11-02.37: REGULATIONS AND USES

LANDS AND WATERS CLASSIFICATION	FLOODPLAIN REGULATIONS	USE STANDARDS OF BOISE RIVER REGULATIONS [11-02-07.3.E(7)]	MITIGATION SECTION OF BOISE RIVER REGULATIONS [11-02-07.3.E(10)]	ENHANCEMENT SECTION OF BOISE RIVER REGULATIONS (WHERE APPROPRIATE) [11-02-07.3.E(11)]	BOISE RIVER DEVELOPMENT SYSTEM PERMIT REQUIRED [11-02-07.3.E(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

A boundary map can be found on the City's website.

(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 Planning and Development Services Department and on the City's website. The Planning Director, with recommendation from the City Engineer, shall provide boundary interpretations where necessary. These areas are subject to the standards in Section 11-02-07.3.F *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 11-02-07.3.F, *FP-O Flood Protection Overlay*.

(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 shall 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 (ASF) 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 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 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. A copy of this study is available at the Planning and Development Services Department and on the City's website.

(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 areas 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 communities;
- 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 that 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 impacts. 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 and Waters – Least Important for Preservation

Class C lands and waters 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 five 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

The setback for structures and parking areas is 300 feet from the 6500 c.f.s. 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

The setback for structures and parking areas is 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.

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.

(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 11-02-07.3.E.

(a) All uses not explicitly listed below are prohibited in Class A lands and waters areas.

- i.** Signs (non-commercial);
- ii.** Existing restrooms and snack bars;
- 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 paths limited to:
 - A.** Existing or expansions of public pathways;
 - 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 other new areas that may be used as a multi-use public pathway;
 - 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 dwelling unit per 20 acres or legal nonconforming lot.
- (b)** Uses allowed in Class B and Class C areas are limited to those listed in Table 11-03.1: *Table of Allowed Uses*.

(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 designed 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.
- B.** Open spaces such as parks, golf courses, greenbelt areas, or parking lots, 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 to the Boise River and Greenbelt 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 use native or naturalized plant materials that provide wildlife food and shelter for wildlife. 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 for 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 10 years.
- B.** Parking areas located between a 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 used 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 ii and iii 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 11-02-07.3.E(10) and 11-02-07.3.E(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.** The purpose of this Subsection (10) is 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 shall 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 shall be provided with the project application for review by the city along with a comprehensive technical plan to mitigate 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 shall be initiated by the applicant as soon as practicable to determine the natural resource functions and values existing within the area requiring a River System 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 shall identify 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 River System 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 River System 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

The purpose of this Subsection (11) is 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 River System 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

A. Class A Passive Lands

Class A passive open space 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

Class B and C passive open space 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

- (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 in compliance with the BR-O district.
- (iii)** An adjustment of the standards may be approved when evidence presented meets the following conclusions of law: (1) that the proposed enhancement plan is in compliance with the applicable standards of Section 11-02-07.3.E(10), (2) that the proposed enhancement plan complies with all local, state, and federal laws and regulations, and (3) that the adjustments requested ensure a benefit to the public.

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 Section 11-04-04, *Subdivision Standards*.
- (v) Permit fencing adjustments from irrigation and streams as required in Section 11-04-04, *Subdivision Standards*.
- (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 shall 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 11-02-07.3.E(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 those 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 11-02-07.3.E(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.

F. FP-O Flood Protection Overlay

(1) General Provisions

(a) Purpose

- i. The flood hazard areas of Boise City 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 that increase flood heights and velocities, and by structures that are inadequately anchored and that 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. The purpose of this Section is 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 to:
 - A. Protect human life and health;
 - B. Minimize expenditures of public money and costly flood control projects;
 - C. Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;
 - D. Minimize prolonged business interruptions;
 - E. 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. 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. Ensure that potential buyers are notified when property is in an Area of Special Flood Hazards; and
 - H. Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions.

(b) Methods of Reducing Flood Losses

This Section 11-02-07.3.F(1)(b) describes guidelines and provisions for:

- i. Restricting or prohibiting redevelopment that is dangerous to health, safety, and property due to water or erosion hazards, or that results in 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 that may increase flood damage; and
- v. Preventing or regulating the construction of flood barriers that 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 July 19, 2020, with accompanying Flood Insurance Rate Maps, and flood profiles, along with all subsequent amendments that 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 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 11-02-07.3.F. 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 11-01-010, *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 11-02-07.3.F shall not create liability on the part of Boise City, or any officer or employee thereof, for any flood damages that results from reliance on this Section, or any administrative decision lawfully made using this Section.

(2) Floodway Zone

(a) Allowed Uses

All uses permitted by the base zoning district within this Code 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 that are displaced by floodwater shall not be reconstructed.
- iv.** No alteration or relocation of a water course shall be permitted that would diminish the flood carrying capacity of the water course, or that would result in the flooding of lands that are not subject to flooding prior to such alteration or relocation of the water course, or that will result in adverse effects on other properties 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.
- v.** Uses on parcels that 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 that 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 nonresidential structures, including both principal and accessory use structures, except as provided in 11-02-07.3.F(2)(b), above.
- ii. The manufacturing and storage of materials that are buoyant, flammable, toxic or explosive, or that may present a hazard to public health or safety in time of flooding.
- iii. 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 shall 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) Allowed Uses

All uses permitted in the base zoning 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 use 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 use 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 shall 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 and Other Hazards FEMA P-85 11/2009 for additional techniques).
- E.** Drainage practices shall be used that minimize exposure to flood hazards.
- F.** Manufacture and/or storage of material that 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 11-02-07.3.E, *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 that 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 shall either be certified by a registered professional engineer or shall 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, shall 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 or Detached Garages)

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, shall 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) Allowed 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 11-02-07.3.F(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, or photographs of past flooding, 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 11-02-07.3.F(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 11-02-07.3.F(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 11-02-07.3.F(3)(b)iv.

(5)Critical Facilities

Construction of new critical facilities shall be, to the maximum extent practicable, located outside the limits of the Special Flood Hazard Area (SFHA). 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 used above. Flood-proofing and sealing measures shall 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 General Irrigation Floodplain Development Permit (GIFD) applies to qualifying activities within the regulatory floodway or SFHA. 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:

- (a)** 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.
- (b)** Seasonal grading within natural stream channels to check or direct water into irrigation facilities (i.e., earthen "push-up dams" and "wing dams").
- (c)** Deposition of fill within the SFHA for less than 10 days. After 10 days, deposited fill shall 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.
- (d)** 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 two feet in diameter shall be disposed of outside the regulatory floodway and SFHA.
- (e)** 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. GIFD permits cannot authorize the In-kind replacement of dams or bridge structures.
- (f)** New driveways, trails, sidewalks, roads, and streets constructed completely at-or-below existing grade.
- (g)** 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.

G. HS-O: Hillside Development Overlay

(1) Purpose and Intent

The purpose of the HS-O district is to ensure the 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.

(3) Categories of Hillside Development Permits

The Planning Director (with input from the City Engineer) shall determine whether an application may be processed as a Category 1, 2, or 3 permit.

(a) Category 1

Category 1 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 Detached Dwellings or accessory structures placed on lots needing little modification, in a development for which a Category 3 permit has previously been issued.
- ii. Single-Family Detached Dwellings or accessory structures placed upon lots of record that comply with approved building envelopes and limits to grading and for which Category 2 Permit criteria are not exceeded.

(b) Category 2

Examples of the development requiring a Category 2 Permit are:

- i. Exterior additions to existing structures;
- ii. Grading with significant modification of approved topography including:
 - A. A retaining wall that is greater than four feet of exposed height or more than one retaining wall when the horizontal distance between retaining walls is less than 10 feet and the total of all exposed retaining walls exceeds four feet in height; or
 - B. An excavation or fill that exceeds the limits as defined by the 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; or
- iv. Multiple retaining walls located within setbacks, per Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

(c) Category 3

Category 3 Permits are for PUDs, Preliminary Plats, or grading involving modification of approved topography beyond that allowed under Categories 1 and 2 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 1 or 2 but that fall under the purview of this Section 11-02-07.G.

(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; or
- (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 is 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 Boise 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 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 Boise City 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 shall be performed in accordance with the latest approved contract plans and specifications. Work not in accordance with such plans and specifications shall 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, considering 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 feet

horizontal to one foot vertical 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. The 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 shall 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 floodplain unless the City Engineer concurs that there is no reduction in storage and flow capacity of the floodplain.

- 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 floodplain.
- 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 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 (10 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 maximum extent practicable.
- iii. Variations in road design and construction and public 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.
- v. Shared driveways shall be used to the maximum extent practicable.

- vi. 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.
- vii. 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.
- viii. A pedestrian pathway shall be required as approved by the Planning and Zoning Commission.
- ix. 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 Planning and Development Services Department, within a subdivision approved under the provisions of this Section, 11-02-07.3.G 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) Adjustments

The developer, the project engineer, or the developer's representative may request an adjustment of any of the provisions of this Section 11-02-07.3.D. The request shall be made to both the Planning Director and the City Engineer. The Planning Director and City Engineer shall notify the public of the request for adjustment in accordance with Section 11-05-04.5, *Scheduling and Notice of Public Hearing*. After public notice and comment on the adjustment request, the City Engineer and Planning Director shall review and decide on the proposed adjustment. The decision may be appealed to the Hearing Examiner.

(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 developer shall bear the cost of special inspections and special testing.
- ii. If the City Engineer determines that any portion of the project is not in conformance with the requirements of this Section 11-02-07.3.G and no adjustment 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.

H. WUI-O: Wildland Urban Interface Overlay

(1) Purpose

The purpose of the WUI-O is to reduce the risks to human life, property, livelihoods, and wildlife within areas with higher risk of wildfire, and to recognize and clarify the respective roles of the City and property owners in the WUI-O to reduce those risks.

(2) Responsibility

Lands within the WUI-O are areas at higher risk for wildland fires and areas known to be frequented by wildlife. An increased risk to wildland fire will continue to be present in and around existing dwellings and new dwellings built in these areas, and it is the responsibility of the property owners within the WUI-O to assist the City to reduce those risks by maintaining their properties and avoiding actions that would increase those risks, as described in this Section 11-02-07.3.H.

(3) Applicability

(a) General

The provisions of this Section 11-02-07.3.H shall apply to the following activities, except as listed in Subsection (b) below:

- i.** All new structures and additions to structures constructed in the WUI-O after the Effective Date; and
- ii.** Renovation or modification of primary and accessory structures existing on the Effective Date that increase the gross floor area of the structure on the Effective Date by more than 49 percent.

(b) Exceptions

The provisions of this Section 11-02-07.3.H shall not apply to:

- i.** Interior renovations, regardless of the gross floor area involved, unless they coincide with exterior modifications exceeding the 49 percent criteria given above.
- ii.** Renovation of historic buildings where the proposed renovation is necessary to replace or repair materials that have deteriorated, or to restore historic buildings to their historic appearance in accordance with generally accepted historic preservation practices.
- iii.** Relocation of historic buildings to recognized museums.
- iv.** Construction, renovation, or modification of accessory buildings used for agricultural purposes and located 50 feet or more from all buildings containing habitable spaces.

(4) Boundary Map

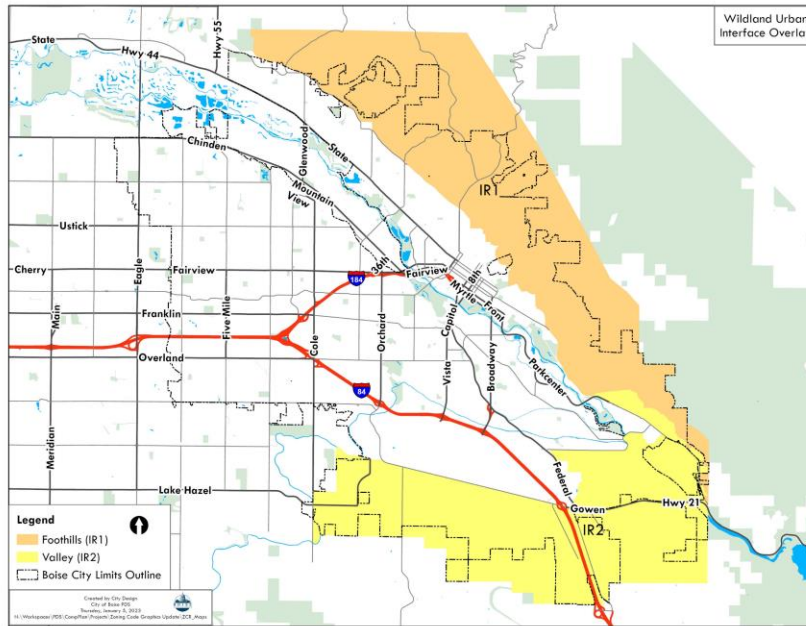


Figure 2.26. Wildland Urban Influence Overlay District Boundary Map

(5) Compliance Required

- (a) All properties and activities subject to this Section 11-02-07.3.H pursuant to Subsection (3) above shall comply with all applicable provisions of this Section 11-02-07.3.H and with all applicable provisions of the Wildland Urban Interface Fire Code as set forth in Chapter 12 of the Boise City Code as adopted and periodically amended or updated.
- (b) Should any provision within this Section conflict with any other provision of the Boise City Code, then the more restrictive shall control.

(6) Wildland-Urban Interface Map and Classifications

- (a) The boundaries of the WUI-O and the boundaries of the risk zones, IR1, IR2, and other subdistricts described below are shown on the zoning map of that base district, and generally follow natural and manmade features.
- (b) These generalized risk zone boundaries are subject to interpretation by the Fire Code Official based on the most current fire site conditions and fire risk information, and that Official shall have final authority in determining which lots or parcels shall be included within the WUI-O district and the subdistricts described below.

i. General IR1 Areas

IR1 areas are required to use Class 1 Ignition-Resistant Construction (IR1), that generally include foothills fire hazard areas. As the City annexes land to the north and west, the IR1 areas will be automatically modified to include annexed lands that are generally north and west of Hill Road.

ii. General IR2 Areas

IR2 areas are required to use Class 2 Ignition-Resistant Construction (IR2), that generally depict valley, desert, and other occluded fire hazard areas.

iii. Other Fire Risk Areas

The Fire Code Official may identify additional areas at threat from wildfire, that may include but are not limited to properties adjacent to occluded undeveloped properties in areas not historically considered wildland-urban interface areas.

(7) Access Standards

Access roads, driveways, driveway turnarounds, and driveway turnouts shall comply with the applicable provisions of the International Fire Code and Boise City Code. The Planning Director shall determine whether required access will provide public or restricted access, based on considerations of public safety and desired levels of connectivity. The Fire Code Official is authorized to require areas within 10 feet on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth. The requirement to remove such vegetation does not apply to single specimens of trees, ornamental vegetative fuels, or cultivated ground cover, such as green grass, ivy, succulents, or similar plants used as ground cover, unless the Fire Code Official determines they form a means of readily transmitting fire.

(8) Building and Structure Standards

Buildings in the IR1 and IR2 areas, including but not limited to IR2 perimeter areas abutting undeveloped land, shall comply with the following standards:

(a) Roofs

Roofs are required to be a Class A material such as cement shingles or sheets, exposed concrete slab, ferrous or copper shingles or sheets, clay or concrete tile, slate, and metal. The roof covering on buildings or structures in existence prior to the Effective Date that are replaced, or on which 50 percent or more of the roof areas is replaced, during a 12 month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction.

(b) Building Appendages and Projections

Unenclosed accessory structures attached to buildings with habitable spaces and projections, including but not limited to decks, shall be not less than one-hour fire-resistance-rated construction or shall be constructed of one of the following:

- i.** Fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code;
- ii.** Heavy timber construction with following minimum dimensions: six by six inches for columns, four by eight inches for joists, four by 10 inches or six by eight inches for beams and three by four inches for ledgers; or
- iii.** Other non-combustible or ignition resistant materials approved by the Fire Code Official.

(c) Siding

- i.** Siding shall be constructed of noncombustible and fire resistive materials that are:
 - A.** Materials approved for not less than one-hour fire- resistance-rated construction on the exterior side;
 - B.** Heavy timber or log wall construction;
 - C.** Fire-retardant-treated wood labeled for exterior use and meet the requirements of Section 2303.2 of the International Building Code on the exterior side;
 - D.** Ignition-resistant materials complying with Section 4108.2 on the exterior side; or
 - E.** Other non-combustible or ignition-resistant materials approved by the Fire Code Official.
- ii.** Required siding materials shall extend from the top of the foundation to the underside of the roof sheathing.
- iii.** The siding on buildings or structures in existence prior to the Effective Date that are replaced or on which 50 percent or more of the siding areas is replaced during a 12 month period shall be replaced with siding required for new construction based on the type of ignition-resistant construction.

(d) Exterior Doors and Windows

- i.** Exterior doors, other than vehicular access doors to garages, shall be noncombustible or solid core not less than one inch thick.
- ii.** Exterior windows, window walls, glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

(e) Eaves and Soffits

- i.** Eaves and soffits shall be protected on the exposed underside by ignition-resistant materials in accordance with Section 4108.2 of the International Building Code or by materials approved for not less than one hour fire resistance-rated construction, two inch nominal dimension lumber, or one inch nominal fire-retardant-treated lumber or three-fourth inch nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code. Facias are required and shall be protected on the backside by ignition-resistant materials in accordance with Section 4108.2 of the international Building Code or by materials approved for not less than one hour fire-resistance-rated construction or two inch nominal dimension lumber.
- ii.** Soffits and eaves shall be constructed as fire resistive materials and shall not include venting or penetrations.

(f) Chimneys and Vents

- i. Chimneys and vents serving fireplaces, barbecues, incinerators, or decorative heating appliances in which solid or liquid fuel is used shall be provided with a spark arrester.
- ii. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall be covered with non-combustible corrosion-resistant mesh with openings not to exceed 1/8 inch or shall be specifically designed and approved to prevent flame or ember penetration into the structure.

(g) Underfloor Areas

Buildings or structures shall have all under floor areas enclosed to the ground with exterior walls.

(9) Defensible Space

- (a) A vegetation plan shall be required for new dwellings and residential subdivisions and shall provide a minimum of 30 feet of defensible space around the perimeter of each principal dwelling structure.
- (b) Within the defined defensible space, only plantings recommended by the National Fire Protection Association Firewise program and hardscapes including but not limited to concrete or masonry patios, walkways, walls, boulders, or rock mulch, shall be installed.

(10) Vegetation

- (a) Landscaping shall include only fire-resistive plantings.
- (b) Landscaping shall include seed mixes and landscaping plants of native origin, suitable for dryland applications, and that are drought-resistant, and deer and elk resistant.
- (c) Landscaping shall not include Japanese, Chinese, European, or hybrid varieties of ornamental yew species.

(11) Fencing

- (a) Fencing is not required in the Wildland Urban Interface.
- (b) If fencing is proposed, all fencing shall be constructed of non-combustible materials. Fences using horizontal wires or rails shall have spacing between horizontal wires or rails of at least 12 inches between the top two and 18 inches between the lower cross member and the ground, with a maximum height not exceeding 40 inches. Wrought iron, chain link, and fencing that includes points, spires or finials that can cause injury to animals are prohibited.
- (c) If large animal feed is stored on the property, solid fencing, or screening at least six feet in height shall be installed around the feed storage area to provide visual barriers to wildlife.

(12) Incinerators, Outdoor Fireplaces, Permanent Barbecues and Grills

- (a) Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained unless the Fire Code Official determines that the location, design, and operation of those items will not materially increase wildfire risk.

(b) Where permitted by the Fire Code Official, incinerators, outdoor fireplaces, permanent barbecues, and grills shall include an approved spark arrester, screen, or door on each opening and shall be maintained in good repair and in a safe condition at all times.

(13) Storage of Firewood, Flammable and Combustible Materials

(a) Firewood and other flammable and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies, or other projections or overhangs.

(b) When required by the Fire Code Official, unenclosed storage of firewood and combustible material in the defensible space shall be located a minimum of 20 feet from structures and shall be separated from the crown of all trees by a minimum horizontal distance of 15 feet.

(14) Keeping of Domestic Livestock

(a) Domestic livestock such as horses, llamas, and cows shall be fed in distinct, fenced enclosures that have fencing or other features to prohibit the entrance of big game into the area.

(b) All feed shall be stored in sheds or enclosures and shall not be visible to big game animals on surrounding properties.

(c) Domestic fowl shall be housed in wildlife-proof homes.

1. Purpose

Specific Plan Districts provide a means to 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 including the Future Land Use Map and policies. The purpose of a Specific Plan is to create unique zoning regulations for the buildout of a community over time.

2. Scope**A. Examples of Specific Plans**

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

B. Specific Plan Elements

A 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 open space 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 nonconforming uses shall be permitted in a SP district. Any permitted or conditional use may be included in a Specific Plan District.

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 single ownership, the majority of ownership shall join in the application, and a map showing the extent of ownership 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 11-05-04.3.B, *Neighborhood Meeting*, between the applicant and the City shall be conducted prior to application submittal to determine which supporting materials and specific plan elements shall be appropriate and required for the proposal.

5. Minimum Area Standards

The minimum area of a SP district shall be 20 acres.

6. Additional Eligibility Requirements

Each Specific Plan application shall include two of the following three elements, to be selected by the applicant:

A. Natural Systems

Commitments to permanently protect and manage open space, natural systems, and resources.

B. Housing Affordability

Commitments to deed restrict at least 10 percent of residential to households earning not more than 60 percent of the Area Median Income for the Boise area if the dwelling unit (s) is a rental unit; or 15 percent of residential units affordable to households earning no more than 120 percent of the Area Median Income if the dwelling unit(s) is a for-sale property, for a period of at least 20 years.

C. Sustainable Building Design

Commitments that the project will include conformance with sustainable building practices including Silver Certification by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system or the adopted City of Boise Green Building Code.

Chapter 11-03 Use Regulations

11-03-01. General

1. Purpose

The purpose of this Chapter 11-03 is to identify the land uses allowed in the City's zoning districts, indicate what type of approval of the use is required, and establish standards for those uses that mitigate potential impacts and support the unique characteristics of the use in that location.

2. Organization of the Table

A. In Table 11-03.1: *Table of Allowed Uses*, 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: *Table of Allowed Uses* 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 and is not subject to Use-Specific Standards or other 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. Allowed uses are generally reviewed through a Type 1 or Type 2 process, as shown in Section 11-05-04.2, *Four Paths for Review and Approval*.

B. Allowed Subject to Use-Specific Standards

An "A*" in a cell indicates that the use may be allowed, subject to administrative review to verify compliance with Use-Specific Standards. 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*. Uses that are allowed subject to Use-Specific Standards are generally reviewed through a Type 2 process, as shown in Section 11-05-04.2, *Four Paths for Review and Approval*.

C. Conditional Uses

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 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification*. 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 potential to have a positive 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. Conditional uses are generally reviewed through a Type 3 process, as shown in Section 11-05-04.2, *Four Paths for Review and Approval*.

D. A/C Uses

An "A/C" or "A*/C*" in a cell indicates that the use is allowed in that zoning district under some circumstances or in some locations, but requires approval as described in Section 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification* 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. These uses are generally reviewed through a Type 2 or Type 3 process, as shown in Section 11-05-04.2, *Four Paths for Review and Approval*.

E. Prohibited Uses

A blank cell indicates that the use is prohibited in that zoning district.

F. Symbols

(1) An "*" symbol next to an abbreviation indicates that the use shall comply with Use-Specific Standards. 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*.

(2) A "+" symbol next to an abbreviation indicates that there are incentives available for that use within that zoning district, or that the use is only allowed if available incentives are used. Incentives are cross-referenced in Section 11-03-03, *Use-Specific Standards*, and the cross-referenced content appears in Section 11-04-03.7, *Housing Incentives*.

4. Use for Other Purposes Prohibited

A. Approval of a use listed in Table 11-03.1: *Table of Allowed Uses*, 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 in Table 11-03.1: *Table of Allowed Uses* 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

A. A lot or parcel in any zoning district may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is either an allowed use or a conditional use in that zoning district, that a Conditional Use Permit is obtained for any conditional use, and that all applicable standards are met. For projects that contain multiple uses, the Planning Director will determine which Use-Specific standards apply based upon the design and impact.

6. Previously Allowed Uses

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.

7. Classification of New and Unlisted Uses

A. To provide for new types of land uses not listed in Table 11-03.1: *Table of Allowed Uses*, a determination as to the appropriate classification of any new or unlisted form of land use shall be made by the Planning Director. When an application is made for a use category or use that is not specifically listed in Table 11-03.1: *Table of Allowed Uses*, 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 dwelling unit;
- (2) Sales;
- (3) Processing;
- (4) Type of product, storage, and amount;
- (5) Enclosed or open storage;
- (6) Anticipated employment;
- (7) Transportation requirements;
- (8) Hours of operation;
- (9) Intensity of the proposed use;
- (10) The amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and
- (11) General requirements for public utilities such as water and sanitary sewers.

B. If the Planning Director determines that the proposed use should not be included in any existing zoning classification, based on the factors listed in Subsection A., the use shall 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.

8. All Licenses and Permits Required

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

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Residential Uses																		
Household Living																		
Accessory Dwelling Unit	A*	A*	A*	A*	A*	A*	A*	A*			A*					A*	A*	11-03-03.2.B
Caretaker's Residence										A			A	A				
Dwelling, Single-Family Detached	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*				A	A	11-03-03.2.A 11-03-03.2.C
Dwelling, Cottage Village		A*+	A*+	A*	A*						A*							11-03-03.2.D
Dwelling, Single-Family Attached		A*+	A*+	A*	A*	A*	A*				A*							11-03-03.2.A 11-03-03.2.E
Dwelling, Live/Work	A*	A*	A*	A*	A*	A*	A*	A*			A*							11-03-03.2.F
Dwelling, Duplex	A*	A*	A*	A*	A*	A*	A*	A*			A*	A*						11-03-03.2.A 11-03-03.2.G
Dwelling, Triplex or Fourplex	(A+)*	(A+)*	(A+)*	A*	A*	A*	A*	A*			A*	A*						11-03-03.2.A 11-03-03.2.G
Dwelling, Multiple-Family		(A+)*	(A+)*	A*/C*	A*/C*	A*/C*	A*/C*	A*+/C*	A*+/C*	A*/C*	A*	A*						11-03-03.2.A 11-03-03.2.H
Livestock and Animals, Accessory	A*	A*	A*	A*	A*											A*	A*	11-03-03.1.B 11-03-03.2.I
Manufactured Home	A*	A*	A*	A*	A*							A*				A		11-03-03.2.J
Manufactured Home Community	C*	C*	C*	C*	C*	C*	C*	C*	C*			C*				C		11-03-03.2.K
Tiny Home on Wheels	A*	A*	A*	A*	A*	A*	A*	A*				A*				A*	A*	11-03-03.2.P

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Group Living																		
Assisted Living Facility				C*	C*	A*	A*	A*	A*	A*								11-03-03.2.L
Boarding House				A	A	A	A	A	A	A		A						
Continuing Care Retirement Facility				C*	C*	A*	A*	A*	A*	A*	A*							11-03-03.2.L
Convalescent or Nursing Home				C*	C*	A*	A*	A*	A*	A*	C*	A						11-03-03.2.L
Dwelling, Co-Housing			C*	C*	C*	C*	C*	C*	C*	C*	A*							11-03-03.2.M
Fraternity or Sorority House				C*	C*						C*							11-03-03.2.L
Recovery Residences				C*	C*	C*	C*	C*	C*	C*								11-03-03.2.L
Residential Home Occupations																		
Home Occupation, Child or Adult Daycare	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*						11-03-03.1.B 11-03-03.2.N
Home Occupation, Other	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*						11-03-03.1.B 0
Public, Institutional, and Civic Uses																		
Adult or Child Daycare																		
Adult or Child Daycare Facility	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*				A*		11-03-03.3.A
Adult or Child Daycare Center, Small	C*	C*	C*	C*	A*	A*	A*	A*	A*	A*	A*	A*				C*		11-03-03.3.A

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Adult or Child Daycare Center, Large	C*	C*	C*	C*	C*	A*	A*	A*	A*	A*	A*	A*				C*		11-03-03.3.A
Community and Cultural Facilities																		
Art Gallery, Museum, or Library			C	C	C	A	A	A	A	A	A					C		
Cemetery	C*															C*		11-03-03.3.B
Community Center		C	C	A	A	A	A	A	A	A	A					C	C	
Fire or Police Facility	C	C	C	C	C	A	A	A	A	A	A	A	A	A		C	C	
Food Kitchen							A	A	C	C	A							
Forest Reserve or Recreation Area	A															A	A	
Jail or Detention Facility							C*	C*		C*				C*				11-03-03.3.C
Mortuary or Mausoleum				C*	C*	A	A	A	A	A		A						11-03-03.3.B
Park or Playground	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	
Religious Institution	C	C	C	C	C	C	A	A	A	A		A				C		
Uses Related to and Operated by a Religious Institution	C	C	C	C	C	C												
Shelter Home							C	C	C	C								
Education and Health																		
Hospital						C	A	A	A	A	C	A						

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
College or Other Institution of Higher Education						A	A	A	A	A	A							11-03-03.3.D
School	C*	C*	C*	C*	C*	A*	A*	A*	A*	A*	C*	C*				C		11-03-03.3.E
Trade or Vocational School						A*/C*	A*/C*	A*/C*	A*/C*	A*/C*			C*	C*				11-03-03.3.F
Transportation																		
Aircraft Landing Field													C	C		C		
Park and Ride Facility				A	A	A	A	A	A	A	A		A	A				
Transit Facility				A	A	A	A	A	A	A	A		A	A				
Transit Terminal						C	A	A	A	A	A		A	A				
Commercial Uses																		
Agricultural and Animals																		
Agricultural Uses or Stables	A															C	A	
Animal Daycare or Kennel	A*				C*	A*	A*	A*	A*	A*			A*					11-03-03.4.A
Animal Hospital or Clinic	A				C	A	A	A	A	A			A			C		
Beekeeping, Accessory	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	11-03-03.1.B 11-03-03.4.B
Commercial Feedlot													C	C				
Slaughterhouse, Rendering Plant													C	C				

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Urban Farm	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.4.C
Communication Facilities																		
Attached Wireless Communication Facility	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A	A	A	A	A	11-03-03.4.D
Freestanding Wireless Communication Facility – Monopole/Structure ≤ Base Height of Zoning District	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.4.D
Freestanding Wireless Communication Facility – Monopole/Structure > Base Height of Zoning District					C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	11-03-03.4.D
Other Communication Towers	C				C	C	C	C	C	C	C		C	C	C	C	C	
Food and Beverage Service																		
Brewpub, Micro-Distillery, or Micro-Winery						A*	A*	A*	A*	A*			A*	A*				11-03-03.4.E
Food Truck, Accessory				A*	A*	A*	A*	A*	A*	A*	A*				A*		A*	11-03-03.1.B 11-03-03.4.F
Food Truck Court					A*	A*	A*	A*	A*	A*	A*							11-03-03.4.G

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Neighborhood Café			A*/C*	A*	A*	A*	A*	A*	A*	A*	A*							11-03-03.4.H
Restaurant					A	A	A	A	A	A	A	C						
Sidewalk Café, Accessory				A	A	A	A	A	A	A								
Tavern or Lounge						A	A	A	A	A			C		A			
Lodging																		
Bed and Breakfast	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*							11-03-03.4.I
Hotel or Motel					C		A	A	A	A	C	C						
Recreation Vehicle Park							C*											11-03-03.4.J
Office, Personal and Business Service																		
Financial Institution					A*	A	A	A	A	A								11-03-03.4.K
Medical or Dental Clinic					A*	A	A	A	A	A	A	A	A					11-03-03.4.K
Office					A*	A	A	A	A	A	A	C	C*	C*	A			11-03-03.4.L
Personal and Business Service					A*	A	A	A	A	A			A		A			11-03-03.4.K
Recreation and Entertainment																		
Auditorium or Theater, Indoor						C	C	C	A	A	A							
Club, Lodge, or Social Hall					C	A	A	A	A	A								

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Conference or Event Center						C	A	A	A	A	A							
Firing Range, Indoor							C*	C*	C*				C*					11-03-03.4.M
Golf Course	A	C	C	C	C											A	C	
Recreation, Indoor	A	C	C	C	C	A	A	A	A	A	A	A				C		
Recreation, Outdoor	A	C	C	C	C	C	C	C	C	C	A					C		
Retail																		
Building Materials							C						A	A				
Retail Sales, Neighborhood <2,000 SF			A*/C*	A*	A*							A						11-03-03.4.N
Retail Sales, Small <5,000 SF						A*	A	A*	A*	A*	A	A						11-03-03.4.O
Retail Sales, Medium 5,001 SF to 10,000 SF							A	A*	A*	A*	A							11-03-03.4.O
Retail Sales, Large 10,001 SF to 60,000 SF							A	A*	A*	A*	C							11-03-03.4.O
Retail Sales, Big Box > 60,000 SF							C	C	C	C								
Sexually Oriented Business																		
Sexually Oriented Business							C*	C*	C*	C*			C*	C*				11-03-03.4.P
Vehicles and Equipment																		

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Drive-Through Facility						A*	A*	A*		A*		C*						11-03-03.1.B 11-03-03.4.Q
Electric Vehicle Charging Facility	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.1.B 11-03-03.4.R
Parking Garage as Principal Use						C*	C*	C*	C*	A*	A*	C*	A*					See Sections 11-04-06 and 11-04-08
Parking Lot as Principal Use							A*			C*	A*							See Sections 11-04-06 and 11-04-08
Service Station						C*	A*	C*					A*	A*	A*			11-03-03.4.S
Vehicle Fleet Operations Center											A		A	A				
Vehicle Repair, Major							A*				C*		A*	A*	A*			11-03-03.4.T
Vehicle Repair, Minor						C*	A*	A*			A*		A*	A*	A*			11-03-03.4.T
Vehicle Sales, Rental, and Leasing, Light							C*						C*		A			11-03-03.4.U
Vehicle and Equipment Sales, Rental, and Leasing, Heavy													C*		A			11-03-03.4.U
Vehicle Wash						C	A						A	A	C			
Industrial Uses																		
Manufacturing and Processing																		

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Contractor Shop and Yard							C						A	A	A			
Industry, Artisan					A*	A*	A*	A*	A*	A*			A*	A*				11-03-03.5.A
Industry, Light							C						A*/C*	C*	A			11-03-03.5.B
Industry, Heavy													C*	A*/C*	A			11-03-03.5.B
Mining and Extraction													C*	C*		C*	C*	11-03-03.5.C
Storage, Wholesale, and Warehousing																		
Bulk Storage of Flammable or Dangerous Materials														C	A			
Fulfillment Center														A*/C*				
Outdoor Storage							C*				A*		A*	A*				11-03-03.5.D
Outdoor Storage, Accessory							A*				A*		A*	A*	A*			11-03-03.1.B 11-03-03.5.D
Self-Service Storage							A*						A*	A*	A*			11-03-03.5.E
Trucking Terminal													A*	A*	C*			11-03-03.5.F
Wholesale or Warehouse, Small							C*			C*	A*		A*	C*	A*			11-03-03.5.G
Wholesale or Warehouse, Large													A*/C*	A*	A*			11-03-03.5.G
Utilities																		

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Electric Substation	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	11-03-03.5.H
Power Plant											C		C	C				
Renewable Energy Facility, Accessory	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	C*	C*	11-03-03.1.B 11-03-03.5.I
Utility Facility, Minor	C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	A*/C*	C*	C*	11-03-03.5.J
Utility Facility, Major											A			C	C	C	C	
Waste and Salvage																		
Composting Facility											A*		C*	C*	C*	C*		11-03-03.5.K
Junkyard, Vehicle Salvage													C*	C*	C*			11-03-03.5.L
Recycling Collection Facility		A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*	A*			11-03-03.5.M
Sanitary Landfill														C				
Solid Waste Transfer Facility													A*	A*				11-03-03.5.N
Unlisted Accessory Uses																		
Unlisted Uses Accessory to an Allowed or Approved Conditional Use	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.1.B 11-03-03.6.A
Temporary Uses																		
Construction Office	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.B

TABLE 11-03.1: TABLE OF ALLOWED USES**A** = ALLOWED USE **C** = CONDITIONAL USE

* = USE-SPECIFIC STANDARDS APPLY + = HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6) ARE AVAILABLE

(A+) = ALLOWED USE ONLY WITH HOUSING INCENTIVES IN 11-04-03.7.D (1)-(6)

ADDITIONAL ADAPTIVE REUSE HOUSING INCENTIVES IN 11-04-03.7.D(6) ARE AVAILABLE

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

SEE Chapter 11-02 FOR ADDITIONAL ZONE-SPECIFIC STANDARDS

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2	USE-SPECIFIC STANDARDS
Mobile Food Truck	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.B(2)
Off-Site Construction Staging	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.7.A Error! Reference source not found.
Safety Facility	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.7.A
Sales and Leasing Office	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.C(2)
Seasonal Sales	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	11-03-03.7.A 11-03-03.7.C(3)

11-03-03. Use-Specific Standards

1. General Standards

A. Principal and Accessory Uses

(1) 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. Modifications to these Use-Specific Standards may only be granted through the Conditional Use Permit process in Section [11-05-05.3.C](#).

(2) 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.

B. Additional Standards for Accessory Uses

(1) Purpose

This Section contains general standards for all accessory uses, which shall be customarily incidental and subordinate to principal uses.

(2) List of Accessory Uses and Structures

Commonly allowed accessory uses are shown in Table 11-03.1: *Table of Allowed Uses*, but that list does not include all possible uses that are secondary and subordinate to a principal use of land in each zoning district. All principal uses in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use 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 and Structures

All accessory uses and structures shall comply with the following general standards, which are subject to the standards set forth in Section 11-03-03.2.B. In the event of a conflict between this Section 11-03-03.1.B(3) and Section 11-03-03.2.B, the provisions of Section 11-03-03.2.B shall apply.

(a) Subordinate to Principal Use

No structure or building shall be used for an accessory use unless the primary 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 use the same utility meter, with the exception of an approved Accessory Dwelling Unit. In a Residential district, the gross floor area of the accessory structure or building shall not exceed the gross floor area of the primary building.

(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 primary building, unless approved by the Planning and Zoning Commission as a conditional use permit. However, on lots that have topographical or other physical constraints, the Planning Director may approve a detached accessory building or structure in front of the primary building.
- ii. Regardless of their size, detached accessory buildings shall not encroach into required street side or front yard setbacks.
- iii. Maximum setbacks do not apply to accessory buildings.
- iv. 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 setback area.
- v. 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 zoning district. For corner lots, a minimum 15-foot street-side yard setback is required. Structures that use these reduced setbacks shall not occupy more than 50 percent of the lot's rear yard widths.
- vi. 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.

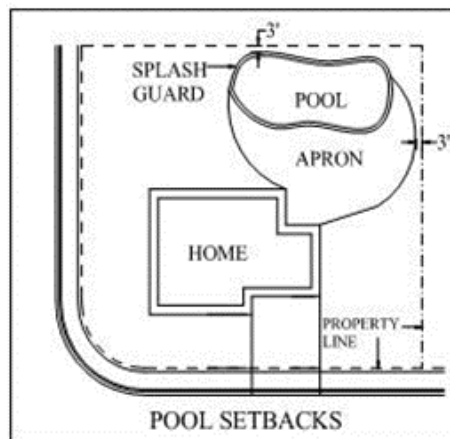


Figure 3.1. In-Ground Pool Setbacks

vii. **Alley-Loaded Accessory Parking Structures**

- A. Alley-loaded parking and parking structures shall provide a backup area/space of at least 22 feet. This backup area/space may be within the alley and/or the lot but not within an accessory structure.
- B. A minimum five-foot paved apron is required regardless of alley width.

- C. For side entry alley-loaded garages the backup area shall be provided for on the lot and outside of the street side and side yard setbacks.
- D. Detached accessory parking structures that are less than 1,000 square feet in area and that are under 22 feet in height (from grade to the peak of the roof) may be built to the property line abutting an alley.
- E. Detached accessory structures over 1,000 square feet in area or over 22 feet in height (from grade to the peak of the roof) shall comply with the setback requirements applicable to primary structures.

viii. Residential Accessory Structures More Than 1,000 Square Feet in Area or 22 Feet in Height

A Zoning Compliance Review is required for accessory structures over 1,000 square feet in area or 22 feet in height (from grade to the peak of the roof), subject to the following:

- A. No commercial use shall take place within the building;
- B. The building shall be architecturally compatible with the primary building; and
- C. The building shall be compatible with neighboring properties in mass, and design.

2. Residential Uses

A. General Standards

(1) Housing Variety in Multi-Building Developments on a Single Parcel

Except in the MX-5 zoning district, new developments with multiple residential units on parcels between two and four acres platted and constructed after the Effective Date shall incorporate at least two housing types. Projects on more than four acres require at least three housing types. Housing types include:

- (a) Single-Family Detached.
- (b) Single-Family Attached.
- (c) Duplex.
- (d) Triplex.
- (e) Fourplex.
- (f) Multiple-Family.
- (g) An alternative housing type as approved by the Planning Director.
- (h) A distinct building type may be provided as a substitute for one of the required housing types. A distinct building type can be easily distinguished from others using one or both of the following design features:
 - i. A variation in length and footprint of 30 percent or more; or
 - ii. A distinct variation in color and materials.

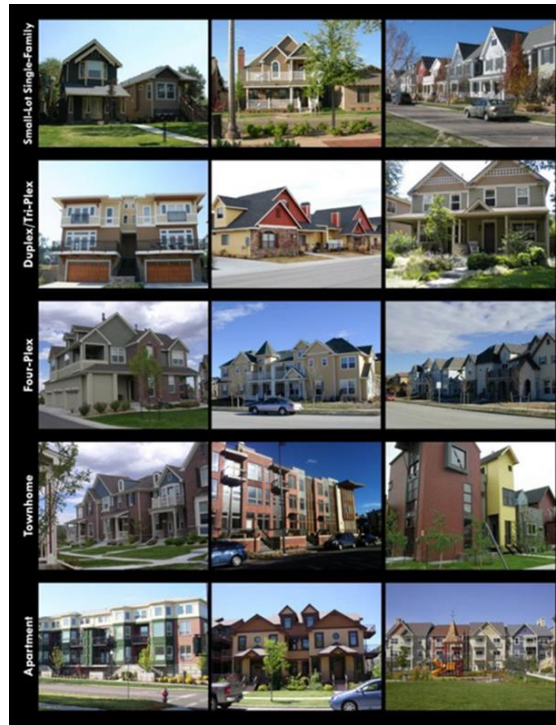


Figure 3.2. Housing Type Examples

(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 300 feet in length.

B. Accessory Dwelling Unit (ADU)

- (1) Minimum lot area and maximum density standards shall not apply to ADUs.
- (2) The ADU shall not be larger than 900 square feet or 70 percent of the total floor area of the primary building, whichever is smaller, and shall not have more than two bedrooms.
- (3) The ADU shall not exceed two stories in height.
- (4) Only one ADU is permitted on each lot or parcel where an ADU is permitted.
- (5) The ADU shall be created through one of the following:
 - (a) Internal conversion of an existing living area, basement, or attic;
 - (b) An addition to the principal dwelling unit;
 - (c) An addition to a detached accessory structure;
 - (d) Construction of a new Single-Family Detached Dwelling with an internal or detached ADU;
 - (e) Construction of a detached ADU; or
 - (f) Conversion of an existing detached accessory structure or attached garage that does not reduce off-street parking below the minimum required for that lot.
- (6) The ADU shall meet all of the dimensional requirements of the underlying zoning district as well as the provisions of the applicable Building Code adopted by the City

of Boise. Allowed exemptions for accessory structures apply as described in Section 11-04-03.3, *Exceptions and Encroachments*.

(7) The design of the ADU shall 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 structure. Only one entrance to the structure may be located on the front building elevation of the house or structure unless multiple entrances are already in existence. For projects that are accessory to a nonresidential use, the Planning Director may apply additional Use-Specific standards based upon the design and impact.

C. Dwelling, Single-Family Detached

In the R-3, MX-1, MX-2, MX-3, MX-4, and MX-5 zoning districts, Single-Family Detached Dwellings are only permitted if a Building Permit for the Single-Family Detached Dwelling was issued before the Effective Date.

D. Dwelling, Cottage Village

(1) This use shall not be located within 400 feet of another Cottage Village, measured at the closest points on the property boundaries.

(2) The maximum size of each Cottage Dwelling is 1,000 square feet of gross floor area.

(3) Individual cottages shall be clustered around a shared private common space containing at least 10 percent of the project area and with minimum dimensions of 15 feet in length and width.

(4) Parking areas shall be located on the side or rear of the development and may be aggregated for all units in one area.

(5) 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 the maximum density limits.

(6) Lot and setback requirements for the base zoning district shall apply to the project site as a whole.

(7) All projects containing five or more dwelling units shall comply with the standards in Section 11-04-010, *Assured Water Supply*.

E. Dwelling, Single-Family Attached

(1) Orientation of Individual Dwelling Units

The front door of dwelling units shall face a street meeting City or the Ada County Highway District standards, or a designated open space for use by residents and guests. New developments shall follow the lot patterning within the area and match like side and rear yards with one another to ensure a compatible design.

(2) Architectural Elements

Each attached unit shall have a façade or roof treatment that distinguishes it from the other attached units. Architectural treatments may include individual pitched roofs, modulated façades, porches, dormers, pop-outs, or vertical windows.

(3)Private or Common Open Space

A minimum of 200 square feet of private open space for each unit or common open space comprised of a minimum of 10 percent of the lot area shall be provided. This open space shall be usable and shall not include driveways or parking areas. A minimum of 25 percent of the required open space shall consist of permeable ground surface with landscaping.

(4)Landscaping

One deciduous tree of at least one-and-one-half inch caliper shall be planted in front of each unit.

(5)Assured Water Supply

All projects containing five or more dwelling units shall comply with the standards in S Section 11-04-010, *Assured Water Supply*.

F. Dwelling, Live/Work

(1)The residential living space shall be occupied by the owner of the commercial or Artisan Industry use or the owners' employee and may include individuals in that person's household.

(2)In the R-1A, R-1B, and R-1C zoning districts, the commercial activity area shall not exceed 50 percent of the gross floor area of the Live/Work unit or 1,000 square feet, whichever is smaller.

(3)In the 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 or 2,000 square feet, whichever is smaller.

(4)Signs are limited to a maximum of two non-illuminated wall or window signs that shall not exceed six square feet in total combined area.

(5)The work activities shall not create adverse noise or operational impacts on adjacent residential properties.

(6)All projects containing five or more dwelling units shall comply with the standards in Section 11-04-010, *Assured Water Supply*.

G. Dwelling, Duplex, Triplex, or Fourplex

(1)Maximum Density

In the Residential zoning districts, maximum density standards shall not apply to Duplex Dwellings.

(2)Setbacks

Setbacks are as required by the zoning district except as allowed in [Table 11-04-04, Permitted Encroachments Into Required Setbacks](#).

(3)Open Space

Each unit shall have a minimum of 200 square feet of open space. This open space shall be usable and shall not include driveways, pedestrian walkways, or parking areas. A minimum of 25 percent of the required open space shall consist of permeable ground surface with landscaping. Each unit shall provide one area of open space comprised of a minimum dimension of 8-feet in length and 8-feet in width. For

purposes of this Section, usable open space may include landscaped areas, court yards, patios, gardening beds, balconies, and other areas specifically approved by the Planning Director.

(4) Landscaped Areas

Any Duplex, Triplex, or Fourplex Dwelling shall comply with the landscaping requirements set forth in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*, excluding side yards that may be finished with decorative rock mulch, provided they are fenced and screened from street view and contained in such a way that the gravel will not spill onto the street or adjacent parcels.

(5) Driveways

Individual driveways in the front setback shall not exceed a width of 20 feet and shall be separated from other driveways by a landscaped area with a minimum width of seven feet. A Duplex may have a shared driveway width of a minimum of nine feet. A Triplex or Fourplex shall have a shared driveway width of a minimum of 20 feet.

(6) Public Right-Of-Way Improvements

- (a) All new dwellings shall provide a paved driveway apron that extends to the edge of street pavement of the roadway or an alley, if applicable.
- (b) All new dwellings shall provide curb, gutter, and detached sidewalk a minimum of five feet in width. Waivers or variations to this requirement may be granted by the Planning Director based upon site-specific conditions such as documented drainage problems that might result from the improvement of the roadway.
- (c) Dirt or gravel strips in the front yard or undeveloped public street right-of-way shall not be permitted. Irrigated landscaping shall be provided in these areas through license agreements with the Ada County Highway Department (ACHD). Bonding for landscape improvements may be allowed based on weather-related constraints. If ACHD denies the necessary license agreement, the requirement for landscaping shall be waived.

(7) Design

- (a) To allow for variety and to promote original and distinctive design, and for the adaptive reuse of existing buildings and the placement of relocated Duplexes, the Planning Director may approve alternatives to the design elements in sections (b) through (i) if the Planning Director determines that the alternative meets the intent of these design standards.
- (b) All street-facing and front façades 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, façade modulation, and a variety of colors, materials, and textures. Alternative approaches to façade design may include either creating the distinct appearance of architecturally distinguishable dwelling units or creating a more unified design that replicates the appearance of one Single-Family Detached Dwelling.
- (c) At least 15 percent of the area of street-facing and front façades shall be windows or doors. This calculation includes the area of all street-facing windows and

entrance doors 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 and front shall not exceed 50 percent of the total length of the façade. 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 façade. Walls of side entry garages that use windows and other architectural means to provide visual interest are not included in this calculation.

(e) On interior lots at least one unit shall have a main entrance with a door visible from the street or front. The main entrance of each unit shall include a covered porch that is a minimum of 25 square feet. If one or more units have an entrance facing the street, or more than one garage door is facing the street, the street-facing façades of adjacent units shall be offset from each other by a minimum of four feet.

(f) On the corner lots each street façade shall have a main entrance with a door visible from the street. The main entrance shall include a covered porch that is a minimum of 25 square feet. Duplex Dwellings located on lots 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) Dwelling units may be arranged in two rows oriented perpendicular to the street provided:

- i. The primary (front) entrances of the ground floor units closest to the street face the street; and
- ii. Any entrances to units located behind the street-facing ground floor units are fully enclosed as a passageway or access a centrally located interior courtyard. Primary (front) entrances to units shall not face side yards or rear yards of adjacent properties.

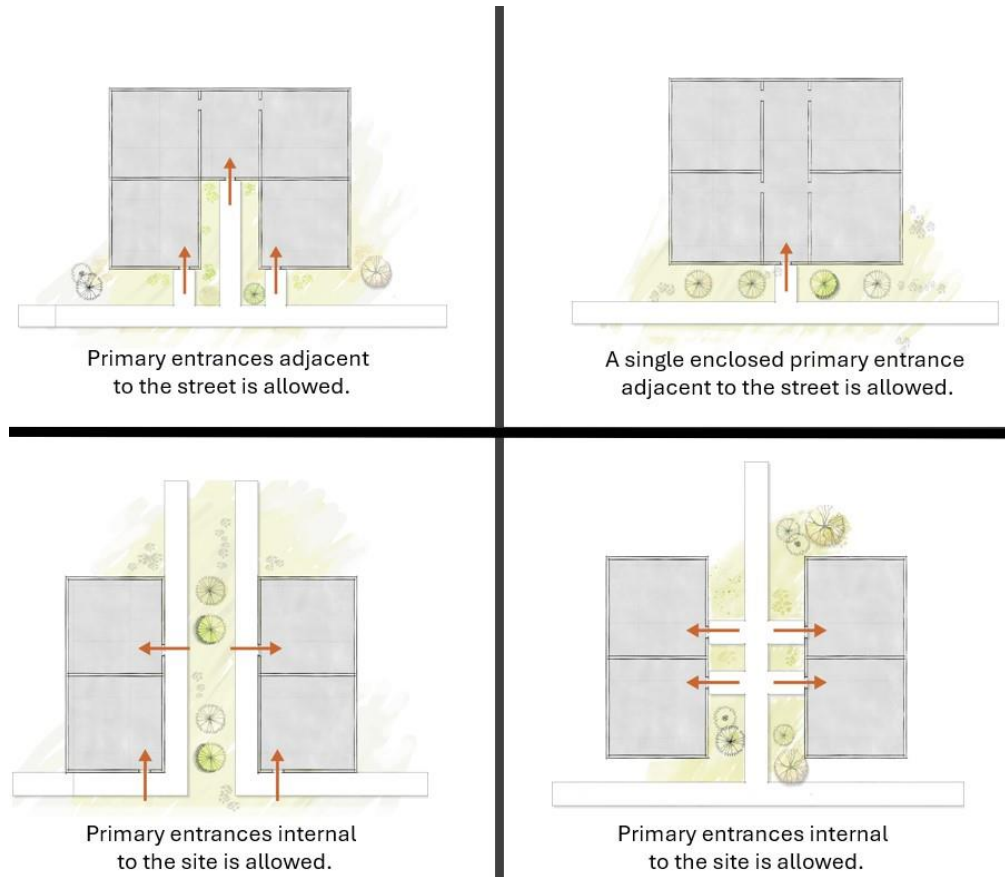


Figure 3.3. Allowed Design of Double Row Units

- (i) 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
 - ii. The building shall be set back eight feet from the interior side property line, with bay windows, pop-outs or other architectural features allowed at the five foot setback line, except that in the R-1A and R-1B zoning districts, the building shall be set back 13 feet from the interior side property line, with bay windows, pop-outs, or other architectural features allowed at the 10 foot setback line.



Figure 3.4. Two-Story Example

- (j) Three-story structures shall use one of the following methods to break up the building mass and provide visual interest to the side elevations:
- The third-story sidewalls shall have a minimum three-foot offset from the second-story sidewalls. The third story shall be located furthest away from the side property lines; or
 - The building shall be set back 10 feet from the interior side property line, with bay windows, pop-outs, or other architectural features allowed at the seven-foot setback line, except that in the R-1A and R-1B zoning districts the building shall be set back 15 feet from the interior side property line, with bay windows, pop-outs, or other architectural appurtenances allowed at the 12 foot setback line.



Figure 3.5. Three-Story Example

(k) Structures on Residential Small Lots shall be subject to additional criteria per Section 11-04-03.4, *Residential Small Lots*.

H. Dwelling, Multiple-Family

(1) Standards in the R-1B, R-1C, R-2, R-3, MX-1, and MX-2 Zoning District

(a) The minimum usable open space or recreational space requirement shall be equal to 30 percent of the land area occupied by residential structures. Open space shall have a minimum dimension of 15 feet in length and width. For the purpose of this Section, usable open space or recreational space shall include landscaped areas, court yards, internal pathways, balconies, patios, sun decks, pedestrian walkways, playground areas, swimming pools, and all other exterior or interior recreational areas. Such areas shall be accessible according to the ADA guidelines and available to the occupants and guests 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, or that are within an Activity Center in which publicly available open space or recreational facilities have been incorporated.

(b) The pedestrian circulation system shall provide safe and convenient access to and from other residential units, perimeter streets, parks, schools, public facilities, pathways, trails, parking areas, recreational facilities, amenities, and any shared facilities. Sidewalks shall be a minimum of five feet wide, however, the Planning Director may require the sidewalk width be increased to 10 feet if the Planning Director determines that additional width is necessary to accommodate the expected pedestrian traffic in high use areas.

(c) Natural features and other potential site amenities shall be retained and incorporated into the design to the maximum extent practicable.

(d) Fire escapes and unenclosed exterior stairs that provide access to an upper level are prohibited on any street-facing building façade.

(e) If individual exterior entrances to dwelling units are not provided, an enclosed primary building entrance is required.

(f) At least two of the following amenities shall be provided in projects greater than one acre in size:

- i. The building(s) shall use electricity or geothermal energy to meet all its heating, hot water, and appliance energy needs for all dwelling units.
- ii. Energy conservation measures demonstrating the building(s) shall consume at least 15 percent less electrical energy that would be consumed if the building(s) met the adopted energy code, based on modeling building energy performance comparisons.
- iii. The building(s) shall meet the adopted City of Boise Green Building Code.
- iv. The building(s) shall provide a private recreational facility, such as a swimming pool, tennis court, playground, community garden, or picnic area, in scale with the development.

- v. The building(s) shall consume at least 15 percent less water than would be consumed if the building(s) met all applicable water conservation standards applicable to similar development; and/or
 - vi. The development shall dedicate an amount of on-site storage space for waste diversion techniques (such as comingled recycling, cardboard recycling, and/or organics recycling) that is equal or greater than the amount of on-site storage space provided for solid waste.
- (g) Building and site design shall provide for adequate transition into the surrounding neighborhood to ensure compatibility between the development and the context around it. Factors to be considered are setbacks, building height, building materials, bulk, roof design, parking area locations, and landscaped area locations.

(2)Standards in the MX-3 and MX-4 Zoning District

In addition to the standards set forth in Subsection (1) above, Multiple-Family Dwellings in the MX-3 and MX-4 zoning districts shall comply with the following:

(a) Building Design

Each building façade shall have a visibly distinct top, middle, and base that are distinguished from one another through one or more of the following techniques:

- i. Provide a creative façade composition with a rich layering of design elements that provides visual interest from a variety of vantage points;
- ii. Design buildings that respond to unique site conditions and context;
- iii. Integrate sustainable materials and elements into the design of the building in a way that adds character and visual interest to the building;
- iv. Employ façade articulation techniques that reduce the perceived scale of large buildings and add visual interest; and/or
- v. Create clear and welcoming building entries.

(3)Standards in the R-2, R-3, MX-1, MX-2, MX-3, MX-4, and MX-5 Zoning District

If within the past three years the principal use of the site included a Manufactured Home Community, Assisted Living Facility, Continuing Care Retirement Facility, or Convalescent or Nursing Home, or the principal use contained deed-restricted Affordable Housing or housing affordable for those earning 60 percent or less of Area Median Income and the housing product that will be removed will not be replaced with the same number of residential units or more, the establishment of this use shall require a Conditional Use Permit pursuant to Section 11-05-05.3.C.

(4)Assured Water Supply

All projects containing five or more dwelling units shall comply with the standards in Section 11-04-010, *Assured Water Supply*.

I. Livestock and Animals, Accessory

(1)Accessory Livestock Uses

The keeping of livestock 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. 10 rabbits; or
- v. 12 chickens or ducks.

(b) The keeping of any Rooster is prohibited unless allowed per the provisions of an established overlay zone or other approval by the city.

(c) The Planning Director may determine a unit number for animals not listed.

(3)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 designed for the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter of an acre.

(c) Livestock shall be kept within fences, corrals, barns, or pens.

(d) Livestock enclosures shall 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 and pets 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.

(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.

(4)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 4-H 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 square feet of contiguous set aside area.

(5)Livestock as Legal nonconforming Uses

- (a) Legal nonconforming status shall be in accordance with Section 11-05-06, *Nonconformities*.
- (b) Legal nonconforming status shall be lost if the livestock are absent from the property for a continuous period of two years.

J. Manufactured Home – Not Within a Manufactured Home Community

A Manufactured Home shall comply with the following design, form, and installation standards:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) It shall have a pitched roof with a minimum pitch of two inches of rise to 12 inches of run (2:12).
- (6) 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.
- (7) Structures that are not manufactured or constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 are not Manufactured Homes and are prohibited within the city.

K. Manufactured Home Community

(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 Manufactured Home Community shall comply with the requirements of the Stormwater Management Ordinance and be reviewed and approved by the Public Works Department.

(f) Subdivisions and conversions of land leased Manufactured Home Communities to subdivisions shall comply with the requirements of Section 11-04-04, *Subdivision Standards*.

(2) Dwelling Unit Design Features

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) The Manufactured Home shall be either permanently or semi-permanently affixed to the ground in accordance with the manufacturer's specifications or the Idaho Manufactured Home Installation Standard with the running gear and towing hitch removed and set upon a base or pad having an anchoring system that is completely concealed under the structure. 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.

(3) Home Space and Lot Improvement Requirements

(a) Dimensions

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, with a minimum dimension of 15 feet in length and width, 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

Residential parking spaces shall not be located further than 600 feet from the dwelling unit.

(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 zoning district in which the development is located. Where development already exists at the periphery, the 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.

(4) Assured Water Supply

All projects containing five or more dwelling units shall comply with the standards in Section 11-04-010, *Assured Water Supply*.

L. Assisted Living Facility, Continuing Care Retirement Facility, Convalescent or Nursing Home, Fraternity or Sorority House, and Recovery Residence

In the 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 other Group Living or Household Living uses in the type of dwelling unit structure (e.g., Single-family Detached, Single-family Attached, Duplex, Triplex, Fourplex, or Multiple-Family Dwellings) in the zoning district in which they are located.

M. Dwelling, Co-Housing

(1) A shared private common space containing at least 10 percent of the project area shall be provided.

(2) A shared facility for communal cooking, dining, and other activities containing no more than 2,000 square feet may be provided.

(3) All projects containing five or more dwelling units, or containing five or more bedrooms in one or more dwelling units, shall comply with the standards in Section 11-04-010, *Assured Water Supply*.

N. Home Occupation, Child or Adult Daycare

A Home Occupation, Child or Adult Daycare, for one to six adults or children, is allowed without submittal of an application or approval of a Zoning Compliance Review if it complies with all of the standards below. A Home Occupation, Child or Adult Daycare, for seven to 12 adults or children, is allowed with approval of a Zoning Compliance Review if it complies with all of the standards below.

(1) The use shall require a Home Occupation, Child or Adult Daycare license, as required by local or state law.

(2) The use shall be incidental to the principal use of the dwelling as a residence.

(3) If located on a collector or arterial street, the use shall provide for an on-site pick-up area designed to ease the flow of traffic and to prevent vehicles from backing onto the roadway (backing in an alley is permissible).

(4) The use is permitted one 12 sq. ft. attached non-illuminated sign.

(5) The use shall provide one off-street space per employee.

(6) If the use includes a Home Occupation, Child Daycare, the 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) Maintain a valid Daycare license, as required by local or state law, in effect at all times.

(d) Comply with the regulations where applicable by law or jurisdiction of the Fire Department and the health inspector.

(7) If the use includes a Home Occupation Adult Daycare, the use shall:

(a) Provide adequate access to the facility for people with disabilities.

(b) Comply with the regulations where applicable by law or jurisdiction of the Fire Department and the health inspector.

(c) Maintain any required licenses, as required by the local or state law, in effect at all times.

(8) Discretionary Conditions for Approval: The Planning Director may condition the approval of a Home Occupation Child Daycare on the following conditions to protect the health, safety, and welfare of the children:

(a) Additional fencing or landscape screening of the facility to protect the children from adverse activities such as traffic on arterial or collector streets or intersections, or to screen adjacent properties;

(b) Additional setback from any property line to play areas to protect children from busy streets, irrigation ditches, animal pastures, and other similar conflicts; or

(c) Any other conditions deemed necessary by the Planning Director to protect the health, safety, and welfare of the children.

O. Home Occupation, Other

(1) Eligibility

(a) A Home Occupation that is not prohibited by this Code is allowed if it complies with all the standards in Subsection (2) below.

(b) A Home Occupation that does not comply with all the criteria in Subsection (2) below requires filing of an application and approval of a Zoning Compliance Review 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 Home Occupations at a given address shall not exceed 500 square feet.

(2) Standards for Approval Without Issuance of Zoning Compliance Review

(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.

(d) The owner and 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 shall be maintained.

(f) Deliveries and pickups shall be limited to two per day between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.

(g) Instructional 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 principal Home Occupation.

(j) One non-illuminated 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 Compliance Review

Home Occupations that do not comply with all the standards in Subsection (2) above require the filing of an application and issuance of a Zoning Compliance Review based on a review by the Planning Director to ensure they will not be a detriment to the livability of the neighborhood. The Planning 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) The owner and operator of the Home Occupation shall reside on the premises and may not employ more than one other individual to work in the home.

(b) One vehicle, in addition to that used by an employee, may be used with a Home Occupation subject to the following:

i. Commercial vehicles and trailers are prohibited.

- ii. One off-street parking space is required and may be provided on a driveway apron.
- (c) Outdoor storage of materials and supplies is prohibited.
- (d) Instructional classes shall be limited to a maximum of five students per class, and limits on the hours within which instruction may occur may be added.
- (e) 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.
- (f) If the Home Occupation meets the definition of Animal Care or Kennel, it shall require a noncommercial kennel license from the City Clerk.

(4) Prohibited Home Occupations

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 hazardous 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;
- (k) Any other use that is not listed as an allowed or conditional use in any zoning district in the city; and
- (l) Any other use prohibited as a principal use of land by this Code.

P. Tiny Homes on Wheels (THOW)

- (1) Maximum density standards shall not apply to THOW.
- (2) Two THOW are permitted per parcel and only as an accessory use to the primary residential use on the property.
- (3) The THOW structure shall be no larger than 400 square feet in size.
- (4) A THOW shall not be used as a Short-Term Rental as defined by Title 3 Chapter 22 Section 5 of Boise City Code.
- (5) A THOW shall connect to central water and the applicable municipal wet line sewer system through the connection serving the primary residence; additional, separate connections may be permitted at the discretion of the Planning Director if site-specific characteristics to the connection serving the primary residence are impracticable. All utility connections to the THOW are subject to the applicable code standards, inspections, and policies for such connections. All necessary water, electrical, and sewer permits shall be obtained, executed, and inspected prior to occupying the unit.
- (6) The use of generators is prohibited to power the THOW or any accessory components of the THOW.
- (7) A THOW may be interchanged with another THOW if all conditions of this Section and the existing Zoning Certificate on the parcel remain satisfied. All necessary water, electrical, and sewer permits shall fully executed and inspected prior to occupying the unit.
- (8) All THOW shall be certified as meeting the National Organization of Alternative Housing+ (NOAH+) building standard or other approved standards adopted by the City of Boise. A NOAH+ certification, or certificate of other approved standards adopted by the City of Boise, shall be on file with the City of Boise prior to occupancy of the THOW.
- (9) The location of the THOW shall meet all the following requirements:
 - (a) All structures, parking, and other accessories, including propane tanks, shall meet all the dimensional requirements of the underlying zoning district.
 - (b) THOWs are prohibited from parking on streets and within the right-of-way.
 - (c) The THOW shall be located behind the front plane of the primary residential use on the property.
 - (d) The THOW shall be located a minimum of six feet from all other structures.
 - (e) No obstructions including hitches, stairs, or other elements of or related to the THOW, may encroach on any required setback, pedestrian or vehicle access way, or impede circulation through the site. Access to parking, site amenities, solid waste collection areas and other functions necessary to the regular use of the parcel shall not be impeded.
 - (f) THOW are prohibited in the Special Flood Hazard Area (SFHA).
 - (g) If the placement of the THOW impacts any existing trees on the parcel, all standards of Section 11-04-09.8, *Tree Preservation*, shall be met.

(10) The design of the THOW shall meet all the following requirements:

- (a) The chassis shall be maintained level on a flat, compacted surface consisting of concrete, asphalt, paver, or other approved material that shall be adequate to support the THOW and provide adequate and safe access and prevent ponding or other drainage issues.
- (b) The THOW shall be anchored and secured to the ground to prevent movement.
- (c) Permanent electrical, sewer, and water connections shall be located on or adjacent to the pad site.
- (d) Exterior accessory structures such as porches and decks are permitted, provided they are affixed in a manner that is removable or freestanding. Allowed exemptions for these structures, as described in Section 11-04-03.3, *Exceptions and Encroachments*, do not apply.
- (e) The design and massing shall be subordinate to the primary residential use on the property.
- (f) The THOW shall utilize exterior siding and roofing materials 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.
- (g) Materials designed and produced for skirting shall be installed to enclose the wheels, tongue, jack, and all open space between the THOW and the ground. The skirting material shall aesthetically complement the materials on the THOW.

3. Public, Institutional, and Civic Uses

A. Adult or Child Daycare Facilities and Centers (Small and Large)

Adult or Child Daycare Facilities and Centers (Small and Large) shall comply with the applicable standards below.

(1) Standards for All Adult Daycare Facilities and Centers (Small and Large)

- (a)** Provide adequate access to the facility for people with disabilities.
- (b)** Comply with the regulations where applicable by law or jurisdiction of the Fire Department and the health inspector.
- (c)** Maintain any required licenses, as required by local or state law, in effect at all times.

(2) Standards for All Child Daycare Facilities and Centers (Small and Large)

- (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) Maintain a valid Daycare license, as required by local or state law, 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.
- (f) Discretionary Conditions for Approval: The Planning Director may condition the approval of a Child Daycare Facility or Center on the following conditions to protect the health, safety and welfare of the children:
 - i. Additional fencing or landscape screening of the facility to protect the children from adverse activities such as traffic on arterial or collector streets or intersections, or to screen adjacent properties;
 - ii. Additional setback from any property line to play areas to protect children from busy streets, irrigation ditches, animal pastures, and other similar conflicts; or
 - iii. Any other conditions deemed necessary by the Planning Director to protect the health, safety, and welfare of the children.

(3) Additional Criteria for Adult and Child Daycare Uses by Type

In addition to the applicable criteria above, an Adult or Child Daycare use shall be subject to additional standards as indicated in Table 11-03.2.

TABLE 11-03.2: ADDITIONAL CRITERIA FOR ADULT AND CHILD DAYCARE USES BY TYPE			
	PRINCIPAL USES		
CRITERIA	ADULT OR CHILD DAYCARE FACILITY	ADULT OR CHILD DAYCARE CENTER, SMALL	ADULT OR CHILD DAYCARE CENTER, LARGE
NUMBER OF PERSONS ALLOWED	7-12	13-25	≥ 26
The use shall provide for an on-site pick-up area designed to ease the flow of traffic and to prevent vehicles from backing onto the roadway (backing in an alley is permissible).	Applicable if located on a collector or arterial street	Applicable	
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
Minimum parking to be provided shall be as indicated.	1 off-street space per employee	1 off-street space per 10 persons, with a minimum of 2 spaces (except the MX-5 zoning district where off-street parking is not required)	
Facility location shall be as indicated.		The project site shall be located entirely within 500 ft. of a	On a collector or arterial street; or if for school age children,

TABLE 11-03.2: ADDITIONAL CRITERIA FOR ADULT AND CHILD DAYCARE USES BY TYPE			
CRITERIA	PRINCIPAL USES		
	ADULT OR CHILD DAYCARE FACILITY	ADULT OR CHILD DAYCARE CENTER, SMALL	ADULT OR CHILD DAYCARE CENTER, LARGE
NUMBER OF PERSONS ALLOWED	7-12	13-25	≥ 26
		collector or arterial roadway (as determined by the Ada County Highway District Master Street Map)	within 300 ft. of the school grounds; or in a park, community center, or similar.

B. Cemetery, Mortuary or Mausoleum

In any Residential zoning district, this use shall not channel a majority of the traffic generated by the use onto a local residential street.

C. Jail or Detention Facility

(1) This use shall be located with direct access onto a collector or arterial street.

(2) Site design and security measures shall ensure that the peace and safety of the surrounding area shall not be disturbed or impaired.

D. College or Other Institution of Higher Education

All changes of use or development where the development site is within 300 feet of a Residential zoning district shall require a Conditional Use Permit.

E. School

This use shall comply with all requirements and recommendations of the Idaho Transportation Department and the Ada County Highway District including but not limited to compliance with:

(1) All requirements and recommendations in any land use master plan, school bus plan, pedestrian plan, or crossing guard plan applicable to the property; and

(2) All requirements and recommendations related to:

- (a) Access safety;
- (b) Barriers between streets and school;
- (c) Location of school zone;
- (d) Need for flashing beacon;
- (e) Need for traffic control signal;
- (f) Anticipated future improvements;
- (g) Speed on adjacent highways;
- (h) Vehicular, bicycle, and pedestrian traffic volumes on adjacent highways;
- (i) Effect upon the highway's level of service;
- (j) Need for acceleration or deceleration lanes;
- (k) Internal site circulation;

- (l) Access control of adjacent streets;
- (m) Required striping and signing modifications;
- (n) Existing and planned roadway improvements to accommodate development;
- (o) Proposed roadway projects in the vicinity; and
- (p) Any other issues related to the operation and potential impacts of the use on public health, safety, and the surrounding area.

F. Trade or Vocational School

(1) When this use is incorporated within an office development, it shall comply with the standards in Section 11-03-03.4.L, *Office*.

(2) When this use is a standalone facility, it shall require a Conditional Use Permit pursuant to Section 11-05-05.3.C.

(3) When located in the I-1, I-2, or A-1 zoning districts, this use shall only be allowed if the Planning Director determines that locating the use within the zoning district is necessary for the educational instruction of the school.

4. Commercial Uses

A. Animal Daycare or Kennel

(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 to minimize the noise or odor that 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) Any outdoor animal areas shall be located at least 10 feet from each abutting property line and shall install a 6-foot tall solid fence.

B. Beekeeping, Accessory

The purpose of these regulations is to ensure sound beekeeping practices and avoid problems that might be associated with the keeping of bees in an urban setting.

(1) Standards

All beekeeping shall comply with the following standards:

(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, but the maximum density is three colonies per one-fourth 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 six feet in height consisting of a solid wall, fence, or dense hedge parallel to the property line and extending 10 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 abutting 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.

(h) Maintenance

Hives not being actively maintained shall be removed. Colonies shall 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. Urban Farm

(1)Setbacks

There are no setback requirements for garden plantings. Accessory structures including greenhouses, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zoning district.

(2)Maintenance

Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site on a weekly basis. Composting materials shall be covered or enclosed.

(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 shall not drain onto adjacent properties, into waterways, or onto public rights-of-way. Chemicals and other flammable materials shall be disposed of in accordance with federal and state requirements. If stored on site, they shall be kept in a locked structure when unattended.

(5) Contact Information

A non-illuminated sign displaying the name and contact information for the individual or agency responsible for the urban farm shall be provided. This sign shall not exceed six feet in height or 32 square feet in background area.

(6) Lighting

No overhead lighting is allowed, unless the lighting fixtures are within an enclosed structure, including greenhouses. All lighting shall comply with the standards in Section 11-04-011, *Exterior Lighting*.

(7) Historic Districts

Urban Farms located in a designated Historic 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 limited to the hours of 6:00 am to 10:00 pm. Such activities shall not be considered retail sales.

(9) Retail Sales

In Residential zoning districts, retail sales may be allowed at Urban Farms. 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 shall not exceed 25 percent of the total amount of products on display.
- (b)** Display areas shall adhere to the setbacks of the zoning district and be located as close to the front property line as feasible.
- (c)** The area used for the sale, display and storage of produce shall not exceed 500 square feet.
- (d)** Sales are limited to the hours of 7:00 a.m. to 8:00 p.m.
- (e)** Installation of new, on-site parking to support retail sales is prohibited.

D. Wireless Communication Facilities

This section establishes standards for the placement of wireless communication facilities (WCFs) to minimize aesthetic impacts by regulating the height, location, site characteristics, and design. It shall apply to the placement of all new WCFs and the expansion or alteration of existing WCFs.

(1)General Requirements

- (a)** Facilities shall not:
 - i.** Create adverse noise from generators or other accessory equipment;
 - ii.** Create access or grading problems;
 - iii.** Interfere with the safe operation of traffic control equipment;
 - iv.** Interfere with sight lines or clear zones for transportation or pedestrians; and
 - v.** Violate any applicable laws, codes, or regulations;
- (b)** The removal of private trees (limbs, branches, or the entire tree) is prohibited unless written approval is provided from the private property owner and submitted with an application. The removal of public trees (limbs, branches, or the entire tree) is prohibited unless written approval is provided by the City Forester. The removal, if approved, shall be completed by a tree service licensed by the City of Boise. WCFs that will disturb, or impact existing landscaping or infrastructure maintained by the City within public rights-of-way shall comply with Section 7-7A-3. WCFs that disturb a tree shall also comply with Section 11-04-09.3.F(3), *Avoiding Interference with Utilities* and 11-04-09.8, *Tree Preservation* and may be required to comply with any other applicable ordinance or manual.
- (c)** Disturbance to private property landscaping, regardless of if it is located within a public easement, shall be repaired to its original state after installation of the facility is complete.

(2)Application Not Required

Subject to the design standards in Section 11-03-03.4.D(6), an application shall not be required for:

- (a)** Routine maintenance;
- (b)** The replacement of a facility or antenna with another facility or antenna of equal or lesser size or height;
- (c)** The installation, placement, maintenance, operation, or replacement of strand-mounted micro wireless facilities between existing utility poles; or
- (d)** The installation of an attached Wireless Communication Facility as defined in Section 11-03-03.4.D(6).

(3)Use Allowances and Applications

The WCF use allowances and application requirements are identified in Table 11-03.3, below.

TABLE 11-03.3: WIRELESS COMMUNICATION FACILITIES – ALLOWED, CONDITIONAL AND PROHIBITED USES BY ZONING DISTRICT

A = ALLOWED A*=ADMINISTRATIVE REVIEW C= CONDITIONAL USE PERMIT

ZONING CATEGORY	ATTACHED WIRELESS COMMUNICATION FACILITY	FREESTANDING WIRELESS COMMUNICATION FACILITY	
		MONOPOLE/STRUCTURE LESS THAN OR EQUAL TO 35-FEET IN HEIGHT IN THE R-1A, R-1B, R-1C, R-2, AND MX-1 DISTRICTS, LESS THAN 45-FEET IN HEIGHT IN THE R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1, AND A-2 DISTRICTS, AND LESS THAN 55-FEET IN HEIGHT IN THE I-1, I-2, AND I-3 ZONING DISTRICTS	MONOPOLE/STRUCTURE GREATER THAN 35-FEET IN HEIGHT IN THE R-1A, R-1B, R-1C, R-2, AND MX-1 DISTRICTS, GREATER THAN 45-FEET IN HEIGHT IN THE R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1 AND A-2, DISTRICTS, AND GREATER THAN 55- FEET IN HEIGHT IN THE I-1, I-2, AND I-3 ZONING DISTRICTS
Residential Districts (R-1A, R-1B, R-1C, R-2, and R-3)	A	A*	R-1 and R-2 zoning districts: Prohibited R-3: C
Mixed-Use Districts (MX-1, MX-2, MX-3, MX-4, MX-5, MX-H, and MX-U)	A	A*	C
Industrial Districts (I-1, I-2, and I-3)	A	A*	C
Open Land Districts (A-1 and A-2)	A	A*	Prohibited

(4)Site Development Standards for Freestanding Wireless Communication Facilities Greater than the General Base Maximum Height of Zoning District

The following shall apply to freestanding WCFs greater than 35 feet in height in the MX-1 district, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts.

(a) Setbacks

- i. Monopoles/structures/towers greater than 35 feet in height in the MX-1 district, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U districts, and 55 feet in height in the I-1, I-2, and I-3 districts shall be set back from all property lines as required by that zoning district or by one foot for every 10 feet of total tower height, whichever is greater.
- ii. For a WCF located within 300 feet of a Residential zoning district or use, the minimum distance from the tower base to the nearest existing residential structure or building setback line shall not be less than the height of the tower.

(b) Separation

No closer than 1,000 feet to another freestanding WCF.

(c) Height Measurement

The height measurement of a WCF shall include the height of the structure including antenna attachments.

(d) Conditional Use Approval Required

WCFs greater than 35 feet in height in the MX-1 district, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U districts, and 55 feet in height in the I-1, I-2, and I-3 districts require approval of a Conditional Use Permit as indicated in Table 11-03.3.

(e) Equipment Facilities

All equipment shelters, cabinets, or on-ground ancillary equipment shall meet setback requirements of the zoning district in which they are located and shall not be located within the public right-of-way unless approved through a fully executed lease or license agreement and all design standards have been met.

(f) Screening and Landscaping

Facilities shall include a landscape buffer. The buffer shall consist of a landscape strip at least four feet wide outside the perimeter of the compound. A minimum of 50 percent of the plant materials shall be of an evergreen variety. The Planning Director may reduce or waive landscaping requirements where the visual impact of the facility is minimal.

(g) Color and Placement

To the maximum extent practicable, WCFs shall use materials, colors, textures, screening, and landscaping that blend the facilities to the natural setting and the built environment (e.g., a monopine design or similar concealment). Any antennas and supporting equipment installed on a structure other than a tower shall use colors that are similar to the supporting structure and render the antennas and related equipment as unobtrusive as possible.

(h) Lighting and Security

Unless required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), WCFs shall not be lit. Equipment shelters may use security lighting that is compatible with the surrounding neighborhood, confined to the boundaries of the site, and in compliance with Section 11-04-011, *Exterior Lighting*. Where a WCF is required to meet FAA paint or lighting regulations, the distance between the WCF and any residential zoning district or use or any Historic District shall not be less than one-fourth of a mile.

(i) Advertising

No advertising or display shall be located on any antenna or support structure.

(j) Discontinuation of Use

Any WCF that is no longer in use shall be reported immediately by the property owner or service provider to the Planning Director. Discontinued facilities shall be removed within six months and the site restored to its pre-existing condition.

(k) Gateway Streets

Lattice towers and WCF poles greater than 35 feet in height in the MX-1 district, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts are prohibited within 100 feet of:

- i. Capitol Boulevard;
- ii. Vista Avenue from I-84 to Capitol Boulevard;
- iii. Broadway Avenue from I-84 to Warm Springs Avenue;
- iv. State Street from the State Capitol to State Highway 55;
- v. Myrtle Street;
- vi. Front Street;
- vii. Federal Way from Capitol Boulevard to Bergeson Street;
- viii. Warm Springs Avenue; and
- ix. Park Center Boulevard.

(5) Site Development Standards for Freestanding Wireless Communication Facility Less Than/or Equal to the General Base Maximum Height of the Zoning District

The following shall apply to freestanding WCFs less than or equal to 35 feet in height in the R-1A, R-1B, R-1C, R-2, and MX-1 districts, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1 and A-2 districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts.

(a) Setbacks

- i. Monopoles/structures less than or equal to 35 feet in height in the R-1A, R-1B, R-1C, R-2, and MX-1 districts, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1, and A-2 districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts shall comply with setbacks, landscaping and screening requirements for the zoning district in which they are located.
- ii. For a WCF located within 300 feet of a Residential zoning district or use, the minimum distance from the tower base to the nearest existing residential structure or building setback line shall not be less than the height of the tower.
- iii. In Residential zoning districts, freestanding WCFs shall be no closer than 20 feet to a dwelling.

(b) Design Criteria

The WCF shall comply with the WCF design standards in Section 11-03-03.4.D(6)(a).

(c) Separation

A freestanding WCF shall be no closer than 500 feet to another freestanding WCF.

(d) Dual Purpose

The pole shall allow for a Boise City Public Works approved street light or co-location of another WCF provider or utility service.

(e) Ground Equipment

All equipment not installed on or inside the pole shall be located underground, flush to the ground, within three feet of the utility pole and shall not be located within the public right-of-way unless approved through a fully executed lease or license agreement and all design standards have been met.

(f) Placement

The freestanding WCF shall not interfere with clear vision triangles or pedestrian access.

(g) Setback

In residential zoning districts, freestanding WCFs shall be no closer than 20 feet to a dwelling.

(h) Options to Co-locate

The applicant shall demonstrate that all appropriate co-location options (including publicly owned utility poles, privately owned structures, poles, rooftops, and poles within easements) within a 500 foot radius are technically incompatible for co-location.

(i) Notification

Notification of the adjacent property owners and occupants, including properties across streets and alleys, shall be submitted with the application, stating the adjacent owners and occupants have been notified of the applicant's intent to install a freestanding wireless communication facility, that any disturbance to the site will be repaired to its original state, and the applicant's contact information including name, telephone number, mailing address and email address. Certified mail is an acceptable means of notifying adjacent owners and occupants.

(6) Design Standards for Attached Wireless Communication Facilities

The following shall apply to attached WCFs per Table 11-03.3:

(a) General Criteria

The total volume of antennas on one structure shall not exceed 15 cubic feet.

- i.** No antenna shall extend horizontally more than 20 inches past the outermost mounting point (where the mounting hardware connects to the antenna).
- ii.** Antennas and associated equipment enclosures not fully concealed within a pole shall be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible and shall be reasonably related in size to the intended purpose of the facility and reasonable expansion for

future frequencies and/or technologies, not to exceed the volumetric requirements otherwise required in this ordinance.

- iii. Antennas and antenna equipment shall not be illuminated except as required by municipal, federal, or state authority or as incidental to deployment on a street light.
- iv. In addition to complying with the design standards in this Subsection, when co-located on a pole owned by a different company or establishment, the co-located antenna shall also comply with the design standards of the pole owner applicable to its own antennas.

(b) Strand-Mounted Wireless Facilities

Strand-mounted facilities shall comply with the following:

- i. Each strand-mounted antenna shall not exceed three cubic feet in volume;
- ii. No more than two strand mounted antennas between any two existing poles;
- iii. Strand-mounted devices shall be placed as close as possible to the nearest pole and in no event more than five feet from the pole; and
- iv. No strand-mounted device will be located in or above the portion of the roadway open to vehicular traffic. Strand-mounted devices shall be installed with the minimum excess exterior cabling or wires to meet the technological needs of the facility.

(c) Replacement

- i. The center point of the replacement pole shall be located no more than five feet away from the center point of the original pole.
- ii. Construction of the replacement pole entails no new ground disturbance within a five foot radius outside previously disturbed areas, including disturbance associated with temporary support of utility, communications, or related transmission lines.
- iii. The pole shall be less than or equal to 35 feet in height in the R-1A, R-1B, R-1C, R-2, and MX-1 districts, less than 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1 and A-2 districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts, except as otherwise authorized under this Code; and
- iv. Has an appearance consistent with the quality and appearance of the original pole.

(d) Exceptions

- i. The design standards shall not apply to the extent that the facilities comply with any of the following standards:
 - A. Antennae located entirely within approved signage, including antennae placed within the sign face or attached to a support structure so long as the design is such that the antennae is effectively unnoticeable. Such antennae shall not be placed on a non-conforming sign.

- B.** Flush mounted, color coordinated panels on existing buildings where equipment is not visible above the roof line. All equipment shelters, cabinets or other accessory structures shall be located within the building used for the antennae, or on the ground located outside of any required setbacks, required landscaping or parking spaces.
 - C.** Antennae built into architectural features or that appear to be architectural features added to existing structures (such as chimneys, cupolas, dormers, bell towers, steeples, water tanks, stadium lights, utility poles, and other similar features), provided that the height of such architectural feature is less than or equal to 35 feet in height in the R-1A, R-1B, R-1C, R-2, and MX-1 districts, less than 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1 and A-2 zoning districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts.
 - D.** Co-location on existing facilities where the height of the existing structure or pole does not exceed 35 feet in height in the R-1A, R-1B, R-1C, R-2, and MX-1 districts, 45 feet in height in the R-3, MX-2, MX-3, MX-4, MX-5, MX-H, MX-U, A-1 and A-2 districts, and 55 feet in height in the I-1, I-2, and I-3 zoning districts, unless a Conditional Use Permit is approved.
 - E.** Installations that are located far from any prospective viewer and in such a way as to have a backdrop of terrain that obscures the antennae as to make it visibly unobtrusive and effectively unnoticeable; or
 - F.** Antennas that appear to be natural features indigenous to the site and that are in proximity to the features they are imitating so that they blend in and do not stand out visually.
- ii.** An applicant may seek Planning Director approval to deviate from applicable site and design standards to the extent that compliance with the standard: (i) is not technically feasible; (ii) impedes the effective operation of the WCF; (iii) conflicts with other applicable laws or requirements governing the WCF; or (v) otherwise materially inhibits or limits the provision of wireless service.

(7)Eligible Facilities Request

Upon receipt of an Eligible Facilities Request, the Planning Director shall review such application to determine whether the application qualifies. The Planning Director shall issue an approval if the application qualifies.

E. Brewpub, Micro-distillery, or Micro-winery

- (1)**In the MX-1 zoning district, this use shall not exceed 5,000 square feet of gross floor area 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.
- (2)**In other zoning districts where this use is allowed, except the I-1 and I-2 districts, Brewpubs, Distilleries, or Wineries shall not exceed 10,000 square feet of gross floor area 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.

F. Food Truck, Accessory

All Food Trucks shall comply with the following standards in order to operate on private property, provided that:

(1) Each Accessory Food Truck shall comply with all applicable city, state, and federal licensing requirements and shall be in good operating condition.

(2) Each Accessory Food Truck and any associated tables, chairs, displays, umbrellas, and/or other equipment shall not physically occupy or obstruct access to any parking stalls necessary to meet the minimum parking requirements for any on-premises land uses, unless the Accessory Food Truck is operating outside of the business hours of on-premises uses.

(3) Each Accessory Food Truck and any associated tables, chairs, displays, umbrellas, and other equipment shall not obstruct any designated pedestrian, bicycle, or vehicle ingress or egress from the property, or any designated drive aisle.

(4) Each Accessory Food Truck shall have written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept in the Accessory Food Truck and made available for review by any City inspector at all times during operation of the Accessory Food Truck at the site.

(5) The Accessory Food Truck operator shall provide trash receptacles sized to meet expected demand and shall remove them after the Accessory Food Truck completes serving food.

(6) Motorized vehicle drive-through service from all food trucks is prohibited.

G. Food Truck Court

(1) General

(a) Food Trucks operating within a Food Truck Court shall meet all applicable city, state, and federal licensing requirements and shall be in good operating condition.

(b) Motorized vehicular drive-through service from all food trucks is prohibited.

(2) Location

(a) Food Trucks and associated seating areas shall not be located in any required landscaping area, access easement, driveway, or fire lane(s).

(b) All eating, drinking, service, and delivery activity shall occur outside of setbacks, landscaping, and the public right-of-way.

(3) Site Design

(a) There shall be at least three feet of clearance between each individual Food Truck and between each permanent or accessory structure and at least 10 feet of unobstructed clearance for Food Trucks parked side-by-side.

(b) Seating for the consumption of food and drink shall be provided.

(c) Accessible restroom facilities, including handwashing facilities, shall be provided.

(d) Each Food Truck Court shall provide trash receptacles sized to meet expected demand and shall empty or remove them on a daily basis. The site shall include a trash collection facility, including but not limited to a designated dumpster location accessible by trash collection vehicles.

(e) The Food Truck Court shall be designed to allow for continuous pedestrian ingress and egress to and from the site as well as accessible internal walkways or passageways between Food Trucks, restroom facilities, trash receptacles, and seating areas.

(4) Operations

(a) When located adjacent to a residential zoning district, the hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.

(b) Any amplified sound shall comply with Title 5, Chapter 7 of the Boise City Code regarding permissible levels of noise.

H. Neighborhood Café

(1) A Neighborhood Café shall not exceed 2,000 square feet in gross floor area.

(2) If alcoholic drinks are served, food shall be served as well.

(3) Any outdoor seating area is limited to no more than 30 percent of the gross floor area of the Café.

(4) In the R-1C zoning district, the location of this use is allowed on corner lots. If the use is proposed to be located on an interior lot, it shall require a Conditional Use Permit approval pursuant to Section 11-05-05.3.C.

(5) Drive-Through Facilities are prohibited.

(6) The Café shall only operate between the hours of 7:00 a.m. and 8:00 p.m.

I. Bed and Breakfast

(1) In the R-1A, R-1B, R-1C, R-2, R-3, and MX-1 districts:

(a) This use is limited to existing or former 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 the structure and 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.

J. Recreational Vehicle Park

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 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

- (2) A site area for each recreational vehicle shall be designated and parking for the recreational vehicles, accessory vehicles, trailers and slide-outs, stairs, or similar items shall be contained within that individual vehicular site area.
- (3) No more than one recreational vehicle shall be permitted at any individual site area.
- (4) Recreational Vehicle Parks shall have a full-time manager on site at all times.
- (5) 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, laundry facilities, a management office, and an active recreational area that complies with Subsection (6) below.
- (6) An active recreational area shall be a minimum of four percent of the site, and may include a clubhouse, swimming pool, outdoor amphitheater, food and beverage service, catering facilities, and other such similar amenities.
- (7) 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.
- (8) No blocking of recreational vehicles shall be permitted.
- (9) No outdoor storage by park guests shall be permitted.
- (10) The site shall be properly graded for drainage, and surfaced with concrete, asphalt or any other improved surface approved by the Planning Director based on durability, appearance, and dust control.
- (11) The site shall be maintained in good condition, free of weeds, trash, and debris.
- (12) Occupancy of an individual recreational vehicle on the park site shall be limited to a maximum of 30 consecutive days.

K. Financial Establishment, Medical or Dental Clinic, Personal and Business Services

In the R-3 zoning districts, these uses may only be located on the ground floors of buildings containing primary Multiple-Family Dwelling uses or within an existing building.

L. Office

- (1) Within the R-3 zoning district, professional and executive offices may only be located on the ground floors of buildings containing primary Multiple-Family Dwelling uses or within an existing building.
- (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 11-05-05.3.C. 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 Conditional Uses in the building does not require a Conditional Use Permit.

M. Firing Range, Indoor

- (1) 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.

(2) The design and construction of the use shall completely confine all ammunition rounds within the building and in a controlled manner.

N. Retail Sales, Neighborhood

(1) In the R-1C zoning district, the location of this use is allowed on corner lots. If the use is proposed to be located on an interior lot, it shall require a Conditional Use Permit approval pursuant to Section 11-05-05.3.C.

(2) A neighborhood retail sales establishment shall only operate between the hours of 7:00 a.m. and 8:00 p.m.

O. Retail Sales Small, Medium, or Large

In all zoning districts, the pedestrian walkways and entrances into each business shall remain unencumbered by merchandise or storage and shall provide a minimum horizontal clearance of five feet to allow convenient pedestrian passage.

P. Sexually Oriented Business

(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 federal or state constitutional right, as interpreted by the courts. 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 abutting 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 businesses and residences. The experience in other U.S. 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 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; and
- (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:
 - i. Shall be 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.
- (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 state of Idaho; a public park or playground; a Bar or Tavern or other premises serving alcohol; religious institution; or any other Sexually Oriented Business.
 - ii. It shall not be located on a lot or parcel that is within 500 feet of a residential use or zoning district (except as noted in Subsection (a)(i) above).
 - iii. Distance shall be measured in a straight line from the 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. 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.
- v. 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.
- vi. No loudspeakers or sound equipment shall be used for such businesses that can be discerned by the public outside the building.
- vii. The disposal of garbage and trash containing sexually explicit materials shall be disposed of in a manner that prevents minors from having access to the material.
- viii. 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.
- ix. On-site security shall be present during all hours of operation.
- x. These provisions shall not be construed as permitting any use or act that is otherwise prohibited or made punishable by law.
- xi. 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.
- xii. 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.
- xiii. 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.

Q. Drive-Through Facility

All Drive-Through Facilities shall comply with the following standards:

- (1) The location shall not cause an increase of commercial traffic in nearby residential neighborhoods, or cause significant adverse impacts in the vicinity, and traffic on nearby streets shall not be disrupted by increased vehicular congestion, blockage, or rerouting caused by the establishment.
- (2) Drive-through lanes and associated escape lanes shall each be a minimum of 10 feet in width.

(3) Drive-through lane(s) shall be of sufficient length to accommodate average monthly peak volumes and shall comply with the table below, unless the Planning Director determines that additional spaces are required to avoid traffic congestion on abutting collector or arterial streets.

TABLE 11-03.4: MINIMUM VEHICLE STACKING SPACE REQUIREMENTS	
USE	REQUIRED STACKING SPACES
Food and Beverage Service	5 per service lane
Other Uses	2 per service lane

(4) The number of drive-through lanes may be limited to allow for adequate on-site circulation of pedestrians and vehicles.

(5) Drive-through windows and drive-through lanes shall be located to the rear of the building to the maximum extent practicable.

(6) Drive-through lanes and related motor vehicle circulation shall not interfere with access to or reduce the number of motor vehicle parking spaces below the minimum required for all uses of the site, and shall not interfere with multi-modal access to, from, or through the site.

(7) Drive-through lanes shall be separated from the sidewalk by a planting strip a minimum of five feet in width.

(8) Exterior site lighting shall be designed and located to prevent glare and light trespass on abutting properties.

(9) Landscaping shall minimize the visual impact of vehicular lights and on-site signs as viewed from the public street.

(10) Drive-Through Facilities shall not create adverse noise, light, or other impacts on adjacent properties, and the hours of operation of a Drive-Through Facility may be limited to prevent or mitigate such impacts.

(11) Drive-Through Facilities shall be designed to meet all applicable standards in Section 11-04-03.5, *Neighborhood Transition Standards*.

(12) Where properties are located adjacent to a Residential district or residential use:

(a) Sound from electronic devices such as loudspeakers, automobile service order devices, and similar sound sources related to the use shall not exceed 55 decibels as measured at the property line with any adjacent Residential district or residential use.

(b) Drive-through lanes shall be set back at least 10 feet from each Residential zoning district or residential use; and

(c) Landscape and sound abatement walls shall be required along each property boundary abutting a Residential zoning district or use.

(13) In the MX-1, MX-3, MX-5, and MX-H zoning districts, Drive-Through Facilities may be allowed only if no drive-through service window or lane is located on a street-facing façade of the building. Service lanes and service windows shall be completely covered by and enclosed on both sides by a portion of the primary

structure and access to service lanes from any street shall be through openings in the façade of the primary structure. Designs in which awnings, canopies, or other architectural features cover but do not enclose both sides of the service lanes do not meet this standard.

(14) In the MX-2 zoning district, Drive-Through Facilities may be allowed only if no drive-through service window or lane is located on a street-facing façade of the building.

R. Electric Vehicle Charging Station

All Electric Vehicle Charging Stations shall comply with the following standards:

(1) In the Residential zoning districts, an Electric Vehicle Charging Station shall be accessory to an Allowed or approved Conditional Use and shall be limited to use by residents, occupants, and patrons of the facility to which the use is accessory.

(2) Each charging station that is located in a parking lot shall comply with all applicable provisions of Section 11-04-08.6, *Electric Vehicle (EV) Parking Spaces*.

S. Service Station

(1) In the MX-1 zoning district, Service Stations shall be limited to a maximum of six fuel pumps.

(2) All business and sales activities other than vehicle fueling shall be conducted within a completely enclosed building.

(3) No outdoor storage of vehicle parts, discarded tires, or similar materials shall be permitted.

(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 line/property lines adjacent to the Residential or Mixed-Use zoning district shall be screened pursuant to Section 11-04-09.5, *Site Perimeter Buffers*.

(6) Service Station canopies shall comply with the canopy lighting standards in Section 11-04-011.4.G, *Canopy Lighting*.

T. Vehicle Repair, Major and Minor

(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 vehicle parts, discarded tires, or similar materials shall be permitted.

(3) Outdoor storage of damaged, wrecked or temporarily inoperable vehicles awaiting repairs shall be limited to designated parking stalls and shall not be located in setbacks, landscaping areas, drive aisles, and pedestrian or bicycle networks.

(4) Where this use is located adjacent to a Residential or Mixed-Use zoning district, the lot line/property lines adjacent to the Residential or Mixed-Use zoning district shall be screened pursuant to Section 11-04-09.5, *Site Perimeter Buffers*.

U. Vehicle and Equipment Sales, Rental and Leasing, Light and Heavy

- (1) Vehicles shall not be displayed in required setbacks or areas designated for parking, vehicle and bicycle traffic circulation, drive aisles, fire lanes, or required landscaping.
- (2) Vehicles shall be displayed outside clear vision triangles at any intersection or driveway and shall not obstruct the sidewalk or entrance into the primary building or any other sidewalks that allow for pedestrian access throughout the site.
- (3) Where this use is located adjacent to a Mixed-Use zoning district, the lot line/property lines adjacent to the Mixed-Use zoning district shall be screened pursuant to Section 11-04-09.5, *Site Perimeter Buffers*.
- (4) No loading and unloading of vehicles or parking or sale of display vehicles in the public right-of-way is permitted.

5. Industrial Uses

A. Artisan Industry

- (1) All activities shall be conducted within a completely enclosed building.
- (2) If located in the R-3 zoning district, this use shall not exceed 2,000 square feet of gross floor area and shall only operate between the hours of 6:00 am and 10:00 pm.
- (3) If located in a Mixed-Use zoning district, this use shall not exceed 10,000 square feet of gross floor area.
- (4) 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 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification*.
- (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, along Interstate I-84, from each abutting residential use, and from abutting streets, by a Type A buffer as described in Section 11-04-09, *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 Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

C. Mining and Extraction

- (1) This use is prohibited within:
 - (a) 600 feet of a Mixed-Use zoning district;
 - (b) 600 feet of any lot occupied by a residential use other than Caretaker's Residence; and

- (c) 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 Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

D. Outdoor Storage / Sales

(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 principal use of the lot.

(2) In the MX-1 district, outdoor storage of materials and display or sales of merchandise related to nonresidential uses is prohibited.

(3) 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 Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

(4) Outdoor storage of corrosive, acid, alkali, flammable, or explosive materials is prohibited except as specifically indicated in this Code.

(5) All outdoor storage shall be fully screened from adjacent properties and public rights-of-way with a solid or opaque fence or similar materials acceptable to the Planning Director.

(6) The outdoor display or sales of merchandise shall be displayed in an orderly fashion and located outside all required setbacks, landscaping, parking areas, fire lanes, traffic circulation areas for vehicles, bicycles and pedestrians such as drive aisles and sidewalks, and clear vision triangle at any intersection or driveway.

E. Self-Service Storage

(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 shall not be located on a side of the facility abutting a Residential zoning district.

(5) A permanent screen shall be required along all property boundaries and shall conform to landscaping and screening requirements in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

F. Trucking Terminal

(1) This use shall be screened from abutting properties in any zoning district other than an I-2 district, from any residential use regardless of zoning district, from Interstate 84, and from abutting streets by a Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

(2) The use shall be located a minimum of 500 feet from any residential use, hospital, or school.

(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.

G. Wholesale or Warehouse, Small and Large

(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 primary structure and screen them in accordance with Section 11-04-09, *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) In the I-1 zoning district, any Large Wholesale or Warehouse facility adjacent to a Residential zoning district or a Residential use shall require a Conditional Use Permit pursuant to Section 11-05-05.3.C.

H. Electric Substation

(1) All Electric Substations shall be screened from adjacent properties and public rights-of-way to obstruct the internal substation components from public view year-round in compliance with screening requirements for ground mounted mechanical equipment in Section 11-04-09.10.D(4)(b).

I. Renewable Energy Facility

(1) Solar Collectors

(a) Solar collectors shall only be located in rear or side yards or on rooftops.

(b) 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 maximum extent practicable without prohibiting the installation.

(c) Ground-mounted accessory solar collectors shall not exceed the height of the primary structure on the lot or parcel.

(2) Wind Energy System

(a) Any wind energy system shall be set back from the property line and the primary structure at least one and one-half times the height of the turbine.

(b) In Mixed-Use, Industrial, or Open Land zoning districts, accessory wind energy systems shall only be located in rear or side yards.

(c) In Mixed-Use zoning districts, an accessory wind energy system shall not exceed the maximum building height of the applicable zoning district.

(d) In the Industrial districts, an accessory wind energy system may exceed the maximum building height of the applicable zoning district by 20 feet.

J. Utility Facility, Minor

- (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 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification*, 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 used 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.

K. Composting Facility

This use shall comply with the following standards:

- (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 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) 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"; and
- (6) The use shall be screened from abutting properties in any zoning district and from abutting public streets by a Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

L. Junkyard, Vehicle Salvage

- (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 meeting the requirements

of Section 11-04-09.10, *Landscaping, Fencing, Walls, and Screening* and kept in good repair at all times.

(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 Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

M. Recycling Collection Facility

Drop-off Recycling Collection Facilities shall comply with the following standards:

(1) Containers shall be located so as to not interfere with required access or parking.

(2) Containers shall be kept in a state of good repair and emptied on a regular basis to prevent overflow.

(3) All containers shall be clearly marked as to the materials to be deposited in them.

(4) 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.

N. Solid Waste Transfer Facility

(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 meeting the requirements of Section 11-04-09.10, *Landscaping, Fencing, Walls, and Screening* 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 and idling or waiting trucks shall be screened from the view of streets or abutting properties.

(3) Sufficient area on the site shall be provided for the staging of idling or waiting trucks, to ensure traffic is not impeded.

(4) No overnight storage or any waste materials subject to rotting or odor creation shall be allowed.

(5) The site shall be properly graded for drainage and surfaced with concrete, asphalt or any other improved surface approved by the Planning Director based on durability, appearance, and dust control.

(6) The site shall be maintained in good condition, free of weeds, trash, and debris.

(7) The site shall provide barriers of such type and located so that no part of parked vehicles shall extend beyond the yard space or into the setback space from a lot line/property line abutting a Residential zoning lot or separated there from a street.

(8) The use shall be screened from abutting properties in any zoning district and from abutting public streets by a Type A buffer as described in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

6. Accessory Uses and Structures Unlisted Uses Accessory to an Allowed Use

Accessory uses not listed in Table 11-03.1: *Table of Allowed Uses* may be approved if the Planning Director determines that it is secondary and subordinate to and commonly associated with the principal use to which it is accessory.

7. Temporary Uses

A. General Temporary Uses

(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 including but not limited to 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 shall not be considered for temporary approval include:

- i. Uses that require Planning and Zoning Commission approval if they were a principal 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) Standards for General Temporary Uses

A temporary use may be approved provided that the use complies with the following standards:

(a) Location

The temporary use shall allow for placement of a temporary structure or vehicle outside of any clear vision triangle, required setback, required parking stall (except as permitted for temporary, outdoor display sale of merchandise), service drive area, designated 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.

(b) Duration

Depending on the nature of the use, and with the exception of produce stands, a Temporary Use Permit shall not exceed 180 consecutive days.

(c) Removal

After the termination of the temporary use, the site shall be restored to its prior condition by the removal of the any structures, debris or refuse associated with the temporary use. Guarantees for timely removal may be required if there is a material risk of negative impacts on nearby properties or the City if such removal does not occur.

B. Temporary Uses not Requiring a Permit

The following uses shall be exempt from the requirements to obtain a Temporary Use Permit under Section 11-05-05.1.D provided the associated standards within this section are met.

(1) Construction Office

(a) This use shall not begin, and any structure for the use shall not be installed, more than 30 calendar days before site construction begins.

(b) If work on the project has been dormant for a period of six or more months, the construction office shall be removed, unless an extension is granted by the Planning Director based on the anticipated construction restart date.

(c) The construction office shall not contain sleeping or cooking accommodations.

(d) The structure shall be set back at least five feet from any lot line/property line and eight feet from the building or structure under construction.

(2) Mobile Food Truck

(a) A Temporary Use Mobile Food Truck shall operate on a property for a maximum of seven consecutive days.

(b) This use shall not operate on any lot where the principal use is a Single-Family Detached Dwelling, Single-Family Attached Dwelling, Duplex, Triplex, or Fourplex Dwelling.

(c) Each Mobile Food Truck shall comply with all applicable city, state, and federal requirements including those related to licensing and operating in the public right-of-way and shall be in good operating condition.

(d) Each Mobile Food Truck shall not occupy more than 10 percent of the required off-street parking spaces for the principal use on the subject property, unless an approved Temporary Use Permit provides for a longer time period or occupancy of a larger portion of the property.

(e) Each Mobile Food Truck operator shall provide solid waste receptacles sized to meet the expected demand and shall remove them after the Mobile Food Truck completes serving food.

(f) Motorized vehicular drive-through service from all food trucks is prohibited.

(g) Food Trucks shall require approval from the City Clerk's Office.

C. Specific Temporary Uses

The following shall be required to obtain a Temporary Use Permit under Section 11-05-05.1.D

(1)Off-Site Construction Staging

- (a)** All parking and materials shall be located outside of the required setbacks per the zone. Any job trailer shall be located outside of setbacks.
- (b)** Any access driveway shall be defined to be no wider than 24 feet. Non-construction related activities, and access to the site by the general public during off-hours, is not allowed.
- (c)** Approved surface materials are to be placed at all driveways to eliminate track-out of dirt onto the street.
- (d)** Any street-loading activities shall be coordinated with the Ada County Highway District and the applicant will be required to obtain all necessary public right-of-way permits to work in the public right-of-way.
- (e)** Use of the site shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 6:00 p.m. for Saturday and Sunday. Hours may be temporarily altered for special circumstances as approved by the Planning Director.
- (f)** The site shall be kept free of debris and in a nuisance-free and orderly manner. Temporary fencing with screening shall be placed around the entire site.
- (g)** The applicant shall coordinate with the Boise Fire Department to ensure access is not blocked to the trailer.
- (h)** Contact information, including a phone number, for a person responsible for ensuring compliance with all regulations and available to answer calls during all hours of operation shall be clearly posted on the site and on file with the City.
- (i)** The applicant is responsible for ensuring all site improvements are removed, placed back to its previous condition, and the site is inspected for compliance by planning staff.

(2)Sales and Leasing Office

- (a)** Sales and Leasing Offices are permitted in any zoning district on the site of the development for which the sales are taking place.
- (b)** Sales and Leasing Offices 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.

(3)Seasonal Sales

- (a)** Sales areas shall be set back a minimum of 15 feet from any public right-of-way.
- (b)** Seasonal Sales require approval from the City Clerk's Office.
- (c)** A Temporary Use Permit shall be valid for a maximum of 30 consecutive days.
- (d)** Temporary Use Permits for produce stands shall be approved annually.

Chapter 11-04 Development and Design Standards

11-04-01. Purpose

The purpose of this Chapter 11-04 is to provide standards for developing property or establishing new uses of property within Boise City to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the vision and goals of the Comprehensive Plan.

11-04-02. Applicability

1. Generally

The requirements of this Chapter 11-04 shall apply to all new development and redevelopment pursuant to Section 11-01-04, *Applicability*, unless otherwise provided in another Section of this Code.

2. Activities That Require Compliance with Specific Standards

A. Construction of any new primary or accessory structure on a lot shall require compliance with all standards in this Chapter unless an exception is stated in the Code.

B. Table 11-04.1 identifies the design and development standards contained within this Chapter 11-04, *Development and Design Standards* and the development review decision where compliance with these standards is required. However, nothing in these standards shall exempt development activity from complying with all applicable standards of this Code.

C. Section 11-05-06, *Nonconformities*, identifies activities that trigger full and limited compliance for legal nonconforming site and structures with specific development standards contained within this Code.

TABLE 11-04.1: DEVELOPMENT STANDARDS COMPLIANCE THRESHOLDS

ZONING CODE STANDARD	CODE SECTION	ALLOWED USE ALLOWED ZONE-SPECIFIC STANDARDS	ALLOWED USE ALTERNATIVE ZONE-SPECIFIC STANDARDS	CONDITIONAL USE PERMIT	MAJOR DESIGN REVIEW	MINOR DESIGN REVIEW	SUBDIVISION OF LAND	ZONING CERTIFICATE OR COMPLIANCE REVIEW [2]
Lot and Building Design and Dimensions	11-04-03	X	X	X	X	X	X [1]	X
Subdivision Standards	11-04-04						X	
Sensitive Lands	11-04-05	X	X	X	X	X	X	X
Building Design	11-04-06	X	X	X	X	X		X
Access and Connectivity	11-04-07	X	X	X	X	X	X	X

TABLE 11-04.1: DEVELOPMENT STANDARDS COMPLIANCE THRESHOLDS

ZONING CODE STANDARD	CODE SECTION	ALLOWED USE ALLOWED ZONE-SPECIFIC STANDARDS	ALLOWED USE ALTERNATIVE ZONE-SPECIFIC STANDARDS	CONDITIONAL USE PERMIT	MAJOR DESIGN REVIEW	MINOR DESIGN REVIEW	SUBDIVISION OF LAND	ZONING CERTIFICATE OR COMPLIANCE REVIEW [2]
Parking and Loading	11-04-08	X	X	X	X	X		X
Landscaping, Fencing, Walls, and Screening	11-04-09	X	X	X	X	X	X	X
Exterior Lighting	11-04-011	X	X	X	X	X	X	X
Signs	11-04-012	X	X	X	X	X	X	X

Notes:
 [1] Review is for lot dimensions only.
 [2] Applications for a change of use are only reviewed for compliance with Parking and Loading and Exterior Lighting standards.

3. Compliance with Design Standards Required

A. In addition to the standards in this Section, all Residential Small Lot development, Multiple-Family Dwelling, mixed-use, and nonresidential development shall comply with the standards and other mandatory content in the adopted Citywide Design Standards and Guidelines and the Downtown Design Standards and Guidelines.

(1) The Downtown Design Standards and Guidelines shall apply to all Multiple-Family Dwelling, mixed-use, and nonresidential development in the Downtown Planning Area.

(2) The Citywide Design Standards and Guidelines shall apply to all Residential Small Lot development, Multiple-Family Dwelling, mixed-use, and nonresidential development outside of the Downtown Planning Area.

B. In the event of a conflict between the standards in this Chapter 11-04, *Development and Design Standards* and applicable standards in the Citywide or Downtown Design Standards and Guidelines, the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

11-04-03. Lot and Building Design and Dimensions

1. General Lot and Design Standards

A. Access to Public Street

No building shall be constructed or erected upon any parcel not abutting a public street or having a permanent access easement to a public street.

B. Construction Over Platted Lot Line/Property Lines

Construction over platted lot line/property lines of multiple whole lots in any zoning district is only allowed if:

- (1) Prior to issuance of a Building Permit, the applicant submits to the City a copy of a recorded Notice of Buildable Parcel and a map describing the entirety of the platted lots upon which construction is proposed to take place; and
- (2) Prior to construction, the applicant submits to the City a copy of a recorded Plat of any platted or recorded easements in the area of proposed construction or the written permission of the easement holder to complete such construction without vacating the easement.

2. Dimensional Standards Summary Tables

All development and redevelopment shall comply with the standards in this Section 11-04-03.2, *Dimensional Standards Summary Tables* unless another Section of this Code provides an alternative standard for a particular use, layout, or development type. Sections of this Code that may provide alternative standards include but are not limited to Section 11-03-03, *Use-Specific Standards*.

A. Residential Districts

(1) Dimensional Standards

- (a) All development in Residential zoning districts shall comply with the standards in Table 11-04.2 unless those standards are adjusted pursuant to a provision of this Section 11-04-03, *Lot and Building Design and Dimensions* or another provision of this Code.
- (b) All structures that were legally constructed and that complied with applicable dimensional standards prior to the Effective Date, but that no longer comply with the dimensional standards in this Section 11-04-03.2.A due to inclusion in a consolidated zoning district with different dimensional standards shall be considered conforming structures under this Code.

TABLE 11-04.2: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS					
N/A = NOT APPLICABLE NO PRIMARY OR ACCESSORY STRUCTURE SHALL OBSTRUCT A CLEAR VISION TRIANGLE					
ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3
Lot Standards [1]					
Lot Area (minimum) [2]	20,000 sf.	9,000 sf.	3,500 sf.	2,500 sf.	Single-Family Attached: 1,500 sf. All Other Uses: 2,000 sf.
Lot Width (average)	75 ft.	50 ft.	25 ft.	20 ft.	20 ft.
Street Frontage (minimum)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Density (maximum, units/acre) [2]	2.1 [3]	4.8 [3]	12.4 [3]	N/A	N/A
Setbacks (Minimum)					
Front					
Front Entry Parking/Garage	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Remainder of Structure	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.

TABLE 11-04.2: RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

N/A = NOT APPLICABLE

NO PRIMARY OR ACCESSORY STRUCTURE SHALL OBSTRUCT A CLEAR VISION TRIANGLE

ZONING DISTRICT	R-1A	R-1B	R-1C	R-2	R-3
Street Side					
Side Street Entry Parking/Garage	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Remainder of Structure	20 ft. [4]	20 ft. [4]	15 ft.	15 ft.	15 ft.
Interior Side [5]	10 ft.	10 ft.	5 ft. or 10 ft. [6]	5 ft. or 10 ft. [6]	5 ft. or 10 ft. [6]
Rear	20 ft.	20 ft.	15 ft.	15 ft.[7]	15 ft. [7]
Height (Maximum)					
Building Height (maximum)	35 ft.	35 ft.	3 stories not to exceed 40 ft.	4 stories not to exceed 45 ft.	4 stories not to exceed 50 ft.

Notes:

- [1] All Residential Small Lots shall meet the standards in Section 11-04-03.4, *Residential Small Lots*.
 [2] Maximum density requirements shall not apply to Accessory Dwelling Units or Duplex Dwellings.
 [3] Maximum density requirement shall not apply to properties using housing incentives earned pursuant to Section 11-04-03.7.D.
 [4] See Section 11-06-02.5.B(4).
 [5] No interior side setback is required between Single-Family Attached Dwellings.
 [6] For the third story of a building when abutting a single-story building.
 [7] Reduced to 5 ft. when rear property line abuts an alley.

B. Mixed-Use, Industrial, and Open Land Districts

(1) All development in Mixed-Use, Industrial, or Open Land zoning districts shall comply with the standards in Table 11-04.3 unless those standards are adjusted pursuant to provision of this Section 11-04-03, *Lot and Building Design and Dimensions* or another provision of this Code.

TABLE 11-04.3: MIXED-USE, INDUSTRIAL, AND OPEN LAND DISTRICT DIMENSIONAL STANDARDS

N/A = NOT APPLICABLE

NO PRIMARY OR ACCESSORY STRUCTURE SHALL OBSTRUCT A CLEAR VISION TRIANGLE

ZONING DISTRICT	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2
Lot Standards												
Lot Area (minimum)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 acre	40 acres
Lot Width (average)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50 ft.	100 ft.
Street Frontage (minimum)	N/A	N/A	N/A	N/A	N/A	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	100 ft.
Density (maximum)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 unit/ acre	1 unit/ 40 acres

TABLE 11-04.3: MIXED-USE, INDUSTRIAL, AND OPEN LAND DISTRICT DIMENSIONAL STANDARDS

N/A = NOT APPLICABLE

NO PRIMARY OR ACCESSORY STRUCTURE SHALL OBSTRUCT A CLEAR VISION TRIANGLE

ZONING DISTRICT	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2
Building Setbacks (Minimum/Maximum)												
Front	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. [1]	Min 10 ft.	Min 20 ft.	Min 20 ft.	[4] [5]	Min 20 ft. [7]	Min 40 ft. [7]
Street Side	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 0 ft. Max 20 ft.	Min 10 ft. [1]	Min 10 ft.	Min 15 ft.	Min 15 ft.	[4] [5]	Min 20 ft. [7]	Min 40 ft. [7]
Interior Side	Min 0 ft.	Min 0 ft.	Min 0 ft.	Min 0 ft.	Min 0 ft.	N/A	1 & 2 stories 5 ft.	Min 0 ft. [2]	Min 0 ft. [2]	[4] [5]	Min 10 ft. [7]	Min 20 ft. [7]
Rear	Min 10 ft. [3]	Min 10 ft. [3]	Min 10 ft. [3]	Min 10 ft. [3]	Min 0 ft.	Min 10 ft. [1]	3+ stories 15 ft.	Min 0 ft. [2]	Min 0 ft. [2]	[4] [5]	Min 30 ft. [7]	Min 60 ft. [7]
Parking Setbacks (Minimum)												
Front	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft. [1]	20 ft.	20 ft.	20 ft.	20 ft. [4]	20 ft. [7]	Min 20 ft. [7]
Street Side	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft. [1]	10 ft.	10 ft.	15 ft.	20 ft. [4]	20 ft. [7]	Min 20 ft. [7]
Interior Side	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	10 ft. [1]	10 ft.	0 ft. [2]	0 ft. [2]	15 ft. [4]	20 ft. [7]	Min 20 ft. [7]
Rear	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	10 ft. [1]	10 ft.	0 ft. [2]	0 ft. [2]	15 ft. [4]	30 ft. [7]	Min 20 ft. [7]
Any Yard Adjacent to Interstate (I-84 & I-184)	10 ft.	20 ft.	20 ft.	20 ft.	10 ft.	N/A	10 ft.	20 ft.	20 ft.	20 ft. [4]	30 ft. [7]	Min 20 ft. [7]
Building Height (Maximum)												
Building Height	45 ft.	45 ft.	70 ft.	70 ft.	N/A	[8]	78 ft.	55 ft.	55 ft.	150 ft. [6]	45 ft. or 35 ft. [7]	45 ft. or 35 ft. [7]

Notes:

[1] Only applies from edge of the adopted Boise State University campus master plan boundaries.

[2] When adjacent to a Residential zoning district or residential use, 30 ft. minimum for all development under three acres, 50 ft. minimum for all development between three acres and 10 acres, and 100 ft. minimum for all development of 10 or more acres.

[3] Reduced to 5 ft. when rear property line abuts an alley.

[4] If a development is part of an adopted Industrial Technology master plan, setbacks shall apply only to the perimeter of the campus.

TABLE 11-04.3: MIXED-USE, INDUSTRIAL, AND OPEN LAND DISTRICT DIMENSIONAL STANDARDS

N/A = NOT APPLICABLE

NO PRIMARY OR ACCESSORY STRUCTURE SHALL OBSTRUCT A CLEAR VISION TRIANGLE

ZONING DISTRICT	MX-1	MX-2	MX-3	MX-4	MX-5	MX-U	MX-H	I-1	I-2	I-3	A-1	A-2

[5] 45 ft. + 1 ft. for every 1-foot increase in building height above 45 ft. OR 100 ft. when the property is adjacent to a Residential zoning district or residential use, regardless of whether the property is located on the perimeter of the campus.

[6] Controlled by a 45 degree angle of bulk plan from all exterior property lines up to the maximum height of 150 feet.

[7] Applies when the property abuts a Residential zoning district or a residential use.

[8] Interior to the campus: Unlimited. Where the development site is located within 50 ft. of public right-of-way on Beacon Street, Broadway Avenue, or Boise Avenue: 70 ft.; Where the development site is located within 50 ft. of a Residential zoning district (adjacent or across public right-of-way): 45 ft. or the maximum height of the Residential zoning district, whichever is greater.

3. Exceptions and Encroachments

A. Permitted Exceptions to Minimum Street Frontage

To encourage creative building design, the Planning Director, following Interdepartmental Review, may reduce or waive the minimum street frontage requirement listed in Section 11-04-03.2, *Dimensional Standards Summary Tables* if the Planning Director determines that the site plan does not create material negative impacts on vehicle access, emergency services, or solid waste collection.

B. Permitted Encroachments into Setbacks

Certain building and site features listed in Table 11-04.4 below may extend into the required building setbacks limits listed in Section 11-04-03, *Lot and Building Design and Dimensions* as shown in Table 11-04.4 below.

TABLE 11-04.4: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS	
STRUCTURE OR FEATURE	CONDITIONS OR LIMITS
Encroachments into Required Setbacks	
Accessory Renewable Energy Facility	Permitted in side or rear setbacks in Residential and Mixed-Use districts, and in any setback in Industrial and Open Land districts, but not closer than 2 feet to any property line.
Balcony without roof	May extend up to 4 feet into any rear setback, provided the support structures are located outside of rear setback.
Chimneys no more than 8 feet in width	May extend up to 2 feet into any setback.
Covered front porches a minimum of 5 feet in depth for Single-Family Detached and Attached, Duplex, Triplex, or Fourplex Dwellings	May encroach into required front setback up to 5 feet. The encroachment shall not interfere with street trees, sidewalks, or required landscaping.
Detached accessory structures	
Under 120 square feet in area and < 7 feet in height	In the R-1A, R-1B, R-1C, R-2, and R-3 zoning districts may have reduced interior side yard setbacks of 3 feet and rear yard setbacks of 3 feet. Allowed encroachments

TABLE 11-04.4: PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS

STRUCTURE OR FEATURE	CONDITIONS OR LIMITS
Encroachments into Required Setbacks	
	cannot conflict with any existing easements.
121- 500 square feet in area and < 14 feet in height	In the R-1A, R-1B, R-1C, R-2, and R-3 zoning districts may have reduced interior side yard setbacks of 3 feet and rear yard setbacks of 9 feet. Allowed encroachments cannot conflict with any existing easements.
< 1,000 square feet in area and < 22 feet in height [2]	Exempt from rear or side yard setbacks when the rear or side property line abuts an alley.
Fencing in the side or rear yards, landscaping, walkways, and accessible ramps	Exempt from setback requirements, provided they do not interfere with any existing easements.
Little library book exchange boxes	Exempt from front and side yard setbacks in Residential and Mixed-Use zoning districts, provided the portion of the yard occupied by the box does not exceed 2 square feet.
Masonry ledges, windowsills, belt courses, fireplaces, cantilevers, architectural features, cornices, eaves, canopies, and roof overhangs that do not increase the volume of space enclosed by the building	May extend up to 2 feet into any setback.
Open post patio/shade covers, pergolas, and similar structures under 250 feet in area and less than 15 feet in height and attached to a residential dwelling [3]	May have rear yard setbacks of nine feet in any zoning district. For corner lots, a minimum 15 foot side yard street setback is required.
Raised garden beds no more than three feet in height	Exempt from all setback requirements.
Stair, railing, and landing without roof	May extend up to three feet into front or side setback or up to six feet into rear setback.
Window wells	May extend up to three feet into any front or rear setback. Window wells may also extend up to two feet into any side yard setback provided that a minimum three-foot setback is maintained from the side property line
Flagpoles and antennas	Exempt from all setbacks, provided they conform to the height limit allowed within the zoning district
Notes: [2] Applies to alley-loaded parking structures only. Height as measured from grade to the peak of the roof. [3] Structures that use the reduced setbacks shall not occupy more than 50 percent of the width of any rear yard.	

C. Permitted Exceptions Through Building Height Limits

Certain building and site features listed in Table 11-04.5 below may exceed the maximum building height limits listed in Section 11-04-03.2, *Dimensional Standards Summary Tables* as shown in the Table below.

TABLE 11-04.5: EXCEPTIONS TO BUILDING HEIGHT LIMITS	
STRUCTURE OR FEATURE	CONDITIONS OR LIMITS
Accessory rooftop solar collectors	May extend up to 18 inches above the height limit for primary or accessory structures.
Accessory wind energy system	Permitted height shall be 10 feet above the height limit for primary structures.
Chimneys, ventilators, skylights, water tanks, bulkheads, similar features, and necessary mechanical appurtenances frequently mounted above the roof level	Exempt from height limit.
Ham radio antenna or television antenna	Permitted height shall be 45 feet measured from finished grade, only permitted in rear yard, and shall comply with all required setbacks.
Structures built to support, shelter, or enclose emergency warning sirens, communication antennae, or other public safety devices operated by government agencies. Requirements for telecom facilities are included in Section 11-03-03.4.D	Exempt from height limit.
Towers, steeples, spires, belfries, cupolas, and domes on primary nonresidential structures provided they are not used for human occupancy	Exempt from height limits, provided their largest horizontal cross-section does not exceed 20% of the horizontal cross-section of the top floor ceiling plate of the building. See Section 11-06-02.4.A(2).

4. Residential Small Lots

A. Purpose

The purpose of this Section is to ensure that new residential development on lots less than 3,500 square feet and Substandard Original Lots of Record are compatible in design and scale with established housing.

B. Applicability

(1) The standards in this Section 11-04-03.4 shall apply to new dwellings and additions to existing dwellings:

(a) On lots less than 3,500 square feet created after the Effective Date in the R-2 and R-3 zoning districts; and

(b) On Substandard Original Lots of Record existing on the Effective Date in the R-1A, R-1B, R-1C, R-2, or R-3 zoning districts.

(2) The Historic Preservation Commission may modify the regulations for Residential Small Lots in order to issue a Certificate of Appropriateness.

(3) These standards do not apply to lots that are part of a Planned Unit Development and do not supersede any note recorded on a Subdivision Plat.

(4) In the event of a conflict between this Section 11-04-03.4 and any other standard applied to new dwellings and remodels of existing dwellings by other Sections of this Code, the standards in this Section 11-04-03.4 shall apply.

C. General Provisions

(1) Design Review

(a) A development containing four or fewer dwelling units on up to four contiguous Residential Small Lots shall be subject to Minor Design Review pursuant to Section 11-05-05.2.E.

(b) A development of five or more contiguous Residential Small Lots shall be subject to Major Design Review pursuant to Section 11-05-05.3.D and shall also comply with the standards and guidelines in this Section 11-04-03.4.

(c) If a proposed development includes three or more structures, each of which contains four or fewer dwelling units, and the Planning Director determines that the potential impacts of the development on surrounding areas is similar to that of a project that would require Major Design Review, the Planning Director may require that the project be subject to Major Design Review pursuant to Section 11-05-05.3.D.

D. Development Standards

(1) Setbacks

(a) Front

Front yard setbacks shall comply with the requirement of the applicable zoning district.

(b) Side

Interior side setbacks shall comply with the requirement for applicable the zoning district. The following building arrangements may also be permitted:

i. Common Lot Line/Property Line Attached Units

When the building is located on a common lot line/property line, the remaining side yard setback shall comply with the requirement for the zoning district.

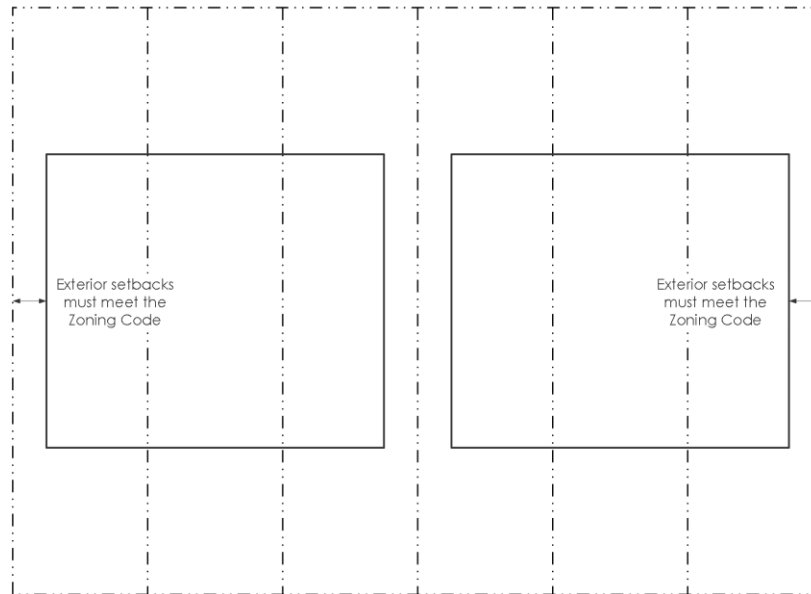


Figure 4.1. Common Lot Line/Property Line Attached Units

ii. Detached Units on Contiguous Lots

For contiguous Residential Small Lots developed simultaneously, the interior side yard setbacks may be reduced to three feet interior to the development, provided the setbacks exterior to the development comply with the setbacks required by the zoning district.

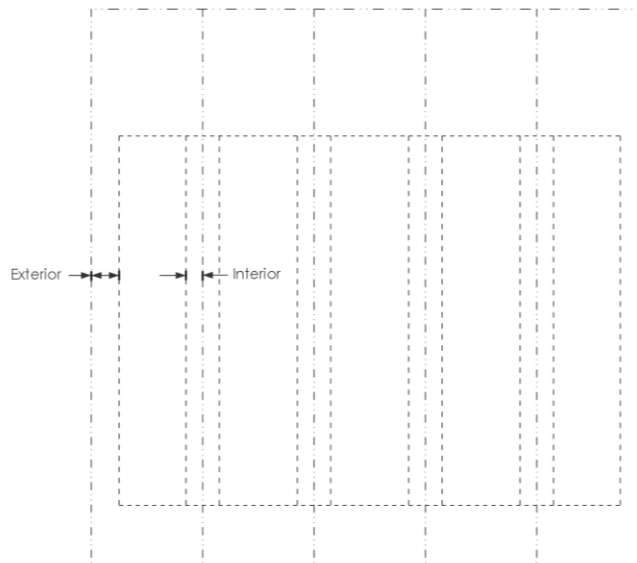


Figure 4.2. Reduced Interior Setback for Detached Units on Contiguous Lots

iii. Attached Buildings of Two Stories or More

Two-story attached buildings shall have a minimum side yard setback of five feet for the first story and a minimum of eight feet for the second story from

the exterior side property line, with bay windows, pop-outs or other architectural appurtenances are allowed at the five foot setback line, however a maximum of two dormers with a maximum width of eight feet located on each side of the structure are allowed. Alternative proposals meeting the intent of this requirement may be approved by the Planning Director.



Figure 4.3. Two-Story Attached Units on Contiguous Lots - Setbacks

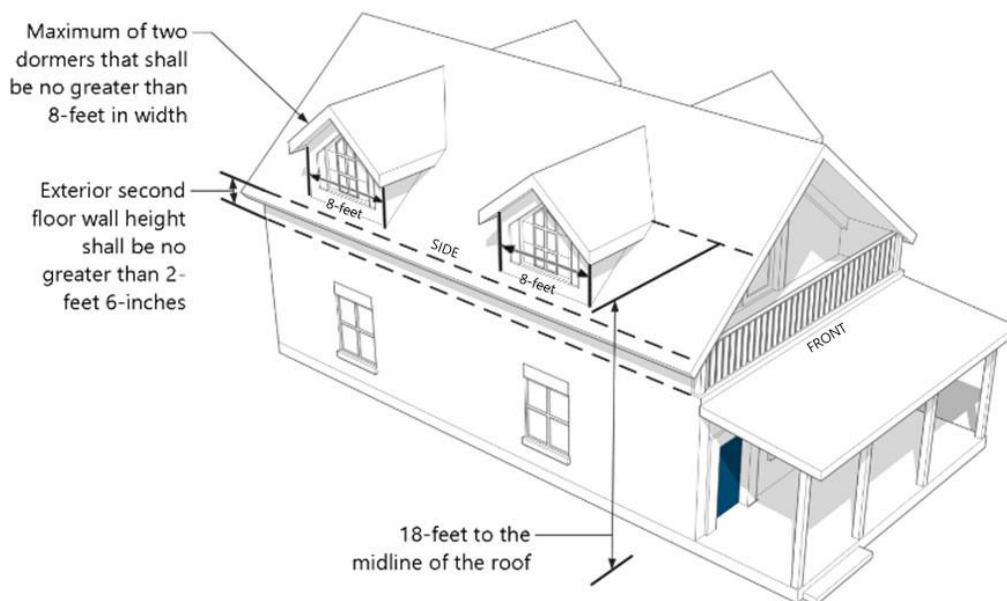


Figure 4.4. Two-Story Attached Units on Contiguous Lots - Dormers

(c) Rear

The rear yard setback shall be as required by the zoning district in which the Residential Small Lot is situated.

(2) Building Height

The maximum height permitted for buildings on Residential Small Lots shall comply with the requirement for applicable the zoning district, except if an existing, less than

two-story residential dwelling in a Residential zoning district abuts either side of the subject lot, then the maximum height shall not exceed 35 feet and shall contain no more than two stories, excluding basements.

(3) Building Size

Residential floor area shall not exceed 70 percent of the effective lot area. Below grade floor area is not included.

(4) Open Space

Each unit shall have a minimum of 200 square feet of open space. This open space shall be usable and shall not include driveways or parking areas. A minimum of 25 percent of the required open space shall consist of permeable ground surface with landscaping.

(5) Public Right-Of-Way Improvement

(a) Development on Residential Small Lots that include construction of a new dwelling unit (excluding ADUs) shall provide curb, gutter, and detached sidewalk a minimum of five feet in width that is separated by a landscape planter that is a minimum of eight feet in width. Waivers or variations to this requirement may be granted by the Planning Director based upon exceptional circumstances.

(b) Where driveways access a public street, a paved driveway apron that extends to the edge of street pavement of the roadway or alley shall be provided unless a waiver or variation on some or all of this requirement is granted by the Planning Director based upon site-specific conditions such as documented drainage problems that might result from the improvement of the roadway.

(c) Dirt or gravel strips in the front yard or undeveloped public street right-of-way shall not be permitted. Irrigated landscaping shall be provided in these areas through license agreements with ACHD. Bonding for landscape improvements may be allowed based on weather related constraints. If ACHD denies the necessary license agreement, the requirement for landscaping shall be waived.

(6) Parking

Vehicular access and parking shall comply with the following standards:

(a) If alley access is available, all access shall be taken from the alley. One standard parking space shall be provided with 22 feet of backup space.

(b) If alley access is not available and an attached garage is provided, the garage design shall include varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination of the front or side building façade. The face of the garage shall be set back 20 feet from the property line or back of sidewalk. Street-facing garages and driveways shall not exceed 20 feet in width, or 50 percent of the width of the building façade on which the garage is located, whichever is less.

(c) If alley access is not available and unenclosed or uncovered parking is provided, the driveway and parking area shall not exceed 20 feet in width, or 50 percent of the width of the building façade on which the parking is located, whichever is less.

- (d) Two detached residential structures may share a 12 foot wide driveway or wider, providing access to rear yard detached garages or attached garages with a common wall on the property line.
- (e) Where front yard driveways are permitted, the driveway may be designed with two concrete wheel strips or grass pavers separated by vegetation.

(7) Alternative Building Arrangements

(a) Zero Lot Line/Property Line Option

If multiple Single-Family Detached Dwelling units and garages are constructed on contiguous lots, a zero lot line/property line development is permitted provided that the design maintains full required setbacks from adjacent non-project lots. The zero lot line/property line units remain subject to the general design guidelines in Subsection E, below, and are subject to Minor or Major Design Review pursuant to Sections 11-05-05.2.E or 11-05-05.3.D, depending on the size of the project.

(b) Attached Units

- i. In order to achieve similar length to a standard-width Single-Family Detached Dwelling, Single-Family Attached Dwelling units shall be organized in structures containing a maximum of five units. The attached units remain subject to the general design criteria in Subsection E, below.
- ii. The applicant or builder shall obtain City approval of easement agreement(s) for the use and maintenance of common facilities such as driveways, parking sites, and common party walls. The agreement shall be recorded in the official records of Ada County prior to submission of plans for a Building Permit.
- iii. Adjustments to lot line/property lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable standards in this Code. The applicant shall obtain approval from the City and record any lot line/property line adjustments or reduction in lots with the County Recorder prior to submission for a Building Permit.

E. Design Guidelines

In addition to the development standards above, the general design guidelines below shall also apply to developments on Residential Small Lots. Design Review shall take into account the location and design of adjacent buildings, landscaping, and public right-of-way improvements, and shall comply with the following criteria to the maximum extent practicable:

(1) Orientation

All buildings shall be oriented towards a public street, except when buildings cannot be oriented toward a public street due to inadequate street frontage. In this case, buildings shall be oriented towards a private street or lane conforming to City standards.

(2) Front Façade Design Requirements

- (a) All dwelling units shall have a front door that faces the street. When a unit is built on a corner lot, the main entrance shall have the door facing the dominant street.
- (b) For dwelling units with front-loaded garages, a garage door shall not count toward window/opening requirements. The garage door shall also have design elements such as panels, windows, trim features, cross members, or other features as determined appropriate by the applicable Design Review process.
- (c) Portions of the façade occupied by garage doors shall comply with Section 11-04-03.4.D(6), *Parking* above.
- (d) Required façade elements shall, in addition to complying with design guidelines in (a) and (b), above, include a minimum of two of the following: multi-paned windows, varied roof lines, bay windows, wainscot, covered front door, or other elements as approved by the applicable Design Review process that create a unique façade.
- (e) Attached units shall provide modulation and architectural design features to prevent flat façade wall planes.
- (f) Building design shall incorporate materials such as brick, stone, stucco, tile, and wood for 35 percent of the facade and second story elements. The presence of such materials on nearby homes shall be reviewed as a guide for appropriate materials to be used on the new dwelling.
- (g) Rain gutters shall be provided on the side elevations of all structures to aid in site drainage. Gutters shall direct water to the front or rear of the lot.

5. Neighborhood Transition Standards

In order to facilitate a predictable transition from Multiple-Family, mixed-use, and nonresidential development on abutting lower-density residential zoning districts, all development listed in Subsection (A) below shall comply with all standards Subsections (B), (C), (D), and (E) below. In case of conflict between the standards in this Section 11-04-03.5 and any other standard in this Code, the standards in this Section 11-04-03.5 shall apply.

A. Applicability

The standards in this Section 11-04-03.5 shall apply to all development or redevelopment after the Effective Date on lots located:

- (1) In the R-2 or R-3 zoning districts, or any Mixed-Use, Industrial, or Open Land zoning district that have a side or rear lot line/property line abutting a lot in the R-1A, R-1B, or R-1C zoning district; and
- (2) In any Mixed-Use, Industrial, or Open Land zoning district that have a side or rear lot line/property line abutting a lot in the R-2 or R-3 zoning district.

B. Building and Parking Area Setbacks

- (1) The primary building shall be set back from each side or rear property line abutting an R-1A, R-1B, R-1C, R-2, or R-3 lot a distance at least equal to the minimum setback required in that abutting zoning district.
- (2) Any parking area, Drive-Through Facility, or vehicle circulation driveway shall be set back from each side or rear property line abutting an R-1A, R-1B, R-1C, R-2, or R-

3 lot by at least 10 feet or the minimum parking setback distance in the district where the primary building is located, whichever is greater.

C. Building Height Stepdown

(1) Abutting R-1A, R-1B, or R-1C Districts

Each primary building constructed after the Effective Date with a height greater than 35 feet shall reduce the visual impact of the building when viewed from each abutting R-1A, R-1B, or R-1C lot by limiting the maximum height of the building so that:

- (a) It does not exceed 35 feet at the minimum building setback line from the R-1A, R-1B, or R-1C lot; and
- (b) Any portion of the building with a height between 35 and 45 feet shall be set back an additional 20 feet from the required building setback as identified in Subsection B(1) above.
- (c) Any portion of the building with a height above 45 feet shall be set back an additional 10 feet from the setback identified in Subsection 1(b) above.

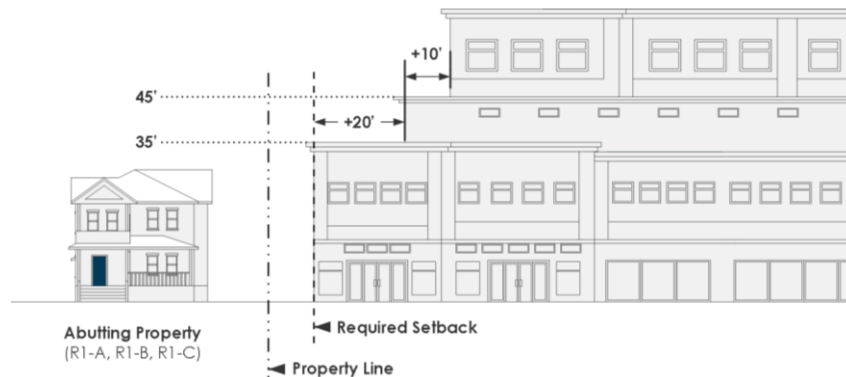


Figure 4.5. Building Height Stepdown Requirements

(2) Abutting R-2 or R-3 Districts

Each primary building constructed after the Effective Date with a height greater than 45 feet shall reduce the visual impact of the building when viewed from each abutting R-2 or R-3 lot by limiting the maximum height of the building so that:

- (a) It does not exceed 45 feet at the minimum building setback line from the R-2 or R-3 lot; and
- (b) Any portion of the building with a height between 45 and 55 feet shall be set back an additional 20 feet from the required building setback as identified in Subsection B(1) above.
- (c) Any portion of the building with a height above 55 feet shall be set back an additional 10 feet from the setback identified in Subsection (2)(b) above.

D. Lighting Height

In addition to complying with all standards in Section 11-04-011, *Exterior Lighting*, no outdoor pole or wall mounted light fixture located within 50 feet of any side or rear lot

line/property line abutting an R-1A, R-1B, R-1C, R-2, or R-3 zoning district shall be mounted more than 20 feet above grade.

6. Other Standards

A. All development shall comply with all Form, Layout, and Design Standards applicable to the MX-1, MX-2, MX-3, MX-4, and MX-5 zoning districts in Sections 11-02-03.1, 11-02-03.2, 11-02-03.3, 11-02-03.4, and 11-02-03.5 respectively.

B. All development shall comply with all standards related to building or development form in each overlay district listed in Section 11-02-07, *Overlay Districts*.

7. Housing Incentives

A. Purpose

The purpose of this Section 11-04-03.7 is to support an increased supply of diverse, affordable, and sustainable/resilient housing that will efficiently use the existing infrastructure.

B. Approval Procedure

The approval procedures for projects earning one or more of the housing incentives shall be those otherwise applicable under this Code unless this Section specifically modifies the procedure to allow an administrative approval. Any conditions attached to a project approval shall not reduce or modify the housing incentives for which the project qualifies under this Section.

C. Nonconforming Uses and Structures

The housing incentives created by this Section shall be available regardless of whether the existing use of the property is a conforming use and regardless of whether any existing structures on the property are conforming structures. All structures shall be required to meet the applicable building codes.

D. Housing Incentives Available

(1) In the R-1A, R-1B, and R-1C Zoning Districts

Except as described in Subsection (2) below, in the R-1A, R-1B, and R-1C zoning districts, a project containing up to four units permitted by Table 11-03.1: *Table of Allowed Uses* is not subject to the base zoning district density limit or minimum lot size if the lot created or the combined area of any new lots created meets the zone's minimum lot size and complies with all applicable Use-Specific Standards in Section 11-03-03, Residential Small Lots Standards in [Section 11-04-03.4](#), and also complies with one or both of the following standards for affordability and sustainability/resilience.

(a) Affordability

At least one of the two permitted units, one of the three permitted units, or at least two of the permitted four shall be income-restricted affordable to households earning not more than 80 percent of the Area Median Income for the Boise area if the dwelling unit(s) is a rental unit for a period of at least 20 years; or affordable to households earning no more than 120 percent of the Area Median

Income if the dwelling unit(s) is a for-sale property for a period of at least 20 years.

(b) Sustainability/Resilience

The project shall satisfy all the following criteria for sustainable and resilient development:

i. Clean Energy

The building shall use electricity or geothermal energy to meet all of its heating, hot water, and appliance energy needs for in all dwelling units.

ii. Energy Conservation

The building shall either:

A. Consume at least 15 percent less electrical energy than would be consumed if the building met the adopted energy code, based on modeled building energy performance comparisons, individually documented energy savings measures, or receiving a comparable energy efficiency utility incentive (if applicable/available at time of construction); or

B. Shall meet the adopted City of Boise Green Building Code, whichever achieves the greater energy savings; and

iii. Water Conservation

The building shall consume at least 15 percent less water than would be consumed if the building met all water conservation standards applicable to similar developments.

(2) In the R-1B and R-1C Districts

In the R-1B and R-1C zoning districts, a project containing between three to 12 units permitted by Table 11-03.1: *Table of Allowed Uses* is not subject to the base zoning district density limit or minimum lot size if the lot created or the combined area of any new lots created meets the zone's minimum lot size and complies with all applicable Use-Specific Standards in Section 11-03-03, Residential Small Lots Standards in Section 11-04-03.4, and also complies with all of the following standards for applicability and affordability. Projects that contain five or more dwelling units shall also receive a 50 percent reduction in the minimum required off-street parking. If a project meets the requirements of both this Subsection (2) and Subsection (1) above, the requirements and housing incentives in this Subsection (2) shall apply.

(a) Standards

The project shall satisfy all the following criteria:

i. Location

A. The project site shall be located entirely within 300 feet of a collector or arterial roadway (as determined by the Ada County Highway District Master Street Map) or within one fourth of a mile of a property zoned MX-3 or MX-4; and

B. Have a minimum of 55 feet of street frontage.

ii. Lot Characteristics

The project site shall be:

- A.** A vacant lot;
- B.** A lot where the improvement/structure value as assessed by the Ada County Tax Assessor for the most recent year is no greater than 25 percent of the total assessed value of the property; or
- C.** A lot on which an existing structure will be incorporated into the project design.

iii. No Recent Demolitions

The project site shall not include any property for which the City approved a demolition permit for a primary structure within the previous three years.

iv. Parking, Visibility and Access

- A.** Any new surface parking lot or garage shall be located to the rear of the structure(s).
- B.** Any surface parking lot or parking garage shall be accessed from an alley if an alley is present or shall have only one access point if an alley is not present.

(b) Affordability

Projects shall comply with all the following affordability standards, as applicable to the size of the project.

i. Projects with Three or Four Dwelling Units

No affordability requirements.

ii. Projects with Five to Eight Dwelling Units

At least one of the units shall be income-restricted affordable to a household earning not more than 80 percent of the Area Median Income for the Boise area for a period of at least 20 years if the dwelling unit is a rental unit; or affordable to a household earning no more than 120 percent of the Area Median Income for a period of at least 20 years if the dwelling unit is a for-sale property.

iii. Projects with Nine to Twelve Dwelling Units

At least two of the units shall be income-restricted affordable for a period of at least 20 years to households earning not more than 80 percent of the Area Median Income for the Boise area, if the dwelling units are rental units, or affordable to households earning no more than 120 percent of the Area Median Income, if the dwelling units are a for-sale property, for a period of at least 20 years.

(3) In the R-2 and R-3 Districts

In the R-2 and R-3 districts, a project containing five or more dwelling units permitted by Table 11-03.1: *Table of Allowed Uses* shall receive a 50 percent reduction in minimum required off-street parking if it complies with all applicable Use-Specific

Standards in Section 11-03-03 and also complies with the location standards and one or both of the standards for affordability and sustainability/resilience below.

(a) Location

The project site shall be located entirely within one fourth of a mile of a property zoned MX-3, MX-4, or MX-5.

(b) Affordability

At least 25 percent of all permitted dwelling units shall be income-restricted for a period of at least 20 years to households earning not more than 60 percent of Area Median Income, and at least 25 percent of the income-restricted units shall contain two or more bedrooms.

(c) Sustainability/Resilience

In addition to satisfying the criteria in Subsection (a) above, the project shall satisfy all of the following criteria for sustainable and resilient development:

i. Clean Energy

The building shall use electricity or geothermal energy to meet all of its heating, hot water, and appliance energy needs for in all dwelling units.

ii. Energy Conservation

The building shall:

A. Consume at least 15 percent less electrical energy than would be consumed if the building met the adopted energy code, based on modeled building energy performance comparisons, individually documented energy savings measures, or receiving a comparable energy efficiency utility incentive (if applicable/available at time of construction); or

B. Shall meet the adopted City of Boise Green Building Code, whichever achieves the greater energy savings; and

iii. Water Conservation

The building shall consume at least 15 percent less water than would be consumed if the building met all applicable water conservation standards applicable to similar development.

iv. Landfill Waste Diversion

The development shall dedicate an amount of on-site storage space for waste diversion techniques (such as comingled recycling, cardboard recycling, and/or organics recycling) that is equal or greater than the amount of on-site storage space provided for solid waste.

(4) In the MX-3 District

In the MX-3 district, a Multiple-Family Dwelling shall receive a 50 percent reduction in minimum required off-street parking if it complies with the applicable Use-Specific Standards in Section 11-03-03 and also complies with one or both of the following standards for affordability and sustainability/resilience:

(a) Affordability

At least 25 percent of all permitted dwelling units shall be income-restricted affordable for a period of at least 20 years to households earning not more than 60 percent of Area Median Income, and at least 25 percent of the income-restricted units shall contain two or more bedrooms.

(b) Sustainability/Resilience

The project shall satisfy all of the following criteria for sustainable and resilient development:

i. Clean Energy

The building shall use electricity or geothermal energy to meet all of its heating, hot water, and appliance energy needs for in all dwelling units.

ii. Energy Conservation

The building shall:

- A.** Consume at least 15 percent less electrical energy than would be consumed if the building met the adopted energy code, based on modeled building energy performance comparisons, individually documented energy savings measures, or receiving a comparable energy efficiency utility incentive (if applicable/available at time of construction); or
- B.** Shall meet the adopted City of Boise Green Building Code, whichever achieves the greater energy savings; and

iii. Water Conservation

The building shall consume at least 15 percent less water than would be consumed if the building met all applicable water conservation standards applicable to similar development.

iv. Landfill Waste Diversion

The development shall dedicate an amount of on-site storage space for waste diversion techniques (such as comingled recycling, cardboard recycling, and/or organics recycling) that is equal or greater than the amount of on-site storage space provided for solid waste.

(5) In the MX-4 District

In the MX-4 district, a Multiple-Family Dwelling may exceed the applicable height limit in the MX-4 district and is not subject to an off-street parking requirement if it complies with all applicable Use-Specific Standards in Section 11-03-03 and also complies with one or both of the following standards for affordability and sustainability/resilience:

(a) Affordability

At least 25 percent of all permitted dwellings shall be income-restricted affordable for a period of at least 20 years to households earning not more than 60 percent of Area Median Income, and at least 25 percent of the income-restricted units shall contain two or more bedrooms.

(b) Sustainability/Resilience

The project shall satisfy all of the following criteria for sustainable and resilient development:

i. Clean Energy

The building shall use electricity or geothermal energy to meet all of its heating, hot water, and appliance energy needs for in all dwelling units.

ii. Energy Conservation

The building shall:

- A.** Consume at least 15 percent less electrical energy than would be consumed if the building met the adopted energy code, based on modeled building energy performance comparisons, individually documented energy savings measures, or receiving a comparable energy efficiency utility incentive (if applicable/available at time of construction); or
- B.** Shall meet the adopted City of Boise Green Building Code, whichever achieves the greater energy savings.

iii. Water Conservation

The building shall consume at least 15 percent less water than would be consumed if the building met all applicable water conservation standards applicable to similar development.

iv. Landfill Waste Diversion

The development shall dedicate an amount of on-site storage space for waste diversion techniques (such as comingled recycling, cardboard recycling, and/or organics recycling) that is equal or greater than the amount of on-site storage space provided for solid waste.

(6) Adaptive Reuse

This Subsection (7) shall apply to projects involving the adaptive reuse of existing structures that are not eligible for the other housing incentives applicable to the reuse of existing structures in Subsections (1), (2), (3), and (4) above.

(a) The project shall involve the adaptive reuse of an existing primary structure in the R-1A, R-1B, R-1C, R-2, R-3, MX-1, MX-2, or MX-3 zoning districts; and shall comply with one of the following two standards:

- i.** The existing primary building being adaptively reused may be increased or reduced in size a maximum of 10 percent. Streetscape improvements may be required as well as the use-specific standards for any new buildings on site. However, the use-specific standards for Duplex, Triplex, or Fourplex (section 11-03-03.2) allow the Planning Director to approve alternatives to the design elements if the alternative meets the intent of these design standards; or
- ii.** If no changes are made to the size of the existing primary building being adaptively reused, streetscape improvements may be required as well as the

use-specific standards for any new buildings on site. However, the use-specific standards for Duplex, Triplex, or Fourplex (section 11-03-03.2) allow the Planning Director to approve alternatives to the design elements if the alternative meets the intent of these design standards. The project shall be exempt from setback requirements unless the location of the building is in conflict with any existing easements or encroaches on a neighboring property line;

(b) If the project is located in the R-1A, R-1B, R-1C, R-2, or R-3 zoning district:

i. The project shall receive a 50 percent reduction in minimum required off-street parking; and

(c) The project shall not be subject to the dwelling unit per acre density limits in the zoning district where the property is located. If the project is located in the MX-1, MX-2, or MX-3 zoning district, it shall not be required to provide any off-street parking in addition to that already provided on-site, but any existing on-site parking shall not be reduced below the amount otherwise required by this Code for the proposed reuse.

11-04-04. Subdivision Standards

1. Purpose

The purpose of this Section 11-04-04 is to promote the public health, safety, and general welfare of present and future residents by ensuring that the Subdivision of Land results in:

- A. Patterns of lots, blocks, streets, open space, and sites for public facilities that are consistent with the City's adopted Comprehensive Plan;
- B. New developable lots having thorough and efficient networks of pedestrian, bicycle, and vehicular access and networks of utilities that are efficient and cost-effective to maintain;
- C. Systems of open space and stormwater drainage, and other natural areas that connect with and complement similar areas on adjacent lots where possible;
- D. Improved energy efficiency;
- E. Avoidance of development on lands such as water bodies, floodways, landslides and fault zones, steep slopes, unstable soils, and wildlife and habitat areas; and
- F. Prevention of noise-sensitive land uses or other uses that would conflict with operations of the airport.

2. Applicability

A. General

This Section 11-04-04 applies to all land divisions within the City, unless another provision of this Code, including but not limited to Section 11-05-05.4.F, *Subdivision Plat - Preliminary* provides a different standard or requirement.

B. Exception for Five-Acre Parcel Division

Approval of a Subdivision of Land pursuant to Subsection 4. below are not required for the division of land into parcels of five acres or more meeting the following standards:

- (1) The land is not zoned for or intended to be used for residential development purposes;

(2) The dedication of public streets or construction of private streets is not required other than dedications for the widening of existing streets; and

(3) The parcels front onto a street and meet the dimensional standards of the zoning district within which they are located unless a modification or waiver of those standards is granted by the Planning and Zoning Commission.

3. Records of Survey

The following changes of parcel boundaries shall require the review and approval of a Record of Survey prepared in accord with Idaho Code, 55-19, to establish that resulting parcels are conforming, buildable parcels.

A. Property Line Adjustment

(1) Conforming Lots of Record

The following standards apply to all Property Line Adjustments involving conforming lots of record that do not qualify as Residential Small Lots pursuant to Section 11-04-03.4, *Residential Small Lots*.

(a) The boundaries of a parcel within a Residential zoning district or that contains a residential use may be adjusted through the Property Line Adjustment process twice. Any additional boundary adjustments shall require a Subdivision.

(b) The total number of buildable parcels shall not be greater than the number of buildable parcels and/or lots existing prior to the Record of Survey. When Property Line Adjustments occur between section land and subdivided lots, no lot shall increase in area by more than 20 percent.

(c) The resulting parcels shall meet the minimum requirements for area, frontage, and width for the existing zoning district.

(d) All existing buildings, driveways, and parking areas shall meet the setback requirements of the existing zoning district as measured from any parcel boundary being created by this process. Any setback that is legally nonconforming may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the Property Line Adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition shall be completed prior to the approval of the Property Line Adjustment.

(e) If existing residential buildings are to remain, the parcel containing such building(s) shall comply with the parking requirements in this Code. If any off-site parking is permitted by this Code, the amount of permitted off-site parking and the Section of this Code authorizing the off-site parking shall be documented on the Record of Survey.

(f) If the Property Line Adjustment results in the creation of a new buildable parcel abutting a roadway, a detached sidewalk that complies with all applicable standards on this Code, including but not limited to those standards in Section 11-04-07 *Access and Connectivity* and Section 11-04-09.4 *Street Frontage Landscaping*, shall be provided.

(g) All parcels that abut an alley shall be required to take parking access from the alley.

- (h) If the original parcel abuts an alley, each lot created by the Property Line Adjustment shall abut that alley.
- (i) If the lot(s) has driveway access from the street rather than the alley, the area between the edge of the street pavement and the property line shall not be paved to a width any wider than the existing driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the public right-of-way.
- (j) When utilities cross land being divided, a utility easement to each proposed lot shall be provided and indicated on the Record of Survey. If an easement is located in a proposed area for a permanent structure to be constructed, the easement shall be vacated prior to the approval of the Record of Survey.

(2) Residential Small Lots

- (a) If a Property Line Adjustment involves one or more Residential Small Lots, it shall not result in more buildable parcels than the total number of original substandard lots of record or the maximum number of Residential Small Lots permitted by Section 11-04-03.4, *Residential Small Lots*.

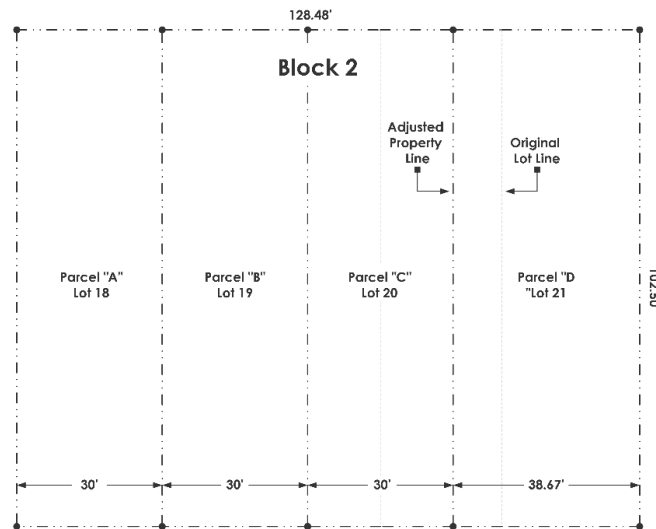


Figure 4.6. Substandard Original Lot of Record

- (b) A Property Line Adjustment that includes a partial lot requires documentation that the split of the lot was recorded prior to October 30, 1965. If the partial lot was created by recorded deed prior to October 30, 1965, and does not qualify as a buildable parcel, it shall be combined with an original lot to count as one buildable parcel.
- (c) Adjusted side property lines shall be perpendicular to the public street. Exceptions can be made for lots where the original side lot line/property lines were not perpendicular to the street, such as pie shaped lots (See Figure 4.7).

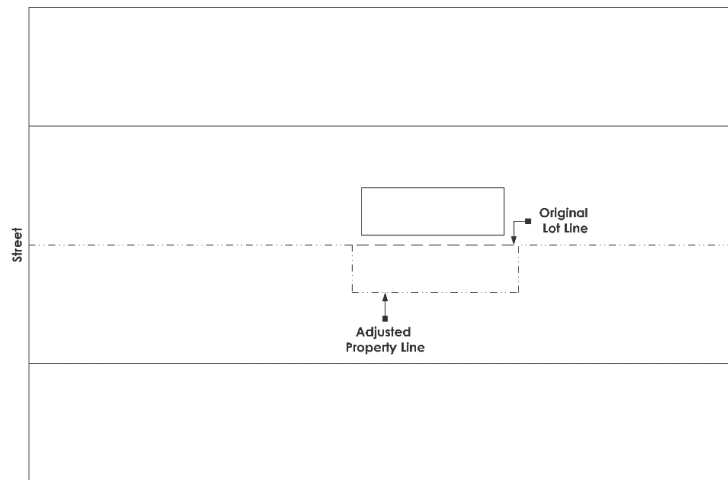


Figure 4.7. Property Line Adjustment Not Allowed

- (d) A Property Line Adjustment shall not result in buildable parcels that decrease the area, frontage, or width below the minimum allowed in the applicable zoning district.
- (e) All parcels that abut an alley shall be required to take parking access from the alley.
- (f) If the original parcel abuts an alley, each new lot created by the Property Line Adjustment shall abut that alley.
- (g) All existing buildings, driveways, and parking areas shall meet the setback requirements of the existing zoning district as measured from any parcel boundary being created by this process. Any setback that is legally nonconforming may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the Property Line Adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition shall be completed prior to the Planning Director's approval of the Record of Survey.
- (h) If existing primary buildings are to remain, the parcel containing such building(s) shall comply with the parking requirements in this Code. If any off-site parking is permitted by this Code, the amount of permitted off-site parking and the Section of this Code authorizing the off-site parking shall be documented on the Record of Survey.
- (i) If the Property Line Adjustment results in the creation of a new buildable parcel that abuts a public right-of-way (without increasing the total number of buildable parcels on the site), a detached sidewalk that complies with all applicable standards on this Code, including but not limited to those standards in Section 11-04-07 *Access and Connectivity* and Section 11-04-09.4 *Street Frontage Landscaping*, shall be provided.
- (j) If the lot(s) has driveway access from the street rather than the alley, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the public right-of-way.

(k) When utilities cross property lines being relocated, a utility easement to each proposed lot shall be provided and indicated on the Record of Survey. If an easement is located in a proposed area for a permanent structure to be construction, the easement shall be vacated prior to the approval of the Record of Survey.

(l) The boundaries of a parcel within a Residential zoning district or containing a residential use may be adjusted through the Property Line Adjustment process twice. Any additional boundary adjustments shall require a Subdivision Plat or a Record of Survey for a Minor Land Division.

(m) A Property Line Adjustment shall only occur between an original corner lot and an original interior lot if the original corner lot is a minimum of 35 feet or more in width, or the minimum width for a corner lot permitted by Section 11-04-03.4 *Residential Small Lots*, whichever is smaller, unless three or more lots are combined resulting in a reduction in density. Adjusted corner lots shall comply with the following standards:



Figure 4.8. Property Line Adjustments Not Allowed

- i. If a lot at the corner of two streets is proposed to be adjusted, the resulting corner lot shall be at least the same square footage as the original corner lot.

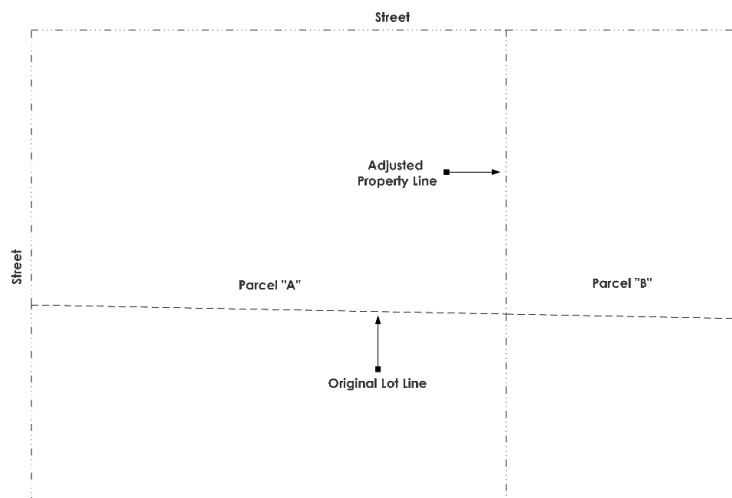


Figure 4.9. Adjustments Demonstrated

- ii. If an existing dwelling is located on a corner lot, a 15 foot rear setback shall be provided from the existing dwelling to the new rear property line, regardless of the orientation or street address of the existing dwelling.

(n) If the lot(s) contains an existing dwelling, a minimum of 200 square feet of open space as required in Section 11-04-03.4, *Residential Small Lots*, located outside of the setbacks for each existing dwelling shall be designated as such on the Record of Survey.

(3) Parcel Consolidation

(a) A Record of Survey is required to allow the consolidation of two or more existing contiguous parcels, with at least one parcel deemed as buildable, into one buildable parcel.

(b) If an easement is located in a proposed area for a permanent structure to be constructed, the easement shall be vacated prior to the approval of the Record of Survey.

B. Minor Land Division

The purpose of the Minor Land Division is to create up to four buildable parcels without being subject to the procedures for review and approval of a Preliminary and Final Plat. Minor Land Divisions are permitted in all Industrial zoning districts and permitted as a housing incentive in the Residential and Mixed-Use zoning districts if the affordability requirements are met.

1. Minor Land Division Affordability Incentive Requirements

Minor Land Divisions shall be permitted in the R-1A, R-1B, R-1C, R-2, R-3, MX-1, MX-2, MX-3, MX-4, and MX-5 zoning districts when at least one of two, one of three, or two of four buildable parcels created through the Minor Land Division Process include a deed-restriction that applies to all current and future residential units developed on the parcel. The deed restricted residential units shall be income-restricted to households earning not more than 80 percent of the Area Median Income for a period for a minimum of 20 years if the dwelling unit(s) is a rental unit; or income-restricted to households earning not more than 120 percent of the Area Median Income for a minimum of 20 years if the dwelling unit(s) is a for-sale property. The sales price for the deed restricted property cannot exceed 95% of the median sales price for that unit type in Ada County, based on the preceding month's MLS data.

2. General Standards

All Minor Land Divisions shall meet the following conditions:

- (a) No Minor Land Division shall create more than four new parcels.
- (b) No property involved in a Minor Land Division shall be involved in a subsequent Minor Land Division for a period of one year from the recording date of the previous Record of Survey for a Minor Land Division.
- (c) No new street dedication, excluding widening of an existing street, is involved;
- (d) No new public utility lines shall be extended within the public right-of-way to property involved in a Minor Land Division.
- (e) Wet line sewer and central water lines shall be currently located in the public right-of-way that abuts the parcel to be divided.

- (f) All resulting parcels shall conform to the minimum requirements of all existing land use regulations including the adopted Code unless specifically allowed by *Section 11-04-03-.Z, Housing Incentives*.
- (g) All resulting parcels shall be of a regular shape and shall contain straight lines that do not meander or jog.
- (h) All existing buildings that are to remain on the lots following the Minor Land Division shall meet applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zoning district as measured from any parcel boundary being created by the Minor Land Division process.
- (i) Any setback that was legally nonconforming prior to the Minor Land Division may remain as a legal nonconforming setback, provided the legal nonconforming setback is not altered by the Minor Land Division.
- (j) Any building not meeting the required setback that is to be partially or completely demolished or moved shall be either demolished or moved prior to the approval of the Minor Land Division.
- (k) Any existing structures shall connect to public water and sewer lines prior to approval of the Minor Land Division.
- (l) If required parking is provided by means of a permanent shared-parking agreement, a note on the face of the survey shall list the total required and provided parking for all parcels to which the shared parking provisions of the shared-parking agreement applies.
- (m) When utilities cross land being divided, a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Planning Director's approval of the Minor Land Division; and
- (n) All new parcels that abut the public right-of-way shall be improved with a sidewalk that complies with all applicable standards of this Code, including but not limited to those standards in Section 11-04-07, *Access and Connectivity* and Section 11-04-09.4, *Street Frontage Landscaping*. A curb and gutter and paved driveway apron that extends to the edge of street pavement shall also be required where applicable. All public right-of-way improvements, license agreements, and/or bonding shall be completed prior to the Planning Director's approval of the Minor Land Division.
- (o) If the Boise Pathways Plan shows a pathway along or across any portion of any of the parcels to be created by the Minor Land Division, the required easement shall be dedicated to the public and indicated on the Record of Survey.
- (p) All existing trees on site shall be protected during construction and trees planned for removal shall be mitigated in compliance with Section 11-04-09.8, *Tree Preservation*.

(2) Exceptions

Notwithstanding Subsection (1) above, if any of the following conditions are present, an application for Subdivision of Land shall be required pursuant to Section 11-04-04.4:

- (a) The possibility for public or private streets that would provide greater connectivity to the area;
- (b) Creating lots that will have incompatible setbacks to surrounding parcels (i.e. side yards adjacent to rear yards);
- (c) The creation of multiple driveway access points on a collector or arterial roadway when a public or private street could avoid the situation;
- (d) Creating a larger remnant parcel that could otherwise be included in an overall subdivision; and
- (e) New property lines configured in a way that could create future setback or access issues.

4. Subdivision of Land

A. Applicability

All divisions of land into parcels of one or more lots or tracts for development shall be required to complete the Subdivision of Land process, except:

- (1) Divisions of land that are exempt from the Record of Survey and Subdivision of Land process pursuant to Section 11-04-04.2.B; or
- (2) Divisions of land that are eligible to obtain a Record of Survey pursuant to Section 11-04-04.3.

B. General

No Building Permit for the construction of any new structure upon property within a proposed Subdivision of Land shall be issued until the Subdivision Plat has been recorded.

C. Design Standards

All Subdivisions of Land shall comply with the following standards unless Section 11-05-05.4.F, *Subdivision Plat - Preliminary* or another provision of this Code provide a different standard or requirement.

(1) Sensitive Lands

All Subdivisions of Land shall comply with the standards in Section 11-04-05, *Sensitive Lands* applicable during the subdivision process.

(2) Access and Connectivity

- (a) All Subdivisions of Land shall comply with the standards in Section 11-04-07.4, *Access and Connectivity* applicable during the subdivision process, including standards related to block layouts, maximum block dimensions, street and mobility networks, and perimeter access points.
- (b) Partial street dedications shall not be permitted unless the street forms the boundary of the property being subdivided, the adjacent property is not under common ownership, and the street is anticipated to be a through street upon development of adjacent properties. All partial street dedications shall require construction of partial street Sections that meet Ada County Highway District (ACHD) standards.

(3) Common Drives

- (a) Common driveways shall only be permitted in unique circumstances where the configuration benefits the design of the development, reduces the number of public street access points, can accommodate the collection of all applicable types of solid waste in an organized and efficient manner, and does not impede pedestrian, bicycle, and vehicular travel within the public right-of-way. Common driveways may serve Single-Family Detached, Single-Family Attached, and Duplex Dwellings. Common driveways shall comply with the following standards: Access may be allowed to no more than six lots.
- (b) The common drive shall be located within a common lot owned and maintained by the homeowner's association. A perpetual recorded ingress/egress access easement and an agreement for maintenance for the common driveway, sidewalks, and any required landscaping shall be recorded prior to issuance of Building Permits.
- (c) The minimum pavement width, including required ribbon-curbing along each side, shall be 24 feet. The maximum length shall be 150 feet.
- (d) Provide safe and effective movement of vehicular, pedestrian, and bicycle travel;
- (e) Provide a 5-foot wide continuous, safe, and efficient pedestrian and bicycle facilities;
- (f) "No parking" signs shall be placed on the common driveway. Required off-street parking shall be set back a minimum of 20 feet from the edge of the common driveway.
- (g) Shall terminate in an appropriate turnaround as approved by the Fire Department.
- (h) Lots that abut a common driveway shall take access from the common driveway and not the public right-of-way.
- (i) All utility easements shall be within the common lot of the common driveway.
- (j) Not adversely affect access to adjacent properties or the public transportation network.
- (k) Not interfere or decrease public access to adjacent property or places of public interest.
- (l) Not connect one public street to another, unless specifically approved by the Planning Director.
- (m) Not interrupt the continuity of public streets or the public street network.
- (n) Accommodate all driveway storm water runoff within a facility located in the common lot.
- (o) Comply with the ACHD ISPWC (Idaho Standards for Public Works Construction) structural standards for streets, as shown on design and construction documents prepared and certified by a registered professional engineer.

(4) Block Numbering

Block numbers shall be designated as required by Idaho Code.

(5) Lot Layout**(a) Dimensions**

All lot areas, dimensions, and minimum street frontages shall comply with the standards in Section 11-04-03, *Lot and Building Design and Dimensions* for the zoning district in which the lot is located, unless otherwise provided in this Code.

(b) Double Frontage Lots

Double frontage lots are prohibited except where it is shown that unusual topography or other conditions make it impossible to meet this requirement. Lots with double frontage shall be limited to one street access on one frontage by a plat note.

(c) Landlocked Parcels

All parcels that do not have the required frontage or access shall be labeled "non-buildable" on the plat. Each such non-buildable parcel shall be required to have a pedestrian ingress and egress easement unless adequate street frontage exists for a pedestrian pathway.

(d) Building Envelopes

To address unique site conditions or constraints, the Planning Director may require that the plat indicate a building envelope within which primary structures may be constructed.

D. Utility and Pathway Easements

(1) Easements shall be provided as required by the utilities, and other public services.

(2) City Council may require applicants to reserve permanent public use easements for public access pathways, or for future improvement and maintenance by the City or landowner or association. Any easement required under this Section may be used in conjunction with or as an alternative to a public pedestrian access requirement under Section 11-04-07.4.I, *Pedestrian and Bicycle Connectivity and Circulation*.

(3) Residential projects that may be included in a Subdivision of Land at a later date shall place utilities in a street or in easements parallel and next to the street unless the City approves an alternative location.

E. Subdivision Buffers Along an Arterial and Collector Street**(1) Front Lot Line/Property lines**

(a) Frontage roads separated from a collector or arterial street (as adopted in the current Ada County Highways District Master Street Map) by a landscaped median at least 10 feet wide, are permitted with approval of ACHD. The median shall be planted with trees and shrubs that at maturity will form a solid screen at least six feet high and a continuous tree canopy.

(b) The front lot line/property line of a parcel may directly abut a collector or arterial street provided that an ACHD-approved alley is provided at the rear of such lots to provide direct lot access. Direct lot access to the collector or arterial is prohibited.

(c) A maximum of 4-residential dwelling units may utilize a single common drive to the collector or arterial.

(2)Side and Rear Lot Line/Property Lines

- (a) Except as described in Subsection (d) below, a non-buildable lot to contain required landscaped buffer areas shall be provided where single-family residential lots are adjacent to collector or arterial streets. If the creation of a non-buildable lot is impracticable, the Planning Director may authorize the creation of an easement to contain the required landscaping.
- (b) The buffer shall be located outside of any planned future public right-of-way and outside the side and rear lines of each lot.
- (c) The width of the buffer along arterial streets shall be a minimum of 30 feet. Along collector streets it shall be a minimum of 20 feet. The buffer shall be planted with trees and shrubs that at maturity will form a solid screen at least six feet high and provides a continuous tree canopy.
- (d) As an exception to Subsections (a) and (b) above, if the Planning Director determines that the creation of a non-buildable lot is impracticable due to site or terrain conditions or utility locations, the Planning Director may approve the location of the buffer within one or more of the platted lots if:
- i. In cases where the rear lot line/property line runs along an arterial or collector street, the depth of the lot is a minimum of 130 feet; and
 - ii. In cases where the side lot line/property line runs along an arterial or collector street, the width of the lot is a minimum of 80 feet.

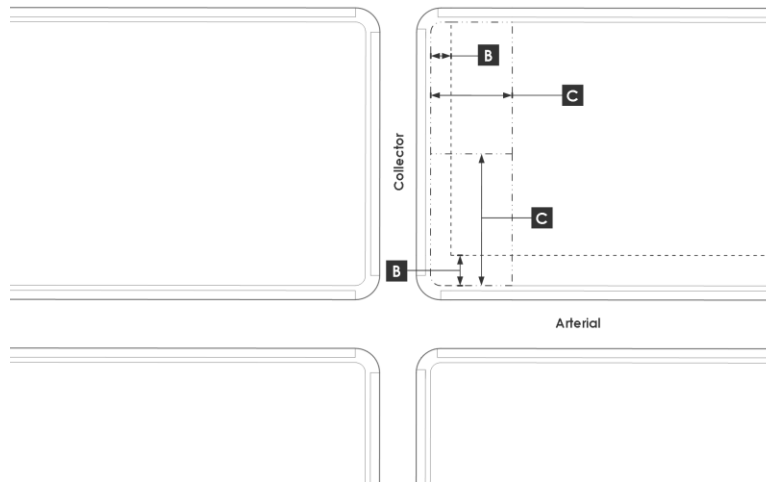


Figure 4.10. Buffer Easement within Buildable Lot

5. Required Improvements

All Subdivisions of Land shall be required to construct the following improvements and to comply with the requirements concerning those improvements, related land dedications, and other matters described in this Section 11-04-04.5.

A. Filing of Plans and Financial Surety

(1) Plans for the required improvements shall be certified by a professional engineer registered in the State of Idaho, unless otherwise specifically approved by the applicable public agency.

(2) At or prior to the time of filing certification of the Final Plat, the applicant shall file with the Planning Director a form of financial security to secure the completion of the construction of required improvements not yet completed. All bonds or other guarantees shall be in the amount of 110 percent of the estimated cost of the improvement.

(3) The financial surety shall be valid for a period of at least one year in order to cover the expected period of construction. The City may allow an additional six month period for construction if the validity of the financial surety is extended to cover that six month extension, and the applicant pays all fees and costs to extend the surety and increases the amount of the surety to cover revised construction costs. Extensions of bond surety and construction time beyond this initial six month extension may be approved by the City Council upon a showing of undue hardship and the payment of all required fees.

(4) Improvement(s) installed by the applicant as a condition of platting shall require certification that the construction is in accordance with approved plans.

(5) After the completion of required improvements, the applicable public agency shall certify the completion and acceptance of those improvements in writing and shall transmit a copy of the certification to the applicant. Upon receipt of the certification, the City shall authorize release of the financial guarantee upon application.

B. Water Lines and Hydrants

(1) In all Subdivisions of Land, the applicant shall provide central water lines and fire hydrants that comply with all applicable City, state, and other governmental regulations, unless an alternative form of water supply has been approved by City Council.

(2) Alternate provision for domestic water supply and fire protection may be approved by City Council if Council determines that the proposed alternative meets the standards of the City Fire Code, the Idaho Public Utilities Commission, the Idaho Department of Water Resources, and the Idaho Department of Health, and subject to any conditions imposed by City Council to protect public health, safety, and welfare.

C. Sanitary Sewer

In all Subdivisions of Land, the applicant shall provide sanitary sewers that comply with all applicable city, state, and other governmental and agency provider regulations. Plans and specifications shall be approved by the appropriate sewer entity prior to signing of the Final Plat by the City Engineer.

D. Drainage

In all Subdivisions of Land, the applicant shall provide storm drainage facilities that comply with all applicable City, state, and other governmental regulations, including without limitation ACHD design and review requirements related to storm drainage.

(1) All natural drainage courses shall be left undisturbed or be improved in a manner that will improve the hydraulics and ease of maintenance of the channel. For purposes of this provision, the term "natural drainage course" shall not be deemed to apply to minor swales and depressions that are located entirely on the applicant's property and that serve a relatively small area where runoff is infrequent.

(2) Relocation of natural swales is only permitted if the applicant meets applicable standards and regulations related to drainage hydraulics and ease of maintenance.

(3) The City Council may require the reservation of an easement along any stream or important surface drainage course located in a proposed Subdivision of Land for the purpose of widening, deepening, sloping, improving, or protecting the stream or drainage course.

E. Irrigation Conveyance

(1) No ditch, pipe, or structure for delivery of irrigation water or for carrying irrigation wastewater shall be obstructed, rerouted, covered, or changed in any way unless it has been approved in writing by the authorized representative of the person(s) owning the water rights delivered or diverted by means of the ditch. The applicant shall be required to provide such written authorization to the City prior to approval of the Final Plat.

(2) Any covering or fencing program involving the distribution system of any irrigation district shall have the prior approval of the affected district.

(3) In the event the applicant cannot obtain a response for the modifications proposed from the authorized representative of the water entity, approval shall be assumed to be obtained if the following documents are submitted to the Planning Director:

(a) Copy of certified letter to the authorized representative along with documentation of receipt of letter. The letter to the authorized representative shall be accompanied by plans and shall request written approval forwarded to the Planning Director within 30 days of receipt.

(b) Letter from a registered professional engineer stating that the improvements and/or modifications to the ditch, lateral, canal, or drain will meet the provisions of Titles 31 and 42 of the Idaho Code, relating to requirements of delivery of water to downstream users.

F. Street Lighting

All applicants subdividing within the City limits shall be required to install street lights that comply with Public Works specifications and standards.

G. Access and Connectivity Improvements

(1) The applicant shall construct those improvements required by Section 11-04-07, *Access and Connectivity* unless the City has approved in writing an alternative or adjustment of the requirement to construct such improvements.

(2) All public right-of-way improvements, license agreements, and/or bonding shall be completed prior to issuance of any Residential Certificate of Occupancy in the development.

H. Land Dedications**(1) General**

(a) The applicant shall dedicate to the City, or to the entity responsible for providing the services listed in Sections 11-04-04.5.B through 11-04-04.5.G above, the land on which the facilities related to the provision of that service is located, unless the City or service provider entity requests that the applicant retain ownership of the land subject to a lease or other agreement allowing for the provision of the service.

(b) The dedication shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(2) Park or School Sites

Whenever the applicant desires or proposes to reserve area for a school or public park, the area shall be shown on the Subdivision Plat, and the applicant shall provide documentation that the proposed site is acceptable to the school district and the City, as applicable. Written acceptance of the dedication of any proposed school site by the appropriate school entity, and written acceptance of any proposed park by the Boise Parks and Recreation Department, shall be received by the City Engineer prior to approval of the Final Plat.

I. Landscaping

Required landscaped areas shall comply with the standards in Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

J. Pressure Irrigation

(1) Unless a Variance is obtained pursuant to Section 11-05-05.3.L, a pressurized individual lot irrigation system is required for any residential subdivision.

(2) Irrigation system maintenance and operation shall be provided by the irrigation district or canal company, a municipal irrigation district, a Homeowners' Association, or another entity capable of operating and maintaining a pressurized irrigation system.

K. Written Assurance

(1) Written assurance that provisions have been made for ownership, operation, and maintenance of the system is required before the plat is signed by the City Engineer. Such assurance shall include a letter from an existing entity capable of owning, operating, and maintaining the system assuming responsibility for such operation and maintenance.

(2) If the system is to be owned, operated, and maintained by a Homeowners' Association, the applicant shall create binding covenants, conditions, and restrictions, approved by the City Attorney, providing for control, use, maintenance, and operation of the system.

L. Proof of Compliance

Prior to final approval of the Final Plat, the applicant shall provide proof of compliance with this Section and with Idaho Code, Section 31- 3805(1)(b).

11-04-05. Sensitive Lands

1. Airport Influence Area Standards

All development within the Airport Influence Overlay district shall comply with the standards in Section 11-02-07.3.D, *AI-O Airport Influence Area Overlay*.

2. Boise River System Standards

All development within the Boise River System Overlay district shall comply with the standards in Section 11-02-07.3.E, *BR-O: Boise River System Overlay*.

3. Flood Hazard Standards

All development within the Flood Protection Overlay district shall comply with the flood hazard standards in Section 11-02-07.3.F, *FP-O Flood Protection Overlay*.

4. Hillside Development Standards

All development within the Hillside Development Overlay district shall comply with the standards in Section 11-02-07.3.G, *HS-O: Hillside Development Overlay*.

5. Wildland Urban Interface Standards

All development within the Wildland Urban Interface Overlay district shall comply with the standards in Section 11-02-07.3.H, *WUI-O: Wildland Urban Interface Overlay*,

6. Foothills Development Standards

A. Purpose

The purpose of this Section 11-04-05.6 is to implement residential subdivision density and design elements of the Comprehensive Plan in the Foothills Planning Area. It is also designed to protect and promote preservation of contiguous areas of Foothills open space that contain important and significant natural and cultural resource values, as identified in the Comprehensive Plan and this Code.

B. Applicability

(1) This Section 11-04-05.6 shall apply to all proposed developments in the Foothills Planning Area at the time an Annexation is proposed and/or a Zoning Map Amendment is requested.

(2) The standards of this Section 11-04-05.6 also apply to developments within the Hillside Development Overlay as described in Section 11-02-07.3.G, *HS-O: Hillside Development Overlay*.

C. General Requirements

(1) In addition to application materials otherwise required for an annexation or rezoning, applications for development in the Foothills Planning Area shall include materials required for a Hillside and Foothill Areas Development Permit, and where applicable, a Floodplain Permit.

(2) Upon annexation the buildable areas shall be zoned as R-1A, and shall be required to comply with the provisions of this Section 11-04-05.6, unless City Council determines that some buildable areas not including steep slopes or sensitive lands shall be zoned R-1B in return for the zoning of other A-1 for preservation as open space.

(3) Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.

D. Permitted Development Densities**(1) Additional Dwelling Units Permitted**

(a) In return for the preservation of open space, applicants shall be permitted to develop additional dwelling units beyond those permitted in the existing base zoning district(s) pursuant to the formula in Table 11-04.6.

(b) These provisions do not increase the area of the site that may be developed but increase the number of units that may be developed within the same buildable area. Additional dwelling units may be added to the density base units without the requirement for additional open space preservation.

(c) The number of additional dwelling units permitted is based upon the ratio of (i) buildable area to be preserved as open space to (ii) the buildable area to be developed.

(d) Additional dwelling units are allowed based on the percentage of built area occupied and open space dedicated as shown in Table 11-04.6: *Density Bonus Formula*, provided that the formula is unchanged. If the numbers for the applicant's built area fall in between the numbers provided in the left-hand column, the density bonus will be calculated based on built area shown in the table that is closest to, but higher than, the applicant's built area. For example, if the applicants project has a built area equal to 73 percent of the site area, the density bonus will be based on the factors shown for a project with a built area equal to 75 percent.

(e) The density formula may be adjusted to allow density transfers from non-contiguous parcels after a Transfer of Development Rights (TDR) ordinance is in effect.

TABLE 11-04.6: DENSITY BONUS FORMULA

BUILT AREA (PERCENT)	OPEN SPACE DEDICATED (PERCENT)	DENSITY BONUS (UNITS/ACRE)	BUILDABLE AREA ON 100 ACRES AFTER OPEN SPACE SET – ASIDE (ACRES)	NUMBER OF BONUS UNITS
75	25	0.5	75.0	38
69	31	0.75	68.8	52
63	37	1.0	62.5	63
56	44	1.25	56.3	70

TABLE 11-04.6: DENSITY BONUS FORMULA

BUILT AREA (PERCENT)	OPEN SPACE DEDICATED (PERCENT)	DENSITY BONUS (UNITS/ACRE)	BUILDABLE AREA ON 100 ACRES AFTER OPEN SPACE SET – ASIDE (ACRES)	NUMBER OF BONUS UNITS
50	50	1.5	50.0	75
44	56	1.75	43.8	77
38	62	2.25	37.5	84
31	69	3.0	31.3	94
25	75	4.0	25.0	100

(2) Eligible Preserved Open Space

(a) Preserved open space eligible for a density bonus based on Table 11-04.6:

Density Bonus Formula, shall comply with the following requirements:

- i. The open space shall be classified as priority open space in Subsection (4) below.
- ii. The open space shall be at least one acre in size and shall have an average width of at least 30 feet.
- iii. The open space shall not have a slope greater than 25 percent.

(b) Public rights-of-way that connect development pockets and provide access to public open space may be included in the density calculation for open space.

(c) Roads within a development pocket and other public rights-of way that have dwelling units fronting or siding onto them shall not be included in density calculations for open space.

(3) Ineligible Preserved Open Space

(a) The following shall not be considered as preserved open space in the density bonus calculation, except as may be provided in Subsection (4):

- i. Urban development such as club houses, tennis courts, swimming pools, dirt bike tracks, golf driving ranges, and similar uses that dramatically alter land from its natural state; and
- ii. Commercial land uses.

(b) Park sites internal to a subdivision or development may only be included as eligible open space when they are retained in a primarily natural condition and include a significant opening from the subdivision or development into a larger designated open space outside the subdivision or development.

(4) Priority Open Space

(a) Some areas of the Foothills have a combination of characteristics that cause them to be considered worthy of special incentives for preservation, even if they do not meet those size, slope, or dimensional standards to qualify as open space eligible for a density bonus under Subsection (2) above. When these areas are identified on a property and proposed for preservation, the PZC may classify them as priority open space and allow all or a portion of them to qualify for the approval of additional dwelling units.

(b) General Eligibility Criteria

Priority open space shall include at least four of the following characteristics to be eligible for a density bonus:

- i.** Wetlands;
- ii.** Riparian areas;
- iii.** Rare plant communities;
- iv.** Critical deer and elk winter range and migration corridors;
- v.** Potential Public Preservation Sites as documented by the HPC;
- vi.** Unique geologic or visual features;
- vii.** Archeological or other historic sites;
- viii.** Designated trails and trailheads in the Ada County Ridge to Rivers Pathway Plan;
- ix.** Other public trails and trailheads as approved by the Parks and Recreation Board;
- x.** Areas adjacent to publicly held open spaces or areas that have been identified for consideration as permanent public open space; or
- xi.** Areas that have been dedicated to or acquired by a public agency through a discounted sale.

(c) Additional Criteria for Steeply Sloped or Fragmented Open Space

- i.** Preservation of priority open space in steeply sloped areas or in fragmented pieces shall only be eligible for approval of additional dwelling units if it meets the following criteria, as determined by the Planning and Zoning Commission after receiving input from the Idaho Department of Fish and Game, the Parks and Recreation Board, and other public agencies with expertise in the issue at hand in determining the proper amount to be allowed to be set aside in return for a density bonus.
 - A.** Public access is provided to the priority open space;
 - B.** The open space protects important vegetation, terrain, or scenic views and vistas that could be damaged or destroyed from an allowed use such as mining, logging, grazing, or construction of utilities or infrastructure;
 - C.** The open space links interspersed eligible areas into a more biologically complete and continuous wildlife corridor; or
 - D.** The open space is dedicated to or acquired by a public agency through a discounted sale.
- ii.** Links type golf courses may be permitted in designated preserved open space, provided that the intervening spaces are maintained in a primarily natural condition. Golf courses shall use native plants, and natural contours shall be left intact. Parking lots, club houses, driving ranges, maintenance facilities, and similar golf related uses shall not be counted as open space

contributory to the density bonus. Designated trails and park sites shall be preserved in or around the golf course.

(5) Design Standards

(a) General Standards

- i.** Residential uses shall be clustered in development pockets rather than scattered throughout the property.
- ii.** Development pockets shall comply with design principles in the Comprehensive Plan concerning clustering, environmental protection, open space conservation, and scenic and aesthetic goals.
- iii.** Gated entrances are prohibited due to the potential for such limited access to restrict or delay emergency response.
- iv.** Designated open space shall be linked to the maximum extent practicable.
- v.** Disturbance of the land shall be minimized, and development shall be avoided in areas that would require excessive grading, cut, and fill.
- vi.** Road and trail access to adjacent properties shall be provided to prevent landlocked parcels or breaks in the trail systems, and to provide the opportunity for future connectivity.
- vii.** Roads and infrastructure shall not cross designated open space, floodways, wetlands, and areas of high wildlife habitat value to the maximum extent practicable.

(b) Standards for Trails

Trails that comply with the following design standards shall be provided as part of the subdivision or development.

- i.** The Ada County Ridge-To-Rivers Pathway Plan shall guide trail locations.
- ii.** Public access to trails within and contiguous to the development shall be provided, unless no contiguous or intersecting public trails exist or are proposed, in which case private trails may be established through the open space, provided that the design preserves the natural character and wildlife habitat value.
- iii.** Trail design shall preserve the natural scenic and wildlife habitat values to the maximum extent practicable.
- iv.** Public trails shall be secured through dedication, easement, or other such binding mechanism, and shall be shown on the Subdivision Plat.

(c) Standards for Preserved Open Space

Priority open space shall be preserved and managed to comply with the following standards.

- i.** Contiguous areas of open space within the development and adjacent properties shall be preserved by aligning them along common corridors to the extent possible.

- ii. Indigenous plant species, except for noxious and invasive weeds, shall be maintained undisturbed to the extent possible.
- iii. Areas of highest wildlife habitat value and migration corridors in designated wildlife habitat identified in the Comprehensive Plan shall be preserved.
- iv. Unique geologic and historic features defined as heritage sites, and sites designated for historic preservation by city, state, and federal agencies shall be preserved.
- v. Landslide areas and areas with unstable soils shall not be developed.
- vi. Fencing shall not encroach into preserved open space.
- vii. Agricultural or utility uses may be permitted in open spaces, including livestock grazing, community gardens, or irrigation ponds, and only including those buildings, structures, and necessary appurtenances required by those uses, such as dams and irrigation or drainage systems. These use exceptions shall comply with the policies of the Foothills Policy Plan, shall be shown on the site plan, and shall not degrade the value of the permanent open space.
- viii. Fencing shall not encroach into preserved open space.

(d) Grading and Building Disturbance Envelopes

- i. Building envelopes may be required to be shown on the final site plan, and if required shall be recorded or referenced in the notes on the Final Plat.
- ii. Slopes greater than 25 percent shall be shown on the Conditional Use Permit site plan with a disturbance envelope that defines the area outside of which no grading will be allowed.

(6) Ownership and Maintenance of Open Space

(a) Open space areas may be owned and maintained:

- i. By and for the use of the Homeowners' Association of the project of which it is a part;
- ii. By any neighboring Homeowners' Association with abutting preserved open space;
- iii. By an organization managing adjacent lands held as permanent open space and jointly maintained under a Development Agreement with the City;
- iv. By the City, if the open space is dedicated or sold to the City after a recommendation of approval to accept such lands by the Board of Parks and Recreation, Planning and Zoning Commission, or other public agency, or a private land trust for open space uses, as noted in a Development Agreement approved by City Council; or
- v. Through other open space preservation strategies under sole or joint ownership, such as deed restrictions, or conservation easements, as executed when approved by the City.

(b) Where the goals and policies of adopted plans specify the need for public trails or open space, easements for public lands or trails may be required. Trails or open

spaces may be held in private ownership subject to an easement, or may be purchased by the City, or dedicated by the landowner(s) to the City.

(c) The City will accept no responsibility for the costs of maintenance of open space or recreational facilities unless the Board of Parks and Recreation, PZC, and the City Council specifically approve that responsibility in a written agreement.

11-04-06. Building Design

1. Purpose

The purpose of this Section 11-04-06 is to:

- A. Provide standards that will help to reinforce existing and desired development patterns and building features intended to implement the Comprehensive Plan;
- B. Design sites and orient buildings with an emphasis on character and creating a comfortable walking environment;
- C. Design buildings that respond to the unique context of the site;
- D. Reduce impacts to wildlife;
- E. Promote original and distinctive building design; and
- F. Incorporate sustainable development practices.

2. Applicability

The provisions of this Section 11-04-06 shall apply to all Multiple-Family, mixed-use, and nonresidential development listed in Section 11-04-02, *Applicability*, and as otherwise required in the Citywide and Downtown Design Standards and Guidelines.

3. Compliance with Additional Design Standards Required

- A. In addition to complying with the standards in this Section 11-04-06:
 - (1) All development shall comply with all other standards related to building and site and design applicable to the zoning district in which the property is located, as listed in Sections 11-02-02 through 11-02-06; and
 - (2) All new Multiple-Family, mixed-use, and nonresidential development, including but not limited to Parking Garages shall comply with all other standards and mandatory content related to building design in the Citywide and Downtown Design Standards and Guidelines, as applicable in the area where the property is located.
 - (3) Residential uses with four or fewer units in a single structure are exempt from these standards.
- B. In the event of a conflict between two or more standards in this Section 11-04-06, or between the standards in this Section 11-04-06 and applicable standards in the Citywide or Downtown Design Standards and Guidelines, the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

4. General Site and Building Design Standards

A. Buildings and Parking Placement

In the Mixed-Use zoning districts, each primary building and each parking garage shall be located so that no surface parking lot or drive aisle is located between the street and the

façade of the building. In the Industrial zoning districts, surface parking and drive aisles may be located between the street and the façade of the building, provided, the building is not placed more than 100 feet from the edge of the street and the parking area is adequately screened from the street.

B. Building Entrances

(1) At least one pedestrian entry to each primary building shall be visible and directly accessible from at least one of the adjacent streets unless Subsection (3) below requires additional pedestrian entries or Subsection (4) below requires pedestrian entries in different locations.

(2) At least one pedestrian entry to each primary building shall be visible and directly accessible from any pathway designated on the Boise Pathways Master Plan that is located on the same lot or on an abutting lot.

(3) On each primary building frontage exceeding 100 feet in length that has a nonresidential ground floor use, at least one pedestrian entry to the building shall be visible and directly accessible from the street within each 50 horizontal feet of building length.



Figure 4.11. Building Entrance Requirements

(4) In districts with an established pattern of building entrances facing the street, new buildings shall be designed with entrances complying with the established pattern to the maximum extent practicable.

(5) Regardless of whether the entry is required by Subsections (1) through (3) above, each outward opening pedestrian entry facing a street shall be designed so that it does not encroach on or interfere with pedestrian passage along any designated sidewalk.

(6) Regardless of whether the entry is required by Subsections (1) through (3) above, each pedestrian entry that provides access to a primary building or parking lot, and that faces a street or a surface parking lot, shall incorporate a covered area providing weather protection to those entering or leaving the building. Each covered weather protection feature shall extend at least five horizontal feet outward from the façade

of the building or be inset a minimum of five feet into the façade of the building. Weather protection may be accomplished by canopies, arcades, awnings, or other building features. Covered areas shall not drain onto sidewalks.

C. Façade Transparency

(1) If the ground floor of the building is located within 10 feet of the sidewalk, at least 40 percent of the ground floor, street-facing façade between four and eight feet above the sidewalk, shall be transparent.



Figure 4.12. Street Frontage Transparency

(2) If the ground floor of the building is located between 10 and 20 feet from the sidewalk, at least 25 percent of the ground floor, street-facing façade between four and eight feet above the sidewalk shall be transparent.

(3) When the ground floor of the building is occupied by residential uses, at least 15 percent of the street-facing façade (all vertical surfaces generally facing the street) shall be transparent.

(4) Window glazing on the bottom two floors on street-facing façades of each primary building that does not provide visibility into residential dwelling units shall achieve a visible transmittance ratio (VT) of at least 0.60.

(5) At least 90 percent of the glazing of any building façade shall include features that enable birds to perceive the glass as a solid object using at least one of the following treatments:

- (a) Non-reflective glass or window film that is opaque or translucent;
- (b) External screens installed permanently over glass windows;
- (c) Paned glass with mullions on the exterior of the glass;
- (d) Glass covered with patterns (e.g., dots, stripes, images, abstract patterns, lettering), etched, fritted, stenciled, silkscreened, applied to the glass on films or decals, or another method of permanently incorporating the patterns into or onto the glass. Elements of the patterns shall be at least one-eighth (1/8) inch tall and separated no more than two inches vertically, at least one-quarter (1/4) inch wide and separated by no more than four inches horizontally; or
- (e) Other glazing treatments providing an equivalent level of bird safety and approved by the Planning Director.

D. Building Façade Articulation

Each street-facing façade of a primary building shall be designed to avoid undifferentiated wall planes by dividing street-facing façade into a series of smaller horizontal and vertical components that comply with the following standards.

(1) Each street-facing façade shall incorporate at least three of the following elements within each 50 horizontal feet of the building façade:

- (a) Use of vertical piers or columns;
- (b) Change in building material or siding style;
- (c) Providing vertical building modulation of at least 12 inches in depth;
- (d) Projections, recessions, or reveals that include but not limited to, columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum of 12 inches in depth;
- (e) A change in building material, siding style, or color; and/or
- (f) Other methods as approved by the Planning Director.

(2) In the Industrial zoning districts, each street-facing façade shall follow what is required in the Citywide Design Review Standards and Guidelines.

5. Zone-Specific Building Design Standards**A. Applicability**

(1) All uses listed in Table 11-03.1: *Table of Allowed Uses*, as an Allowed Use shall comply with the following Zone-Specific Standards, as applicable to the zoning district in which the property is located. In the event of a conflict between these standards and applicable standards in Chapter 11-02, Zoning Districts or in Subsections 3 or 4 above, the standards in this Subsection 5 shall apply.

(2) If an application for an allowed use does not comply with one or more of the Allowed Zone-Specific Standards in this Section 11-04-09.5, an Alternative Zone-Specific Standard for the building or development containing the use may be approved by the Planning Commission pursuant to Section 11-05-05.3.A, *Allowed Use with s*.

(3) These standards shall apply to all new construction or site redevelopments that result in the expansion and alteration of the gross floor area of an existing primary building by 50 percent or more.

B. Uses Located in the MX-1 District

(1) The use shall be located in a building at least two stories in height; or

(2) The use shall be located in a building or development containing at least two different uses listed in Table 11-03.1: *Table of Allowed Uses*;

C. Uses Located in the MX-3 District

(1) The use shall be located in a building at least four stories in height; and

(2) The use shall not provide a greater number of vehicle parking spaces than the minimum required by Section 11-04-08.5 *Minimum and Maximum Off-Street Parking Standards*, as adjusted pursuant to Section 11-04-08.7, *Parking Adjustments*.

(3) As an alternative to Subsection (2) above, a Multiple-Family Dwelling may meet the requirements of Section 11-04-03.7.D(4) regarding affordable housing and sustainable development and earn the related incentives.

D. Uses Located in the MX-4 District

(1) The use shall be located in a building at least four stories in height;

(2) The use shall be located in a building or development that does not include a surface Parking Lot;

(3) The use shall be located in a building or development that does not include a Parking Garage with a greater number of vehicle parking spaces than the minimum required by Section 11-04-08.5, *Minimum and Maximum Off-Street Parking Standards*, as adjusted pursuant to Section 11-04-08.7, *Parking Adjustments*; and

(4) The use shall be located in a building where at least 80 percent of the ground floor street frontage is occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

(5) As an alternative to Subsections (2), (3), and (4) above a Multiple-Family Dwelling may meet the requirements of Section 11-04-03.7.D(5) regarding affordable housing and sustainable development and earn the related incentives.

E. Uses Located in the MX-5 District

(1) The use shall be located in a building at least four stories in height;

(2) The use or development shall not include a Surface Parking Lot outside of the building footprint; and

(3) The use shall be located in a building where at least 80 percent of the ground floor street frontage is occupied by uses that are in active use by occupants or users of the building or development, or by the general public. This requirement is not met by ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street frontage.

11-04-07. Access and Connectivity

1. Purpose

The purpose of this Section 11-04-07 is to support the City's mobility and climate goals by providing comfortable walking, cycling, transit and other active modes of transportation in new development and the redevelopment of property.

2. Applicability

Unless otherwise stated in this Code, all development of vacant land, all construction of new structures, all modification of existing structures, and the Subdivision of Land, and developments on parcels shall comply with the standards of this Section 11-04-07.

3. General

A. Compliance with Life Safety Regulations

In addition to all other provisions of this Section 11-04-07, all developments shall comply with all applicable regulations and ordinances for fire protection, emergency vehicle access, and life safety adopted by the City, including those that may limit the number of residential dwelling units relying on a limited number of vehicle access points. If there is a conflict between the requirements of this Section and life safety standards, the Planning Director in consultation with the Ada County Highway District (ACHD) and the Idaho Transportation Department shall determine which standard shall apply.

B. Americans with Disabilities Act

(1) Compliance with the Americans with Disabilities Act ("ADA") and other federal and state accessibility laws is the sole responsibility of the property owner.

Compliance with this Code does not assure compliance with the ADA or any other federal or state accessibility laws or any regulations or guidelines enacted or promulgated under or with respect to such laws. The city is not responsible for enforcement of the ADA or any other federal or state accessibility laws.

(2) All development shall comply with accessibility requirements based on the most recent version of the applicable Building Code adopted by the City of Boise and the International Code Council, or any future update of that document adopted by Boise City.

(3) Where a project develops or redevelops property in the MX-5 district with street frontage adjacent to one or more of the City's ADA accessible on-street existing or planned parking spaces, the applicant shall reconstruct the curb to include an ADA compliant pedestrian access ramp from the street level to the sidewalk along each such frontage. The design shall comply with the federal Public Right-of-Way Accessibility (PROWAG) Guidelines to the maximum extent practicable. The map of ADA accessible on-street parking spaces is available on the City's website.

C. Compliance with Solid Waste Ordinance and Solid Waste Design Standards

All developments shall comply with all applicable regulations, ordinances, and design standards for solid waste adopted by the City, including specifics around site design and solid waste service. All designs shall include measures to protect pedestrians and bicyclists to the maximum extent practicable. If there is a conflict between the requirements of this Section and solid waste design standards, the Planning Director in consultation with the Director of Public Works shall determine which standard shall apply.

4. Design Standards

A. Purpose

The intent of this Section 11-04-07.4 is to ensure that streets shall be designed to:

(1) Provide safe and convenient access for bicyclists, pedestrians, and vehicles to and from perimeter streets, parks, schools, public transit facilities, public and private institutions to the maximum extent practicable.

(2) Provide safe and convenient access for bicyclists and pedestrians to and from existing and proposed pathways and trails existing or designated on a Subdivision Plat, the Boise Pathways Master Plan, or other adopted City or ACHD plans.

(3) Accommodate safe, convenient, and comfortable pedestrian and bicycle travel on streets and pathways in cases where the street network cannot be designed to accommodate pedestrian, or bicycle travel due to soil, topography, easement, or other constraints.

(4) Except for designated collector and arterial streets, allow individuals traveling within a development or subdivision, and to and from properties adjacent to that land, without accessing the collector or arterial street network.

(5) Incorporate traffic calming strategies, including but not limited to curb extensions, median islands, speed bumps, chicanes, traffic filters, and neighborhood traffic circles, into street networks to the maximum extent practicable. Traffic calming devices that can significantly impede the response of or possibly damage emergency vehicles and equipment, such as speed bumps, are not allowed.

B. Public Streets

(1) General

Public streets shall be accepted, dedicated to, and owned by the Ada County Highway District (ACHD), Idaho Department of Transportation, or other governmental or quasi-governmental entity.

(2) Street Design

(a) The design of all streets shall conform to requirements established by the National Association of City Transportation Officials (NACTO), ACHD, and the Idaho Transportation Department. Where there is a conflict in the standards, the City will require the design that achieves the highest level of safety and comfort.

(b) Street intersections in residential areas shall create a 90 degree intersection to the maximum extent practicable.

(3) Street Grades

Street grades shall comply with applicable ACHD and adopted fire safety standards.

(4) Dead-End Streets

(a) Dead-end streets shall not be permitted, except streets temporarily terminating at the boundary of a subdivision may be allowed when ACHD or City Council determines the extension of the street is necessary for the proper development of the street pattern. An approved turnaround shall be required at the terminus of all temporary and permanent dead-end streets. A sign indicating the street is planned to be extended in the future will be installed at the end of the street.

(b) A paved hammerhead turnaround 15 feet wide and 50 feet long may be required in cases where lots are not accessible for solid waste collection vehicles to turn around completely.

(5) Street Names

Street names shall be approved by the Ada County Land Records Division.

(6) Street Access

- (a) Each lot shall have direct access to a public street or alley that has been improved to applicable street standards and has been dedicated to and accepted by the Ada County Highway District or shall have access to a private street that has been improved to applicable City private street standards.
- (b) If alley access to individual lots is available, access points from that lot to an abutting street shall be prohibited unless the Planning Director determines the use of the alley access is impracticable due to the nature or operating characteristics of the proposed use on the lot.
- (c) Where alley access is not available or use of alley access is impracticable, each existing parcel shall be allowed one access point, however the Planning Director in consultation with the Ada County Highway District (ACHD) and/or the Idaho Transportation Department may allow a second access point in unusual circumstances. Street access points between abutting parcels shall be consolidated and shared to the maximum extent practicable.
- (d) Where alley access is not available and a lot has frontage on two or more streets, a single street access point shall be located on the street with the lowest traffic volume to the maximum extent practicable, unless the Planning Director determines that the access point on the street with the lowest traffic volume will adversely impact planned and existing pedestrian and bicycle facilities. The Planning Director in consultation with the Ada County Highway District (ACHD) and/or the Idaho Transportation Department may allow a second access point in unusual circumstances.

(7) Gated Streets, Driveways, and/or Subdivisions

- (a) After the Effective Date, the use of access control gates that restrict access to new or existing developments in any Residential or Mixed-Use zoning district or any portion of a Planned Unit Development, is prohibited.
- (b) Gates are permitted to be installed for security purposes in the Industrial or Open Lands zoning districts provided they are set back at least 30 feet from the public right-of-way line.

(8) Insufficient Roadway Width

When shorter segments of curb and gutter improvements are not feasible as determined by the Planning Director, a substitute physical demarcation or barrier shall be installed to provide a clear boundary between required landscaping and orderly, parallel, on-street parking, and to accommodate storm drainage. An approved barrier such as ribbon curbing with vertical landscaping, low fencing, or other approved means shall be installed to ensure the public right-of-way does not become an area that is unmaintained and, if feasible, allows for on-street parking.

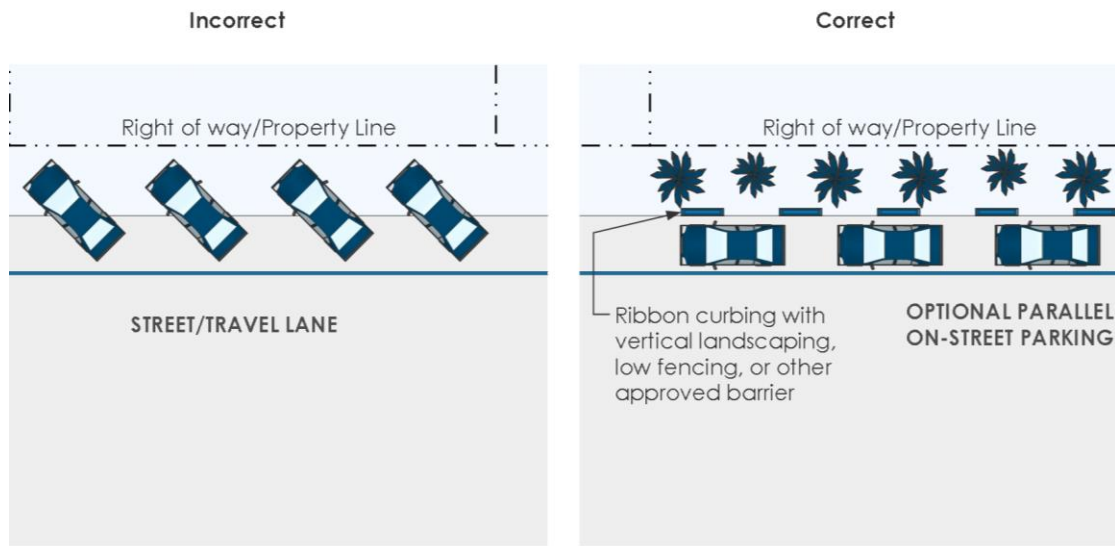


Figure 4.13. Insufficient Roadway Width Barrier Requirements

C. Private Streets

(1) General

Private streets are strongly discouraged and shall only be permitted when approved by the Planning Director based on unique circumstances that make the construction and dedication of public streets impracticable. When approved by the Planning Director, private streets shall comply with standards in Subsection B, above and shall be located and designed to:

- (a) Provide safe, convenient, and comfortable movement of vehicular, bicycle and pedestrian travel;
- (b) Not adversely affect access to adjacent properties or the public transportation network;
- (c) Not interfere with or decrease public access to adjacent property or places of public interest;
- (d) Not connect one public street to another, unless otherwise approved by the Planning Director;
- (e) Not interrupt the continuity of public streets or the public street network; and
- (f) Comply with the ACHD structural standards for streets, as shown on design and construction documents prepared and certified by a registered professional engineer.

(2) Single-Family-Detached/Single-Family Attached/Duplex Residential

- (a) Private streets are permitted in Single-Family Detached, Single-Family Attached, and Duplex Dwelling developments, provided they comply with the general requirements in Subsection (1) above and:

- i. The parcel shape or site topography will not allow the street design to meet ACHD width standards for public streets; or

- ii. Compliance with ACHD public street standards is in conflict with the intent of minimizing disruption to vegetation or other topographical elements required by Section 11-02-07.3.G, *HS-O: Hillside Development Overlay*.

(b) Private streets shall comply with the standards in Table 11-04.7.

TABLE 11-04.7: PRIVATE RESIDENTIAL STREET STANDARDS: SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, DUPLEX

NUMBER OF RESIDENTIAL LOTS VS. STREET LENGTH	MINIMUM RIGHT-OF-WAY WIDTH (FEET)	STREET WIDTH BACK OF CURB TO BACK OF CURB (FEET)	DETACHED SIDEWALK REQUIRED BOTH SIDES	DETACHED SIDEWALK EASEMENT ALLOWED
Up to 3 lots w/ length less than 200 feet	24	24	Yes	Yes [1]
Up to 3 lots w/ length greater than 200 feet	28 (24 for the final 200 feet)	28/24	Yes	Yes [1]
4 or more lots w/ length less than 200 feet	24	24	Yes	Yes [1]
4 or more lots w/ length greater than 200 feet	28 (24 for the final 200 feet)	28/24	Yes	Yes [1]
Notes:				
[1] Setback requirements shall be from the back of sidewalk.				

D. Alleys – Public

Alleys are subject to the following standards:

- (1) The minimum alley width for a one-way alley shall be 12 feet.
- (2) The minimum alley width for a two-way alley shall be 20 feet.
- (3) Alley construction shall meet ACHD standards.

E. Cul-de-Sacs

- (1) Cul-de-sacs shall be avoided to the maximum extent practicable and shall only be permitted when unusual terrain or site conditions prevent a through street connection.
- (2) Where permitted, cul-de-sacs shall connect to the closest local, collector, or arterial street, to adjacent cul-de-sacs, or to any adjacent existing or proposed public open space, park, pathway, trail or school with a pedestrian easement or public right-of-way at least 15 feet in width shown on the Subdivision Plat, unless deemed impracticable by the Planning Director.

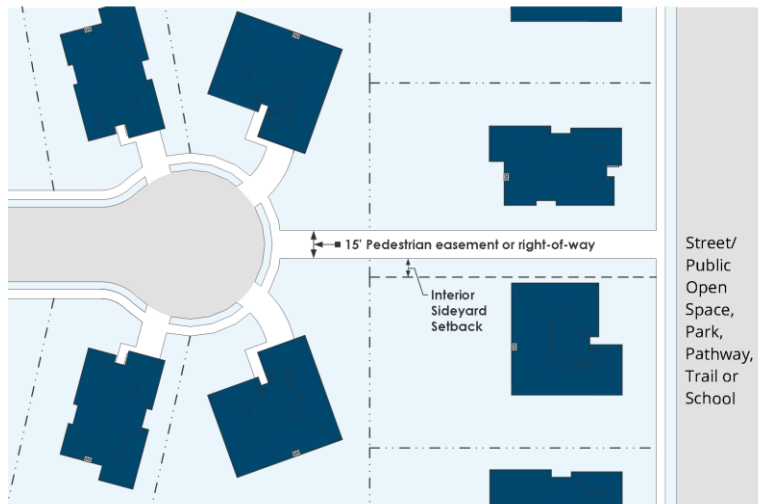


Figure 4.14. Cul-de-Sac Design

F. Block Size and Design

Where a Subdivision Plat includes streets in a Residential or Mixed-Use zoning district, the dimensions of each new block created shall meet the following standards to the maximum extent practicable in light of topographic conditions.

- (1) The length of new blocks created shall not exceed 330 feet in width and 660 feet in length.
- (2) Each block shall be bordered by public or private streets meeting the requirements of this Section 11-04-07.4 and with all applicable Ada County Highway District technical requirements.
- (3) The Planning Director may adjust the standard in Subsection (1) above if the Planning Director determines that a larger perimeter is necessary because of constraints or unusual terrain or site conditions that make it impracticable to design blocks of this size, and that the reduced internal vehicle, bicycle, and pedestrian circulation caused by the larger block perimeter have been mitigated to the maximum extent practicable.

G. Cross-Access between Adjacent Mixed-Use and Nonresidential Uses

All development or redevelopment in Mixed-Use, Industrial, or Open Land zoning districts shall comply with the following standards.

- (1) To the maximum extent practicable, each lot layout shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access points to a street. This may be established by one or more of the following:
 - (a) Connecting streets and driveways;
 - (b) Coordinating parking lot and parking structure entrances;
 - (c) Common service/delivery areas;
 - (d) Legally shared parking lots and parking structures;
 - (e) Linkages between parking lots and parking structures; or

(f) Providing shared access for two adjacent lots from public rights-of-way to minimize driveways.

(2) When cross-access is deemed impractical by the Planning Director on the basis of topography, the presence of natural features, or vehicular, bicycle and/or pedestrian safety, this requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent Multiple-Family, mixed-use or nonresidential developments or land uses.

H. Transit Stops

(1) Where an adopted plan of the City or a transit agency recognized by the City identifies a future transit stop location, no permanent or temporary structure, or utilities that are not transit supportive shall be located in any portion of the site identified for that transit stop, or for access points or parking facilities required by this Code. Transit footings or structures shall be installed at the time of development of the site to the maximum extent practicable.

(2) Use of those portions of the site shall be limited to a transit stop, required landscaping, buffering, and open space until arrangements for the dedication or acquisition of that portion of the site for transit stop purposes is finalized, or until the City or the transit agency that designated the location indicates in writing that it is no longer needed for transit stop purposes.

I. Pedestrian and Bicycle Connectivity and Circulation

All development and redevelopment shall comply with the following standards to the maximum extent practicable. In the event of a conflict between these standards and those in another provision of this Code, the standard requiring the greater level of connectivity shall apply.

(1) Sidewalks and Pedestrian Facilities

Unless otherwise required by specific standards applicable to the Residential and Mixed-Use zoning district, by the Boise Pathways Master Plan or other adopted plan, or standard adopted by the City:

(a) All sidewalks shall be a minimum of five feet wide. A minimum of 10 foot wide sidewalks shall be provided and constructed within a development if the Planning Director deems the access is beneficial to provide pedestrian and bicycle access to schools, playgrounds, shopping areas, transportation, or other community facilities.

(b) Detached sidewalks shall be required on both sides of all arterial and collector streets identified within the current ACHD Master Street Map. Detached sidewalks shall be required on both sides of all local streets (public and private), including cul-de-sacs. The Planning Director may allow attached sidewalks on local streets when it has been determined detached sidewalks are unable to be constructed due to unusual terrain, site conditions, utility conditions, or other circumstances that make the provision of detached sidewalks impracticable.

(c) When sidewalks are separated from the curb line, a minimum distance of eight to 10 feet or within an approved suspended pavement system is required to accommodate

buffering and street trees required by Section 11-04-09.4, *Street Frontage Landscaping* shall be provided.

(d) Sidewalks internal to developments shall be a minimum of five feet wide and shall be separated from vehicular areas (including but not limited to parking spaces, driveways, and drive aisles) by a vertical barrier such as curb, bollards or other means approved by the Planning Director. Any mailboxes, signs, utility equipment, vertical structures or other items located within or near any sidewalk shall be located in an area that preserves a five-foot clear horizontal passageway and an 80-inch vertical clearance below any items projecting from the building façade for pedestrians at all points on the sidewalk.

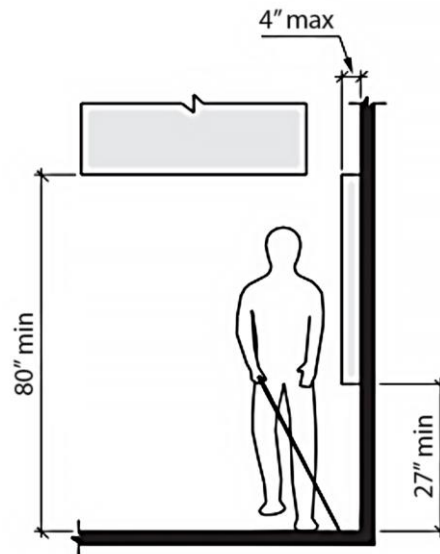


Figure 4.15. Limits of Protruding Objects

(2) Bikeways

Designated bicycle lanes and/or multi-use pathways are required in the design of all arterial, collector, and local streets as shown in the network maps included in the ACHD Roadways to Bikeways Plan, Boise Pathways Master Plan, Ada County Ridge-to-Rivers Trails Plan, and other adopted City or ACHD plans. In the event of a conflict between one or more plans, the Planning Director shall determine which network map and design standard shall apply.

(3) Multi-Use Pathways

Multi-use pathways, separated from motor vehicle traffic, are required where indicated on the Boise Pathways Master Plan, Ada County Ridge-to-Rivers Trails Plan, or other plans adopted by the City. The land or public easement to accommodate such pathways shall be dedicated to the appropriate entity, such as the City, Idaho Transportation Department, ACHD, or in some unique cases the Homeowners Association (HOA).

(4) Connection to Sidewalks, Bikeways, and Multi-Use Pathways

Each extension or connection of a street or public right-of-way to an abutting property, street, or public right-of-way shall include the extension or connection of associated bikeways, sidewalks, multi-use pathways, or trails.

(5) Consent of Irrigation Easement Holder

If one or more pedestrian walkway, pathway, or bicycle facility required by this Code is proposed to be located within or across an irrigation easement, the applicant shall coordinate with the irrigation company to determine if the facility can be built within the irrigation easement. If the irrigation company does not allow the facility to be built within the easement, it is the responsibility of the applicant to identify another location within the applicant's control for the facility or crossing that will not prevent the facility from connecting to similar improvements on adjacent properties.

(6) Design Standards

The design of all sidewalks, bikeways, and multi-use paths shall comply with all requirements in the relevant adopted City plan, ACHD plan, or technical manual such as NACTO and shall integrate with the design standards of the improvements on the adjacent development to ensure a safe, continuous, and comprehensive travel network. Where there is a conflict in the standards, the City will require the design that achieves the highest level of safety and comfort.

J. General Ingress and Egress**(1) Driveways**

- (a)** Where lots/parcels are adjacent to an alley, all access to developments, parking areas, and parking garages shall be from the alley rather than from driveways leading to a street abutting the lot/parcel.
- (b)** Except as stated in Subsection (a) above, driveways providing reasonable access to required private or public parking areas, including garages, may extend through the front or street side setback in a perpendicular manner provided they comply with Section 11-04-07.4.J(2), below.
- (c)** Except as stated in Subsection (a) above, driveways that extend through the setback in other than a perpendicular manner may be approved due to physical limitations of the site or for safety purposes. The Planning Director may approve such driveways upon a determination that:
 - i.** The driveway is required to enhance the natural elements of the site such as preserving existing trees; or
 - ii.** The driveway is required for safety reasons such as avoiding backing into a collector or arterial street or a street with limited motorist visibility.
- (d)** A driveway for a Single-Family Detached Dwelling or a Duplex Dwelling shall be a minimum of nine feet in width and shall not exceed 30 feet in width for each unit unless a different maximum width is permitted or required by another provision of this Code or

an adopted City standard.

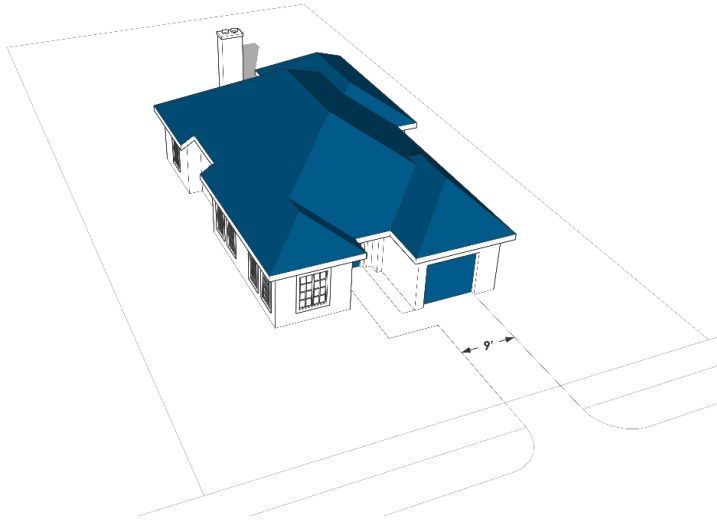


Figure 4.16. Driveway Width

- (e) All driveways shall be a minimum of 50-feet from an intersection of all streets. Under unusual circumstances that do not create safety hazards, the Director may waive this requirement.
- (f) Circular driveways are prohibited unless specifically approved by the Planning Director based on considerations of safety.
- (g) A paved hammerhead turnaround 15 feet wide and 50 feet long may be required in cases where lot(s) are not accessible for solid waste collection vehicles to turn around completely.

(2)Service Drives

(a) Applicability

Service drives may be used to provide access to commercial or Multiple-Family parking lots and spaces, loading spaces, drive-up windows, or other areas that need a provision of access.

(b) Standards

- i. Service drives shall not intersect the street where they will impede an abutting property from having access to at least one street, or where compliance with applicable intersection and driveways would interrupt the continuity of public streets.
- ii. Service drives shall not encourage or promote pass through between public or private streets, unless specifically approved by the Planning Director, based on considerations of bicycle, pedestrian, or traffic safety.
- iii. Service drives shall intersect a street at a 90 degree angle, unless otherwise approved by the City and the Ada County Highway District.

- iv. Each service drive identified as a fire access drive shall comply with all applicable Fire Department standards.
- v. A paved hammerhead turnaround 15 feet wide and 50 feet long may be required in cases where lots/parcels are not accessible for solid waste collection vehicles to turn around completely.

(c) Widths

- i. One-way service drives without parking on either side shall be a minimum of 10 feet wide. Two-way service drives without parking on either side shall be a minimum of 20 feet wide.
- ii. The width of a service drive at the point where it intersects a street shall be a minimum of 10 feet in width if the street is limited to one-way traffic, or a minimum of 20 feet in width if the street accommodates two-way traffic.
- iii. The width of a service drive at the point where it intersects a street shall not exceed a maximum of 36-feet for Multiple-Family, commercial or mixed-use developments and a maximum of 40-feet for industrial developments.
- iv. The width between building appurtenances such as carport overhangs shall be a minimum of 24 feet.

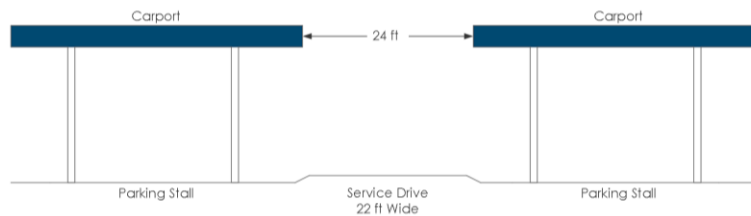


Figure 4.17. Service Drive Width

- v. Where a service drive provides perpendicular access to a parking space or a garage, the parking space or garage shall be set back from the service drive so that the combined distance of the service drive width and the garage or parking space is a minimum of 22 feet.

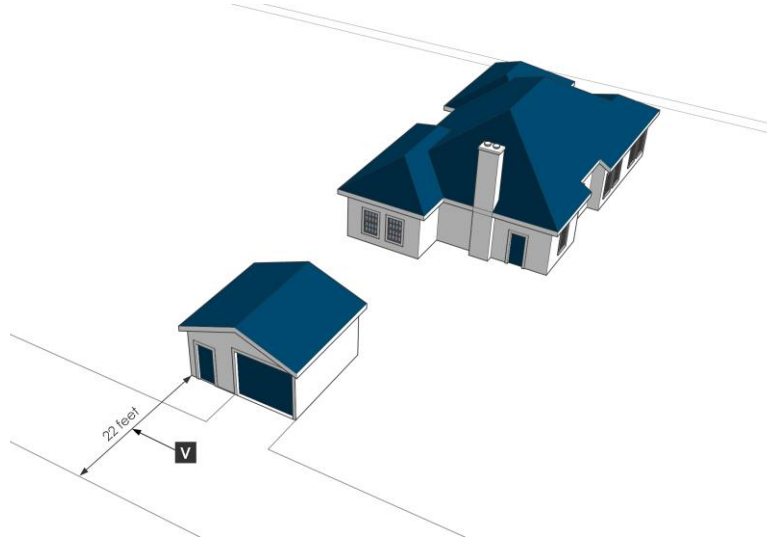


Figure 4.18. Garage Setback from Service Drive

(d) Grade

Maximum grade for service drives shall be 10 percent unless a steeper grade is specifically approved by the Fire Code Official. A maximum grade of two percent, unless specifically approved by the ACHD, shall be required for the initial 80 feet from the intersecting curb to provide a landing at the junction of the service drive and the public right-of-way.

K. Mixed-Use, Industrial, and Open Land Districts Vehicular Circulation

In the Mixed-Use, Industrial, and Open Land zoning districts, access to lots located on arterial and collector streets as depicted on the ACHD Master Street Map shall meet the requirements below.

- (1)** Access points shall be oriented at right angles to the street.
- (2)** Access points shall be minimized and located a minimum of 50 feet from each other, or meet ACHD requirements, whichever is more restrictive.
- (3)** Access points shall be located at least 50 feet from any intersecting public street right-of-way.
- (4)** Individual driveways intersecting the street within the front setback shall not exceed a width of 40 feet and shall be separated from other driveways by a landscaped area with a minimum width of 10 feet from an adjacent property line, except where one shared driveway can be established or is planned to serve both the subject property and the adjacent property.
- (5)** Primary circulation and access points shall be oriented toward the abutting street with the lowest traffic volumes to the maximum extent practicable unless the Planning Director determines that the access point on the street with the lowest traffic volume will adversely impact planned and existing pedestrian and bicycle facilities.

(6) Driveways or service drives that allow all turning movements shall be aligned with one another on arterial, collector and local streets to contribute to a safe and efficient circulation pattern.

L. Pedestrian Access and Connectivity

(1) Required Connections

All parcels that contain a Multiple-Family and nonresidential use, shall provide the following pedestrian connections, as applicable:

- (a) A safe, convenient, and accessible pedestrian connection from the main entrance of a building to a public sidewalk and/or internal walkway that connects to a public sidewalk.
- (b) Connections between internal and perimeter sidewalks at a maximum interval of 1,320 feet along the perimeter street.
- (c) Sidewalks between the principal entrance of each building in a development containing more than one building.
- (d) Connections to any sidewalks on adjacent properties that extend to the boundaries of such properties. Multiple pedestrian connections between adjacent developments shall be provided to the maximum extent practicable.
- (e) Connections to community facilities on site, including, but not limited to, trash collection areas, mail collection facilities, bicycle parking and site amenities.
- (f) Connections to any adjacent park, trail, or transit stop.
- (g) On-site pedestrian connections may be located within the required setbacks provided that the requirements of [Section 11-04-09.5, Site Perimeter Buffers](#) are met and a minimum of 5-feet is provided from the property line.

(2) Standards for Pedestrian Connections

- (a) Each site shall include detached sidewalks at least five feet wide, on both sides of each abutting street, unless otherwise specified by district-specific requirements for the Mixed-Use zoning districts, or as otherwise required by the Boise Pathways Master Plan or other plan adopted by the City or ACHD. All sidewalks shall be sited and illuminated appropriately to provide safe passage and observation of the pathway route.
- (b) Mixed-use development and Multiple-Family Dwellings within one-quarter mile radius of a transit stop shall include a direct, on-site pedestrian connection to the transit station to the maximum extent practicable. If that is not practicable, a direct pedestrian connection to a public sidewalk leading to the nearest transit station with signage directing pedestrians the station shall be provided on site.
- (c) At each point where a sidewalk shall cross a parking lot, service drive, internal street, or driveway, it shall be clearly marked using retroreflective painted lines, a change in color, change in materials, change in elevation, or some combination of those techniques, some of which are illustrated in Figure 4.19, below.

**Change in
Paving
Materials****Change in
Paving Color****Figure 4.19. Options for Required Pedestrian Crossings**

5. Compliance with Design Standards

A. In addition to the standards required by this Section 11-04-07, all Multiple-Family Dwelling, mixed-use, and nonresidential development shall comply with the standards and other mandatory content in the Citywide Design Standards and Guidelines and the Downtown Design Standards and Guidelines, as applicable in the area where the property is located.

B. In the event of a conflict between the standards in this Section 11-04-07 and applicable standards in the Citywide or Downtown Design Standards and Guidelines, the provision requiring the higher level of safety and visual building quality and interest, as determined by the Planning Director, shall apply.

11-04-08. Parking and Loading

1. Purpose

The purpose of this Section 11-04-08 is to establish standards for vehicle and bicycle parking, on-site circulation, loading areas, and parking lot design to protect the public health, safety, and general welfare by:

- A.** Providing necessary access for service and emergency vehicles;
- B.** Providing for safe, convenient, and comfortable interactions between motor vehicles, non-motorized vehicles, bicyclists, and pedestrians;
- C.** Encouraging active transportation options and enhanced pedestrian safety;
- D.** Encouraging emission free vehicles;

- E.** Providing flexibility to respond to the transportation, access, and loading impacts of various land uses in different areas of the city;
 - F.** Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution;
 - G.** Mitigating traffic congestion; and
 - H.** Mitigating the visual impact of large expanses of exposed parking.
-

2. Applicability

A. Generally

Unless otherwise stated in this Code, the standards in this Section 11-04-08 shall apply to all uses in all zoning districts.

B. Exceptions

(1) The MX-5 zoning district is exempt from the requirement to provide off-street parking spaces, but any parking spaces provided shall comply with all other standards in this Section 11-04-08.

(2) Structured parking facilities shall be exempt from maximum parking limits.

3. General Parking Standards

A. Use of Parking Areas

(1) Required off-street parking facilities shall be used for vehicle parking only. Vehicle sales, rental and leasing, storage, repair, and other uses are prohibited, except for approved temporary and/or seasonal uses.

(2) No property owner or operator may designate any on-street parking space for the use of a specific establishment, and no property owner or operator may limit the use of any on-street parking space by the general public by using the parking space for the operation of a valet parking service, without the prior written consent of the City.

B. Parking and Loading Calculations

(1) All square footage-based parking and loading requirements shall be computed based on the gross floor area of the subject use or structure, unless otherwise specified.

(2) Parking spaces designed or designated exclusively for two-wheeled vehicles such as motorcycles and scooters shall not be included in the calculation of minimum or maximum vehicle parking requirements. However, a reduction in the minimum number of parking spaces is allowed in accordance with Subsection 11-04-08.7.C when two-wheeled vehicle parking spaces are provided.

(3) Lots containing more than one use shall provide parking and loading based on the shared parking calculations in Section 11-04-08.7.B, *Shared Parking Facility Reduction*.

C. Reductions of Existing Parking

Off-street parking or loading spaces existing on the Effective Date shall not be permanently reduced in a way that would bring the property out of conformance with this Section 11-

04-08 or would increase the degree of existing nonconformity with the provisions of this Section 11-04-08.

D. Parking for Unlisted Uses

The Planning Director shall determine the required parking for uses not listed in Table 11-04.9: *Off-Street Parking Requirements*, based on expected volume of activity on the site, the level of congestion on surrounding streets, proximity to Residential zoning districts, and the factors listed in Section 11-03-01.7, *Classification of New and Unlisted Uses*.

4. Accessible Parking

All development that provides on-site vehicle parking spaces shall comply with all applicable requirements of the Americans with Disabilities Act (ADA) and the applicable Building Code adopted by the City of Boise, and the standards in this Section 11-04-08.3. If the standards in this Section 11-04-08.3 conflict with the requirements of the ADA or IBC, the requirements of the ADA or IBC shall apply.

A. Amount of Accessible Parking Required

(1) All development shall provide at least the following number of accessible parking spaces, unless a different number is required by Subsections (2) or (3) below:

TABLE 11-04.8: REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES	
TOTAL PARKING SPACES IN LOT OR GARAGE	MINIMUM NUMBER OF ACCESSIBLE SPACES
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2% of the spaces provided
1,001 and over	20 plus 1 for each 100 over 1,000

(2) All outpatient and other facilities providing medical care and other services for persons with mobility impairments shall provide accessible spaces that are equal to 20 percent of the number of required parking.

(3) All commercial and industrial developments as well as all residential developments that contain four or more units shall provide a minimum of one on-site accessible parking space.

B. Additional Requirements

- (1) Valet parking facilities shall provide a passenger loading zone located on an accessible route to the entrance of the facility.
- (2) Accessible parking spaces shall not contain slopes in excess of two percent and shall not require access involving steps to or from abutting pedestrian walkways.
- (3) Accessible spaces shall be located closest to the main entrance.
- (4) When there are multiple buildings or main entrances, accessible spaces shall be distributed equally.
- (5) Accessible spaces shall be clearly marked as spaces reserved for persons with disabilities.
- (6) When Section 11-04-08.6, *Electric Vehicle (EV) Parking Spaces*, requires the provision of any type of Electric Vehicle parking spaces, at least five percent, but not less than one, of the required EV parking spaces shall also be accessible parking spaces.

C. Traditional Accessible Parking Stall Dimensions**(1) Length**

All accessible spaces shall be a minimum of 20 feet in length.

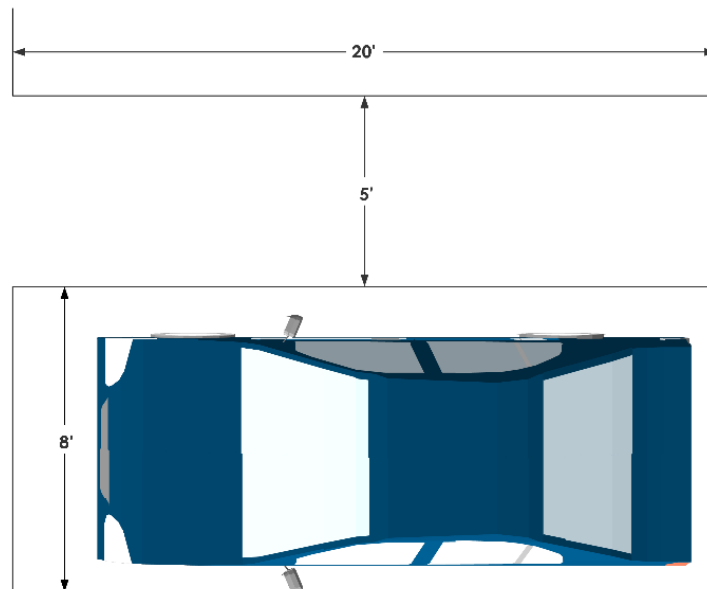


Figure 4.20. Access Aisle at Passenger Loading Zone

(2) Width

All accessible spaces shall be a minimum of eight feet in width plus a five foot wide adjacent access aisle and shall be located outside of all required setbacks, as shown in Figure 4.20.

(3) Van Accessible

(a) One in every six accessible spaces, but not less than one, shall have an adjacent access aisle that is eight feet in width, shall be located outside of all required setbacks, and shall be designated as "Van Accessible" as noted in Figure 4.21.

(b) A single accessible parking space that is van accessible shall be located on the left side of the access aisle as noted in Figure 4.21

(4) Signage And Markings

All access aisles shall install a sign similar to the signs depicted below and read "Access Aisle No Parking" and shall apply blue pavement markings reading "No Parking" with accompanying diagonal striping within the limits of the access aisle adjacent to the accessible space in addition to the signage for the accessible parking stall.

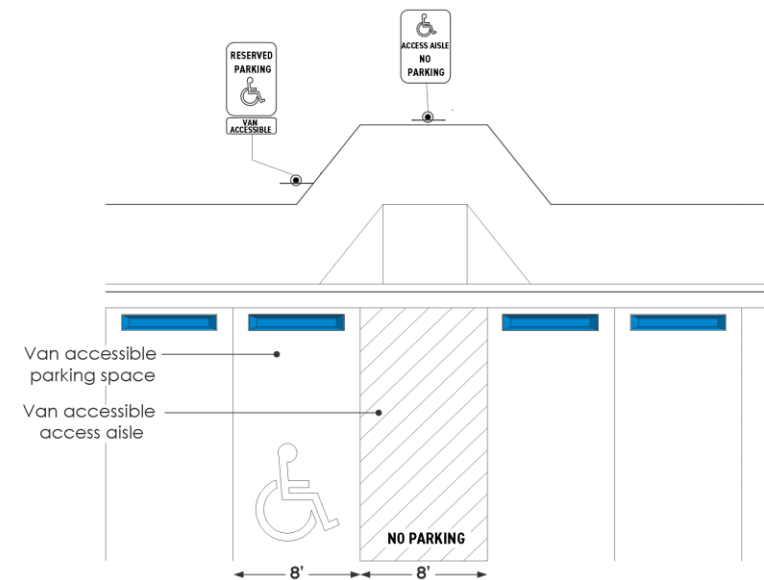


Figure 4.21. Signage for Accessible Parking Spaces

5. Minimum and Maximum Off-Street Parking Standards

A. All development not exempted by the provisions of Section 11-04-08.2.B shall provide vehicle parking spaces in the amounts required by Table 11-04.9, below, as those amounts may be modified by Section 11-04-08.6, *Parking Adjustments* below.

B. No minimum parking requirements apply to developments within the Mixed-Use Downtown Zoning District (MX-5).

TABLE 11-04.9: OFF-STREET PARKING REQUIREMENTS

DU = DWELLING UNIT

* = PLANNING DIRECTOR DETERMINATION

SF = SQUARE FEET

BLANK CELL = NO MINIMUM/MAXIMUM REQUIREMENT

GFA = GROSS FLOOR AREA 1BR, 2BR, 3+BR = NUMBER OF BEDROOMS

USE CATEGORY	MINIMUM REQUIRED	MAXIMUM ALLOWED
Residential Uses		
Household Living		
Accessory Dwelling Unit		
Caretaker's Residence	1 per DU	
Dwelling, Single-Family Detached	1 per DU	
Dwelling, Cottage Village	1 per DU	
Dwelling, Single-Family Attached	1 per DU	
Dwelling, Live/Work	2 per DU	
Dwelling, Duplex	1-3 BR: 1 per DU 4+ BR: 0.75 per BR	
Dwelling, Triplex or Fourplex		
Dwelling, Multiple-Family	Studio/Efficiency: 0.5 per DU 1BR: 1 per DU 2BR: 1.25 per DU 3+BR: 1.5 per DU Guest: 1 per 10 DU	125% of required minimum
Livestock and Animals, Accessory		
Manufactured Home	1 per DU	
Manufactured Home Community	1 per DU	
Tiny Home on Wheels		
Group Living		
Assisted Living Facility	1 per 3 beds	
Boarding House	1 per BR	
Continuing Care Retirement Facility	0.5 per DU plus 1 per 4 beds	
Convalescent or Nursing Home	0.25 per bed	
Dwelling, Co-Housing	*	
Fraternity or Sorority House	1 per bed	
Recovery Residence	50% of parking otherwise required for residential use in that type of structure	
Residential Home Occupations		
Home Occupation, Child or Adult Daycare	1 per employee	
Home Occupation, Other		
Public, Institutional, and Civic Uses		
Adult or Child Daycare		

TABLE 11-04.9: OFF-STREET PARKING REQUIREMENTS

DU = DWELLING UNIT

***** = PLANNING DIRECTOR DETERMINATION

SF = SQUARE FEET

BLANK CELL = NO MINIMUM/MAXIMUM REQUIREMENT

GFA = GROSS FLOOR AREA **1BR, 2BR, 3+BR** = NUMBER OF BEDROOMS

USE CATEGORY	MINIMUM REQUIRED	MAXIMUM ALLOWED
Adult or Child Daycare Facility	1 per employee	
Adult or Child Daycare Center, Small	1 off-street space per 10 persons, with a minimum of 2 spaces (except the MX-5 zoning district where off-street parking is not required)	
Adult or Child Daycare Center, Large	1 off-street space per 10 persons, with a minimum of 2 spaces (except the MX-5 zoning district where off-street parking is not required)	
Community and Cultural Facilities		
Art Gallery, Museum, or Library	1 per 400 sf GFA	2 per 400 sf GFA
Cemetery		
Community Center	1 per 400 sf GFA	2 per 400 sf GFA
Fire or Police Facility		
Food Kitchen		
Forest Reserve or Recreation Area		
Jail or Detention Facility	3 per 1,000 sf GFA	
Mortuary or Mausoleum		
Park or Playground		
Religious Institution	1 per 400 sf GFA	
Uses Related to and Operated by a Religious Institution	*	
Shelter Home	*	
Education and Health		
Hospital	1 per bed design capacity	
College or Other Institution of Higher Education	*	
School	Elementary, Middle, Junior High: 1 per classroom High School: 4 per classroom	125% of required minimum
Trade or Vocational School	1 per 3 classroom seats	
Transportation		
Aircraft Landing Field	Determined by airport management	
Park and Ride Facility		
Transit Facility	*	
Transit Terminal	*	

TABLE 11-04.9: OFF-STREET PARKING REQUIREMENTS

DU = DWELLING UNIT

***** = PLANNING DIRECTOR DETERMINATION

SF = SQUARE FEET

BLANK CELL = NO MINIMUM/MAXIMUM REQUIREMENT

GFA = GROSS FLOOR AREA **1BR, 2BR, 3+BR** = NUMBER OF BEDROOMS

USE CATEGORY	MINIMUM REQUIRED	MAXIMUM ALLOWED
Commercial Uses		
Agriculture and Animals		
Agricultural Uses or Stables		
Animal Daycare or Kennel	2.5 per 1,000 sf GFA	
Animal Hospital or Clinic	2.5 per 1,000 sf GFA	
Beekeeping, Accessory		
Commercial Feedlot		
Slaughterhouse, Rendering Plant		
Urban Farm		
Communication Facilities		
All Uses		
Food and Beverage Service		
Brewpub, Micro-distillery, or Micro-winery	3 per 1,000 sf GFA	5 per 1,000 sf GFA
Food Truck, Accessory		
Food Truck Court		
Neighborhood Café	1 per 1,000 sf GFA	4 per 2,000 sf GFA
Restaurant	5 per 1,000 sf GFA	7 per 1,000 sf GFA
Sidewalk Café, Accessory		
Tavern or Lounge	5 per 1,000 sf GFA	7 per 1,000 sf GFA
Lodging		
Bed and Breakfast	1 per guest bedroom plus 1 for manager	
Hotel or Motel	1 per guest bedroom	125% of required minimum
Recreation Vehicle Park	1 per RV spot	
Office, Personal and Business Service		
Financial Institution	3 per 1,000 sf GFA	
Medical or Dental Clinic	1 per 300 sf GFA	5 per 1,000 GFA
Office	1 per 400 sf GFA	4 per 1,000 sf GFA
Personal and Business Service	1 per 400 sf GFA	4 per 1,000 sf GFA
Recreation and Entertainment		
Auditorium or Theater, Indoor	1 per 4 seats in main assembly area	125% of required minimum
Club, Lodge, or Social Hall	1 per 400 sf GFA	
Conference or Event Center	3 per 1,000 sf GFA	125% of required minimum
Firing Range, Indoor	2 per 1,000 sf GFA	

TABLE 11-04.9: OFF-STREET PARKING REQUIREMENTS**DU** = DWELLING UNIT***** = PLANNING DIRECTOR DETERMINATION**SF** = SQUARE FEET**BLANK CELL** = NO MINIMUM/MAXIMUM REQUIREMENT**GFA** = GROSS FLOOR AREA **1BR, 2BR, 3+BR** = NUMBER OF BEDROOMS

USE CATEGORY	MINIMUM REQUIRED	MAXIMUM ALLOWED
Golf Course	5 per 1,000 sf GFA of restaurant /bar area	
Recreation, Indoor	*	
Recreation, Outdoor	*	
Retail		
Building Materials	1 per 500 sf GFA	125% of required minimum
Retail Sales, Neighborhood <2,000 SF	0.5 per 1,000 sf GFA	2 per 1,000 sf GFA
Retail Sales, Small <5,000 SF	3 per 1,000 sf GFA	
Retail Sales, Medium 5,001 SF to 10,000 SF	2.5 per 1,000 sf GFA	
Retail Sales, Large 10,001 SF to 60,000 SF	1 per 500 sf GFA	125% of required minimum
Retail Sales, Big Box >60,000 SF	2 per 1,000 sf GFA	125% of required minimum
Sexually Oriented Business		
Sexually Oriented Business	3 per 1,000 sf GFA	125% of required minimum
Vehicles and Equipment		
Drive-Through Facility		
Electric Vehicle Charging Facility		
Parking Garage as Principal Use		
Parking Lot as Principal Use		
Service Station	3 per 1,000 sf GFA retail, office, waiting area	
Vehicle Fleet Operations Center		
Vehicle Repair, Major	3 per 1,000 sf GFA retail, office, waiting area plus 1 per service bay	
Vehicle Repair, Minor	3 per 1,000 sf GFA retail, office, waiting area plus 1 per service bay	
Vehicle Sales, Rental, and Leasing, Light	3 per 1,000 sf GFA retail, office, waiting area plus 1 per service bay	
Vehicle and Equipment Sales, Rental and Leasing, Heavy		
Vehicle Wash	2 per 1,000 sf GFA retail, office, waiting area	
Industrial Uses		
Manufacturing and Processing		
Contractor Shop and Yard		
Industry, Artisan	2 per 1,000 sf GFA	

TABLE 11-04.9: OFF-STREET PARKING REQUIREMENTS**DU** = DWELLING UNIT***** = PLANNING DIRECTOR DETERMINATION**SF** = SQUARE FEET**BLANK CELL** = NO MINIMUM/MAXIMUM REQUIREMENT**GFA** = GROSS FLOOR AREA **1BR, 2BR, 3+BR** = NUMBER OF BEDROOMS

USE CATEGORY	MINIMUM REQUIRED	MAXIMUM ALLOWED
Industry, Light	1 per 1,000 sf GFA	
Industry, Heavy	1 per 1,000 sf GFA	
Mining and Extraction		
Storage, Wholesale, and Warehousing		
Bulk Storage of Flammable or Dangerous Materials		
Fulfillment Center	1 per 2,000 sf GFA	
Outdoor Storage		
Outdoor Storage, Accessory		
Self-Service Storage	3 per 1,000 sf GFA of indoor office area	
Trucking Terminal		
Wholesale or Warehouse, Small or Large	1 per 2,000 sf GFA	
Utilities		
Power Plant		
Renewable Energy Facility, Accessory		
Utility Facility, Minor		
Utility Facility, Major		
Waste and Salvage		
Composting Facility		
Junkyard, Vehicle Salvage		
Recycling Collection Facility		
Sanitary Landfill		
Solid Waste Transfer Facility		
Accessory Uses		
Unlisted Uses Accessory to an Allowed Use		
Temporary Uses		
Construction Office		
Mobile Food Truck		
Off-Site Construction Staging		
Safety Facility	*	
Sales and Leasing Office		
Seasonal Sales		

6. Electric Vehicle (EV) Parking Spaces

All Multiple-Family Dwelling, mixed-use, and nonresidential development shall comply with the Use-Specific Standards in Section 11-03-03.4.R, *Electric Vehicle Charging Station* and the following standards.

A. Number of EV Parking Spaces Required

(1) The development shall include at least the minimum number of EV parking spaces shown in the following table:

TABLE 11-04.10: REQUIRED NUMBER OF ELECTRIC VEHICLE PARKING SPACES			
TOTAL NUMBER OF PARKING SPACES	EV CAPABLE SPACES +	EV READY SPACES +	EV INSTALLED SPACES
Multiple-Family Dwelling Units			
< 5	None	None	None
5-10	None	20% of total	1 space
≥ 11	None	20% of total	10% of total
Public, Civic, or Institutional, Commercial or Industrial Uses			
< 5	None	None	None
≥ 5	20% of total	None	None

Example: If 20 parking spaces are required for a multiple-family development containing 15 units, the site would provide no (0) EV capable spaces, four (4) EV ready spaces, and two (2) EV installed spaces. The remainder of the 14 parking spaces shall consist of the appropriate combination of standard and accessible spaces.

20 spaces x 0% EV capable = 0 +

20 spaces x 20% EV ready = 4 +

20 spaces x 10% EV installed = 2 (a minimum of one (1) of these EV installed spaces shall be accessible)+

14 standard and accessible spaces in the appropriate combination =

20 Total spaces

(2) Each EV parking space provided shall be counted towards the minimum off-street parking requirements for the project but shall not count against any limit on the maximum number of off-street parking spaces permitted.

B. Adjustment of EV Parking Requirements

When the cost of installing EV parking spaces required by Subsection (1) above would exceed 10 percent of the total project cost, the applicant may submit to the Planning Director a cost estimate for the total project and for the EV installations required by this Section 11-04-08.6 and may request a reduction in the EV parking requirements, and the Planning Director may approve an adjustment in the required numbers or types of EV parking facilities to limit installation costs to no more than 10 percent of the total project costs.

C. Dimensions and Design

(1) All EV parking spaces shall meet the minimum dimensional standards of standard vehicle parking spaces within Section 11-04-08.

(2) EV charging equipment shall be designed and located so as to not impede pedestrian or vehicle travel or create hazards within the public right-of-way.

(3) EV charging equipment for an accessible space shall be designed and located to be accessible by:

(a) Locating each EV charging spaces on an accessible route, with an adjacent sidewalk at least seven feet wide:

(b) Requiring that the accessible parking space served by EV charging equipment be a minimum of 11 feet wide and 20 feet deep;

(c) Providing an adjoining access aisle in addition to the parking space that is a minimum of five feet in width;

(d) Providing clear ground space with an unobstructed side reach at the same level as the vehicle charging space; and

(e) Accessible charger, connector, and other operable parts.

(4) Charging equipment shall be protected by wheel stops, bollards, or similar devices to prevent damage.

(5) Charger cords shall be retractable or have a hanging or storage locations outside of pedestrian pathways.

(6) Cords connecting chargers to vehicles shall not cross driveways, sidewalks, or loading areas.

(7) EV parking spaces with an installed Electric Vehicle Charging Station shall be signed to reserve the parking space for EV users.

(8) All Electric Vehicle Charging Stations shall include an emergency power shutoff located in a location easily accessible by emergency responders.

7. Parking Adjustments**A. General**

(1) The minimum and maximum parking requirements in Table 11-04.9: *Off-Street Parking Requirements*, may be adjusted as described in this Subsection 7, provided that no combination of reductions in Subsections B through G shall result in the reduction of the minimum number of parking spaces required in Table 11-04.9 by more than 50 percent.

(2) A Conditional Use Permit is required for any request to reduce minimum parking requirements by more than 50 percent and instances when parking reductions fall outside of the adjustments described in this Subsection 7, provided that no combination of reductions in Subsections B through G.

B. Shared Parking Facility Reduction

(1) Where two or more uses listed in Table 11-03.1: *Table of Allowed Uses* share a parking lot or garage, the total off-street parking requirement for those uses shown

in Table 11-04.9: *Off-Street Parking Requirements* may be reduced by the factors shown in Table 11-04.11: *Shared Parking Reduction*.

TABLE 11-04.11: SHARED PARKING REDUCTION

To calculate the shared parking reduction, add the requirements for each use category, then divide the sum by the factor indicated below.

USE	MULTIPLE-FAMILY DWELLINGS	PUBLIC, INSTITUTIONAL, OR CIVIC	FOOD, BEVERAGE, INDOOR ENTERTAINMENT, OR LODGING	RETAIL	OTHER COMMERCIAL
Multiple-Family Dwellings	1.0	1.1	1.1	1.2	1.3
Public, Institutional, or Civic	1.1	1.0	1.2	1.3	1.5
Food, Beverage, Indoor Entertainment, or Lodging	1.1	1.2	1.0	1.3	1.7
Retail	1.2	1.3	1.3	1.0	1.2
Other Commercial	1.3	1.5	1.7	1.2	1.0

(2) To calculate the revised minimum parking requirement, calculate the minimum off-street parking requirement individually for the two uses with the highest off-street parking requirement, and then divide that sum by the number shown in the cell for that combination of uses in Table 11-04.11. For example: a development with 5,000 square feet of Small Retail space (3 per 1,000 square feet gross floor area) and 20, two-bedroom Multiple-Family Dwelling units (1.25 per dwelling unit) would take the total spaces required and divide by 1.2.

$$(15) + (25+3) = 43.$$

$$43/1.2 = 35.833$$

The shared parking requirement is 36 spaces.

(3) If more than two uses share a parking lot or structure, the reduction factors in Table 11-04.11 are applied only to the two uses with the highest parking requirements. The minimum parking required for the third and additional uses sharing the parking lot or facility are then added to the adjustment calculated in Subsection (2) above without further adjustment.

C. Two Wheeled Parking Reduction

For every four motorcycle, scooter, or similar two-wheeled vehicle spaces (excluding bicycle parking) provided, the number of standard vehicle spaces required may be reduced by one, provided that each two wheeled parking space is at least four feet wide and at least 10 feet long and is clearly posted or marked as a motorcycle/scooter parking space.

D. Tree Preservation

The Planning Director may allow up to a 10 percent reduction of the required parking spaces to save healthy, desirable trees.

E. Housing Incentive Parking Reduction

Housing projects meeting the requirements of Section 11-04-03.7, *Housing Incentives*, shall be eligible for the parking reductions as set forth in that Section.

F. Transportation Demand Management Reduction

The Planning Director may allow a reduction in required parking for employers that enter into a Transportation Demand Management (TDM) Agreement with the City that specifies how on-site parking will be reduced through property owner or operator programs or initiatives that reduce the amount of parking demand on-site. If a reduction in parking is granted through a TDM Agreement, the employer will be required to remain in good standing with the TDM Agreement and shall submit an annual report documenting the terms of the Agreement are being met. Any TDM Agreement, whether used independently or in combination with other allowed parking reductions, is subject to the 50 percent limitation on overall parking reduction. Such programs may include the following:

- (1) Compressed work week schedules;
- (2) Flexible arrival and departure times;
- (3) Telework opportunities;
- (4) Incentives for employees to use alternative modes of transportation to the workplace;
- (5) End of commute amenities such as a locker room, changing room or shower;
- (6) Implement/support ridesharing program (i.e., vanpool, carpool);
- (7) Designate a Commute Coordinator (Employee Transportation Coordinator) to facilitate employee/property commute program;
- (8) Display transportation information in a prominent location including transit routes and schedules; carpooling and vanpooling information; bike routes; and commute subsidy information;
- (9) Provide information for new tenants and employees on transportation options (e.g., flyers, posters, brochures, onboarding information, and emails on commute alternatives); host/participate in transportation fairs, local commute events such as May in Motion or Boise Bike Week;
- (10) Provide employee subsidies for alternative transportation;
- (11) Provide preferred parking for carpool/vanpool;
- (12) Provide pre-tax benefits for transit/vanpool costs;
- (13) Allocated space for bike share station/kiosk;
- (14) Provide ongoing funding/sponsorship of bike share program/station;
- (15) Provide transit, scooter, and bike share passes; or
- (16) Provide website links to local transportation/commute programs that may include but are not limited to: Commuteride, City Go, alternative transportation programs on developer, property management, or employer websites.

G. Adjustments to Exceed Parking Maximums

Up to 10 percent of the parking maximum may be exceeded by the Planning Director through an administrative approval if the Planning Director determines that:

- (1) The additional parking spaces are required to reduce adverse impacts to the surrounding neighborhood; and/or
- (2) The additional parking is required due to unique characteristics of the use not generally shared by other uses in the same use category shown in Table 11-03.1: *Table of Allowed Uses*.

8. Vehicle Parking Location and Design**A. Location****(1) Off-Site Locations Permitted**

Parking required by Table 11-04.11 shall be provided on the same lot or combination of contiguous lots for which it provides required parking, except that in the R-3, Mixed-Use, Industrial, or Open Land zoning districts, parking may be located up to 600 feet from the lot containing the principal uses for which it provides parking. The Planning Director may require written evidence from the owner of the off-site location confirming the continued availability of the site to meet such parking requirements.

(2) On-Site Location**(a) Prohibited Location**

Perpendicular vehicle parking is prohibited within the public right-of-way, and all vehicle parking is prohibited on undeveloped or unimproved public right-of-way. Parking lots shall not be designed to back into the street.

(b) Required Setbacks

- i. In the Residential zoning districts, except for working vehicles in daily use parked on driveways, in front of homes, parking areas and parking spaces shall not be permitted:
 - A. In required setbacks;
 - B. Unimproved parking areas; or
 - C. Other areas not designed for vehicle parking.
- ii. Trailers, camp trailers, boats, boat trailers, recreational vehicles, and all other vehicles not in daily use may use gravel surfacing but are prohibited from parking in the required setbacks.
- iii. Open air public or private driveways, parking areas and service drives in a Residential zoning district shall provide a minimum five foot wide landscaping and screening area be constructed and maintained along the abutting property line as provided for in Section 11-04-09.10.D(2), *Parking and Storage Areas*.
- iv. In the Mixed-Use, Industrial, or Open Land zoning districts, parking areas and parking spaces shall not be permitted in any required setback, except as follows:

- A.** Rear setback areas shall not be used for off-street parking or loading areas unless the rear setback abuts an alley providing access to the parking spaces.
- B.** Side yards that do not abut a street may be used for unenclosed off-street parking provided that a minimum five foot wide landscape area is constructed and maintained along the abutting side property line.

(c) Time Limit

No commercial vehicle or trailer shall be parked, stored, or otherwise left unattended at any place in a Residential zoning district whether on public or private property for over two hours except while engaged in construction or any other permitted activity.

(d) Site Layout

The following standards shall apply in the R-2, R-3, and Mixed-Use zoning districts, unless otherwise required by the Citywide or Downtown Design Standards and Guidelines, including but not limited to any Building Type Frontage Standards applicable to specific street segments.

- i.** Surface parking areas shall be located to the side or rear of buildings.
- ii.** For multi-building developments, no more than 50 percent of the primary street frontage shall be occupied by parking and vehicular access driveways.
- iii.** Garage entries, carports, and parking structures shall be internalized in building groupings or oriented away from street frontage to the maximum extent practicable.

B. Dimensional Standards

(1) Surface Parking Lots and Areas

Dimensions of all parking or maneuvering areas in surface parking lots shall be designed as required by Table 11-04.12 below, except that accessible parking spaces shall be designed as required by Section 11-04-08.3.

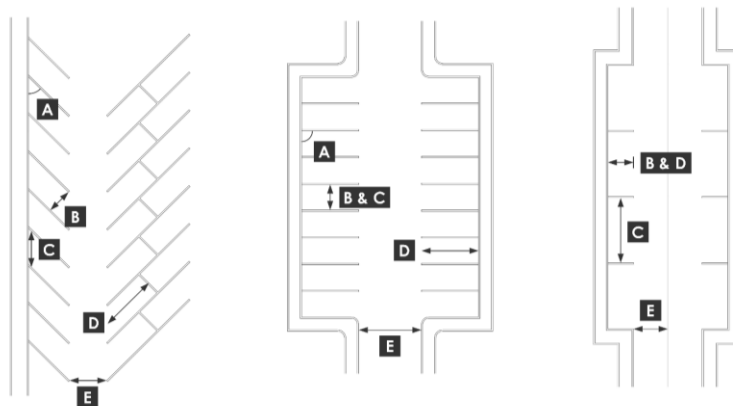


Figure 4.22. Minimum Parking Lot Design Standards

TABLE 11-04.12: MINIMUM STANDARDS FOR PARKING LOT DESIGN

PARKING ANGLE [A]	STALL WIDTH [B]	CURB LENGTH PER CAR [C]	STALL DEPTH [D]	DRIVE AISLE WIDTH [E]
For Standard Vehicles				
0°	9 ft.- 0 in.	23 ft.- 0 in.	9 ft.- 0 in.	12 ft.- 0 in.
30°	9 ft.- 0 in.	18 ft.- 0 in.	17 ft.- 8 in.	12 ft.- 0 in.
45°	9 ft.- 0 in.	12 ft.- 9 in.	20 ft.- 5 in.	13 ft.- 0 in.
60°	9 ft.- 0 in.	10 ft.- 5 in.	21 ft.- 10 in.	16 ft.- 0 in.
90°	9 ft.- 0 in.	9 ft.- 0 in.	20 ft.- 0 in.	22 ft.- 0 in.
For Compact Vehicles				
0°	7 ft.- 6 in.	18 ft.- 0 in.	7 ft.- 6 in.	12 ft.- 0 in.
30°	7 ft.- 6 in.	15 ft.- 0 in.	14 ft.- 0 in.	12 ft.- 0 in.
45°	7 ft.- 6 in.	10 ft.- 7 in.	15 ft.- 11 in.	13 ft.- 0 in.
60°	7 ft.- 6 in.	8 ft.- 8 in.	16 ft.- 9 in.	16 ft.- 0 in.
90°	7 ft.- 6 in.	7 ft.- 6 in.	15 ft.- 0 in.	22 ft.- 0 in.

(2) Compact Spaces

(a) A maximum of 40 percent of the total spaces required may be designed, designated, and used for compact size vehicles. The dimensional standards for compact vehicle spaces and driveways are indicated in Table 11-04.12 above.

(b) Compact spaces shall be clearly marked for use by compact vehicles on the pavement or curb.

(3) Bumper Overhang

Standard parking stall lengths may be reduced from 20 feet to 18 feet when the adjacent sidewalk or landscaping is increased by two feet above the minimum requirement. The minimum width for a sidewalk or landscape strip adjacent to a bumper overhang is seven feet.

(4) Parking Structure Space Dimensions

(a) Spaces within parking structures shall be a minimum of eight and one-half feet wide and 18 feet long.

(b) Compact parking stalls shall not be provided within parking structures.

C. Tandem Parking

Unless otherwise prohibited elsewhere in this Code, tandem parking for Single-Family Detached, Single-Family Attached Dwellings, and Manufactured Home Communities is allowed.

D. Driveways

(1) All driveways shall extend into the site perpendicular to the street from which they provide access, unless the Planning Director approves an alternative based on a determination that the driveway:

(a) Is required to enhance the natural elements of the site such as preserving existing trees; or

(b) Is required for safety reasons such as avoiding backing into a collector or arterial street with limited motorist visibility.

(2) All parking areas, driveways, and other vehicular access for Single-Family Detached, Duplex, Triplex, or Fourplex dwellings may consist of wheel strips, pavers, or other hard surface material approved by the Planning Director. Other residential uses are subject to standards in accordance with Subsection F, below.

(3) Driveways for Single-Family Attached, Single-Family Detached or Duplex Dwellings shall be a minimum of nine feet in width. Driveways or service drives for other residential uses are subject to Section 11-04-07.4.J(2), *Service Drives*.

(4) Driveways are permitted in the front and street side setbacks in accordance with Section 11-04-07.4.J(2), *Service Drives*.

(5) For Single-Family Attached, Single-Family Detached Dwellings, individual driveways in the front or street side setback shall not exceed a width of 30 feet within the setback, unless another provision of this Code requires a narrower width.

(6) Parking on Residential Small Lots is regulated by Section 11-04-03.4, *Residential Small Lots*.

E. Surfacing

Driveways, parking areas and vehicle storage areas shall be built with a non-permeable material such as concrete or asphalt, except that:

(1) A gravel surface area may be used within the I-1 or I-2 zoning districts for enclosed material storage yards or grounds maintenance areas only and shall not be used in areas where vehicles are stored or driven. The storage and maintenance areas shall be located behind the building and be enclosed by a six foot high sight obscuring fence.

(2) The Planning Director may approve an alternative surface based on considerations of durability, permeability, and visual interest and quality:

F. Residential Garages

(1) Street access is prohibited when alley access is available.

(2) Residential garages that provide a single space shall be a minimum of 10 feet wide and 20 feet long.

G. Parking Area Landscaping

All development shall comply with Section 11-04-09, *Landscaping, Fencing, Walls, and Screening*.

H. Parking Area Lighting

All development shall comply with Section 11-04-011, *Exterior Lighting*.

9. Required Bicycle Parking

A. Amount Required

The development shall include at least the minimum number of bicycle parking spaces shown in the following table based on the category of the use or individual use as shown in Table 11-03.1: *Table of Allowed Uses*.

B. Parking for Unlisted Uses

The Planning Director shall determine the required bicycle parking for uses not listed in Table 11-04.9: *Off-Street Parking Requirements Bicycle Parking Requirements*, based on expected volume of activity on the site.

TABLE 11-04.13: MINIMUM BICYCLE PARKING REQUIREMENTS

DU = DWELLING UNIT

* = PLANNING DIRECTOR DETERMINATION

SF = SQUARE FEET

GFA = GROSS FLOOR AREA

USE	LONG TERM BICYCLE PARKING REQUIRED	SHORT TERM BICYCLE PARKING REQUIRED
Multiple-Family Dwellings	1 space per studio or first bedroom and 0.5 spaces for each additional bedroom	1 space per 10 DU
Assisted Living Facility or Continuing Care Retirement Facility	2 spaces or 1 space for every 10 employees, whichever is greater	1 space per 20 beds
Retail Uses and Personal and Business Services	2 spaces plus 1 additional space for every 2,000 sf. GFA	2 spaces plus 1 additional space for every 1,000 sf. GFA
Food and Beverage Uses (excluding Food Truck uses)	2 spaces plus 1 additional space for every 2,000 sf. GFA	2 spaces plus 1 additional space for every 1,000 sf. GFA
Office	2 spaces plus 1 additional space for every 2,000 sf. GFA	2 spaces plus 1 additional space for every 2,000 sf. GFA
Auditorium or Theater, Indoor and Conference or Event Center	*	*
Forest Reserve or Recreation Area, Park or Playground, and Outdoor Recreation	*	*
Industrial Uses	2 spaces plus 1 additional space for every 4,000 sf. GFA	2 spaces plus 1 additional space for every 10,000 sf. GFA
School	1 space for every 10 employees plus 1 space for every classroom	3 spaces for every 10 students
College or Other Institution of Higher Education	*	*
Religious Institution	1 space plus 1 additional for every 4,000 sf. GFA	2 spaces plus 1 additional for every 4,000 sf. GFA

(1) If more than 10 bicycle parking spaces are required, a minimum of 10 percent of the required bicycle parking spaces shall be designed to accommodate cargo bicycles or bicycles with trailers.

C. Location

(1) Short-term bicycle spaces designed to meet the needs of visitors to the development shall be located within 50 feet from the main entrance of the building.

(2) Short-term bicycle racks shall be located so that they:

- (a) Are easily accessed from the street and protected from motor vehicles;
- (b) Are visible to passers-by to promote usage and enhance security;
- (c) Do not impede or interfere with pedestrian traffic or routine maintenance activities when bicycles are parked at/in them; and
- (d) Do not block access to buildings, bus boarding or freight loading.

(3) Long-term bicycle spaces shall be designed to meet the needs of employees, residents, public transit users, and others with similar needs.

(4) Long-term bicycle parking shall be enclosed, covered and secured, or attended. Covered bicycle parking includes but is not limited to a secure and accessible room in a building, a secure and accessible enclosure within a parking structure, or a cluster of bicycle lockers. All bicycle parking lockers and structures shall be located outside of the required setbacks.

(5) Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units.

(6) Not less than 50 percent of required long-term spaces shall be accessible and not require the use of stairs or an elevator.

(7) Long-term spaces that are accessed using stairs shall require a bike runnel.

D. Design Standards

(1) No more than 25 percent of the required bicycle parking spaces may require the bicycle to be hung or parked vertically, rather than being parked with both tires on the ground.

(2) Standard bicycle parking spaces shall be a minimum of six feet long and two and one-half feet wide.

(3) Cargo bicycle and bicycle trailer parking spaces shall be a minimum of 10 feet long and three feet wide.

(4) A four foot wide aisle is required between rows of bicycle parking spaces or between a row of bicycle parking spaces and any wall or potential obstructions.

(5) Three and one-half feet of clearance shall be provided between bicycle parking spaces and vehicle parking spaces or travel lanes for the opening of passenger-side doors.

(6) All bicycle parking spaces, and associated racks shall not impede pedestrian walkways.

(7) All covered spaces shall have an overhead clearance of seven feet.

(8) Bicycle racks shall be located on improved non-permeable surfaces and shall be anchored to the ground.

(9) Bicycle racks shall be installed to the manufacturer's recommended specifications and adhere to any further design criteria or codes established by the City. Accommodation of varied bicycle sizes and styles, including electric bicycles and cargo bicycles, is encouraged through provision of racks installed with greater clearance from obstructions, walkways, and other bicycle parking spaces.

(10) Designated bicycle parking areas shall include adequate lighting.

(11) Bicycle racks shall provide two points of contact with the bicycle frame such as an inverted "U" or a post and ring and shall allow locking of frame and at least one wheel with a U-lock. Wave, schoolyard, wheel well, bollard and spiral racks are prohibited.



Figure 4.23. Examples of Allowed Bicycle Racks



Figure 4.24. Examples of Prohibited Bicycle Racks

10. Off-Street Loading Facilities

All primary commercial and industrial uses shall comply with the standards in this Section 11-04-08.10 regarding the provision of vehicle loading spaces.

A. Quantity and Size

The quantity and size of loading spaces required shall be as indicated in Table 11-04.14, below.

TABLE 11-04.14: REQUIRED OFF-STREET LOADING SPACES		
GROSS FLOOR AREA (SQUARE FEET)	NUMBER OF LOADING SPACES REQUIRED	MINIMUM SIZE OF EACH REQUIRED LOADING SPACE
Less than 20,000	None	N/A
20,000-49,999	1	10 feet x 25 feet

TABLE 11-04.14: REQUIRED OFF-STREET LOADING SPACES		
GROSS FLOOR AREA (SQUARE FEET)	NUMBER OF LOADING SPACES REQUIRED	MINIMUM SIZE OF EACH REQUIRED LOADING SPACE
50,000-99,999	2	One 10 feet x 25 feet and One 12 feet x 50 feet
100,000 and more	2, plus 1 additional space for every 100,000 square feet beyond the first 100,000	14 feet x 50 feet and 13 feet high

B. Standards

- (1) Loading areas shall comply with setback and landscaping requirements.
- (2) Loading areas shall not be oriented toward Residential zoning districts and shall not be permitted between the primary façade of a building and the front lot line/property line.
- (3) Loading areas shall be clearly posted or marked.
- (4) For buildings greater than 20,000 square feet in the MX-5 zoning district, applicants may request approval of alleys for loading activities as an alternative to on-site loading area.
- (5) Loading spaces and access routes to loading spaces shall not interfere with parking lot or parking garage maneuvering areas or with designated on-site patron drop-off/pick up locations.

11. Modifications

The Planning Director may modify the requirements of this Section 11-04-08 if the Planning Director determines that the site cannot accommodate these requirements, and that alternative loading methods or facilities can be provided in a manner compatible with surrounding uses.

12. Compliance with Design Standards

A. In addition to the standards required by this Section 11-04-08, all Multiple-Family Dwelling, mixed-use, and nonresidential development, including but not limited to Parking Garages shall comply with the standards and other mandatory content in the Citywide Design Standards and Guidelines and the Downtown Design Standards and Guidelines, as applicable in the area where the property is located.

B. In the event of a conflict between the standards in this Section 11-04-08 and applicable standards in the Citywide or Downtown Design Standards and Guidelines, the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

11-04-09. Landscaping, Fencing, Walls, and Screening

1. Purpose

The purpose of this Section 11-04-09 is to establish requirements for the design, installation, and maintenance of landscapes that:

- A.** Conserve, protect and promote the City's natural environment and high quality of life;
- B.** Contribute ecologically and aesthetically to the prosperity of the City;

- C. Achieve healthy, attractive, and safe environments based on recognized design and urban forestry principles;
- D. Expand the tree canopy to reduce the heat island impact and mitigate climate impacts;
- E. Improve pedestrian comfort;
- F. Conserve water;
- G. Integrate stormwater management and minimize polluted water;
- H. Screen the visibility of less desirable uses and functions;
- I. Preserve native vegetation and the appropriate use of native landscape materials; and
- J. Reduce adverse impacts to wildlife.

2. Applicability

All applications for development or property use listed below shall comply with the provisions of this Section 11-04-09.

A. Development

(1) All new development involving the construction of new residential, mixed-use, and nonresidential buildings. Single-family dwellings and accessory dwelling units that do not contain multiple primary uses on the site are exempt from the Landscaping and Screening Standards contained within Section 11-04-09.

(2) The expansion and alteration of the gross floor area of an existing Multiple-Family Dwelling, mixed-use, or nonresidential building by 50 percent or more.

B. Compliance With Existing Approvals Required

If an application under this Code does not otherwise require a change to the existing landscaping, fencing, walls, or screening on the lot or parcel, but the existing development is not in compliance with the landscaping, fencing, walls, or screening required by a previous permit or approval for that development, the City may require compliance with the terms of those prior approvals as a condition on the approval of the current application.

C. Existing Parking Lots

(1) When existing parking lots are re-striped or a new coat is applied to the surfacing, the applicant shall replace and repair the existing landscaping to the standards that applied at the time the related building was constructed or the related use began operations.

(2) When the area of an existing parking lot is replaced or is expanded up to 25 percent, the applicant shall replace and repair the existing landscaping to the standards that applied at the time the related building was constructed or the related use began operations and shall install parking lot perimeter landscaping that complies with Section 11-04-09.5.B(3).

(3) When the area of an existing parking lot is expanded by 26 percent or more, the applicant shall comply with all standards in this Section 11-04-09 regarding parking lot landscaping.

3. General Landscaping Standards

A. Landscape Plan Required

A landscape plan is required for all activities subject to this Section 11-04-09, regardless of whether the application is for a Zoning Certificate, Certificate of Appropriateness, Conditional Use Permit, Variance, or Minor or Major Design Review.

B. Adopted Streetscape Plans

Where the City has adopted streetscape standards for any street bordering a project site, and there is a conflict between the adopted streetscape standards and the standards of this Section 11-04-09, the adopted streetscape standards shall apply.

C. Site Area Landscaping

(1) Any part of a site not used for buildings, parking, driveways, walkways, utilities, or approved storage areas shall be retained or reclaimed to its natural state such that it is free of dust and noxious weeds or landscaped pursuant to the standards in this Section 11-04-09.

(2) Plants, walls, fences, buffering, and screening, located on adjacent properties do not satisfy landscape requirements for the subject property. All required landscaping shall be located on the property required to provide it pursuant to this Section 11-04-09.

(3) An approved protective curbing shall be required adjacent to all planting areas that border driveways, parking lots or vehicle use areas.

(4) If the location of any utility facility, utility easement, or service area required by adopted City or utility provider standards prevents the location of trees, shrubs, or other landscaping in locations required by this Section 11-04-09, the applicant shall be required to install an equivalent number of trees, shrubs, or landscaping in other landscaped areas of the site. If the required number of trees cannot be accommodated on the remaining available site area, the applicant shall satisfy the mitigation requirements under Section 11-04-09.8, *Tree Preservation*.

D. Landscape Material Standards

(1) Approved Plant Materials

(a) The latest edition of the Treasure Valley Tree Selection Guide, or any successor publication as determined by the Director of Parks and Recreation, is hereby adopted as the list of approved and recommended trees for on-site planting.

(b) Plant selection, establishment, and maintenance for storm water facilities shall comply with the Public Works Department Stormwater Plant Materials Resource Guide to the maximum extent practicable.

(c) New plant varieties are being produced every year and other species not listed in the above publications or species that are more disease resistant, pest resistant, or drought tolerant may also be approved by the Director of Parks and Recreation.

(2) Prohibited Plant Materials

The plants listed as Trees Not Permitted for Rights-of-Way Property Planting in the Treasure Valley Tree Selection Guide are prohibited from being planted along any street or within any parking lot subject to this Section 11-04-09.

(3) Minimum Plant Sizes

TABLE 11-04.15: MINIMUM PLANT SIZES	
TYPE OF PLANT	SIZE
Shade/Ornamental Trees	1.5 inch caliper
Evergreen Trees	6 foot height
Shrubs	3 gallon
Perennials	1 gallon

(4) Plant Species Diversity

(a) Trees

When five or more trees are to be planted to meet the requirements of any portion of this Section, a mix of species shall be provided as shown in Table 11-04.16 below:

TABLE 11-04.16: TREE SPECIES MIX	
REQUIRED NUMBER OF TREES	MINIMUM NUMBER OF SPECIES
5 - 10	2
11 - 30	3
31 - 50	4
50+	5
When the total number of trees is greater than 10, one species cannot amount to more than 30% of the total.	

(b) Other Plant Materials

- i. To improve pollinator habitat, at least 25 percent of planted areas shall include native flowering and nectar producing plant species.
- ii. Where shrubs are required to be planted, up to 25 percent of the total number of required shrubs may be substituted with flowering perennials, grasses, or ferns.

(5) Non-Vegetative Materials

- (a) Non-vegetative materials, such as decorative rock, artificial grass, bark, and perma-bark, shall not count toward the minimum landscape requirement.
- (b) The use of bark or other loose material shall be designed and located to prevent being displaced or washed out of the planting area.
- (c) Non-vegetative material, including but not limited to rock mulch and decorative rock, may only be used to augment the landscape or around the base of trees and shrub groupings or flower beds, and shall not constitute the only ground cover in more than 20 percent of any area required to be landscaped.

(d) Planting areas using rock mulch or decorative rock shall have 50 percent of the ground surface covered by vegetation at plant maturity.

(e) Natural colors shall be used.

(6) Mulch

(a) Organic mulch such as bark or soil aid shall be applied and maintained in all planting areas at a minimum two-inch depth, except that decorative rock mulch may be permitted as part of the approved landscape plan.

(b) Use of mulch as the only ground cover in required planting areas is prohibited.

(c) Impermeable plastic weed barriers under the mulch is prohibited.

E. Water Conservation Standards

All required landscaping shall be designed to address the physical site characteristics of the property, the needs of those using the property, and the best water-conserving methods for a semi-arid continental climate. The landscape plan shall reduce water consumption through site design, plant selection, irrigation practices, and improved soil water holding capacity through amendment with compost, complying with the following xeriscaping and conservation standards:

(1) Soil Amendment

Prior to the installation of lawn or other plant materials in areas that have been disturbed or compacted by construction activity, soils shall be amended to increase soil water holding capacity. Proper soil amendment includes thoroughly loosening soils to a depth of six inches, adding compost as a soil amendment at a rate of four cubic yards per 1,000 square feet of total area to be planted, and thoroughly incorporating compost to a depth of at least two inches. Areas with existing native vegetation that remain undisturbed shall be exempt from the soil amendment requirement, provided that native soil and vegetation in such area is protected from disturbance and compaction during the construction process.

(2) Lawn Areas

(a) Lawn areas shall be a drought-tolerant and/or adaptive sod or seed mix that is appropriate to the natural conditions found at the site, except that lawn species that require regular mowing or maintenance, such as Kentucky Bluegrass:

- i. Shall not exceed 33 percent of the landscaped area on a site; and
- ii. Shall not be used in median strips, parking strips, or difficult-to-maintain areas less than six feet in width.

(b) Lawn areas larger than 15,000 square feet shall have soil moisture sensors that are properly installed and adjusted.

(c) In all zoning districts, any area that does not provide recreational value or is used solely for decorative purposes is prohibited from using lawn that requires regular maintenance for landscape purposes. This prohibition includes but is not limited to the installation of Kentucky Bluegrass turf in roadway medians, traffic circles and roundabouts, street frontage areas located between detached sidewalks and curbs, and

within parking lot landscaped islands or stormwater swales. Low ground cover alternatives shall be used to the maximum extent practicable.

(3) Plant Selection, Plant Location and Efficient Irrigation

- (a)** Plants shall be placed based on adaptability to regional and micro climatic conditions, including shade, sun, and wind.
- (b)** Plants having similar water needs shall be grouped together in distinct hydrozones and spaced to minimize watering needs while maximizing growth and spread of plants.
- (c)** Native and other low-water-use plants shall be installed to the maximum extent practicable.
- (d)** Invasive, destructive, and exotic plants shall not be installed.

(4) Water Features

Water features such as fountains, waterfalls and ponds are discouraged, but if used shall comply with the following standards:

- (a)** The water used shall be recycled through the feature;
- (b)** The feature shall be designed to prevent leakage;
- (c)** Provisions for continued maintenance of the feature shall be identified in a narrative that accompanies the landscape plan; and
- (d)** Evidence of the right to use the water for this purpose is required when the water will be obtained from an irrigation ditch or a well.

F. Placement and Installation of Trees

(1) Location and Spacing

All trees planted pursuant to this Section 11-04-09 shall comply with the following standards. Class I, II, and III trees are identified in the Treasure Valley Tree Selection Guide.

- (a)** For every 60 feet of perimeter landscape, one Class III tree shall be planted.
- (b)** Class III trees shall be spaced 40 to 50 feet apart, depending on mature crown spread.
- (c)** Class II trees may be used and spaced 25 to 45 feet apart, depending on mature crown spread.
- (d)** Class I trees shall be used where overhead power lines prohibit use of taller trees and may be used to mark entry points into a subdivision or to mark a special feature.
- (e)** Class I trees shall be spaced 15 to 30 feet apart, depending on mature crown spread.
- (f)** For design flexibility, trees may be grouped together or spaced evenly as desired. Unless Community Forestry approves an alternative spacing, trees shall be spaced no closer than 80 percent of the average mature width of the trees as demonstrated in the following examples:

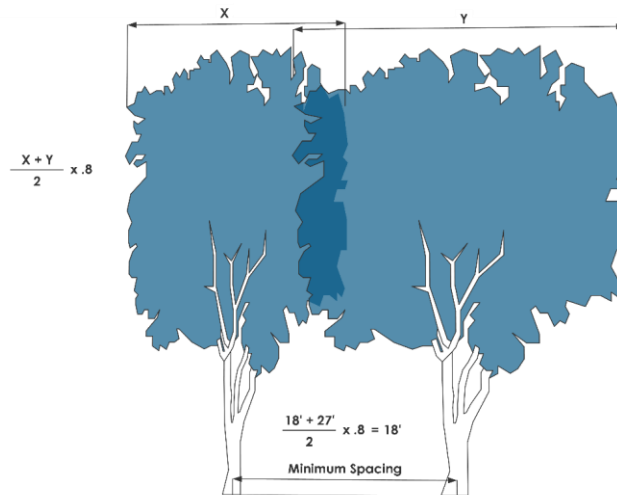


Figure 4.25. Tree Spacing Calculation Example

(2)Curbing to Protect Trees

All planting areas that border driveways, parking lots and other vehicle use areas shall be protected by curbing, wheel stops, or other protective devices located a minimum of 30 inches from all tree trunks.

(3)Avoiding Interference with Utilities

The following standards apply to the planting of trees near existing utilities and to trenching for new utilities near existing trees:

(a) Overhead Utilities

Class I may only be planted under or within 10 lateral feet of any overhead utility wires if approved by Community Forestry.

(b) Underground Utilities

- i. All trees shall be planted outside of any utility easement unless written approval is obtained from the applicable agency.
- ii. All trees shall be planted outside of any easement that contains a City sewer main unless written approval is obtained from the City Engineer.
- iii. If any utility easement precludes trees required by this Section, the width of the required buffer shall be increased to accommodate the required trees.

(c) Trenching

New underground utilities shall be located outside of the critical root zone of existing trees if trenched or be tunneled a minimum of three feet below existing grade within the tree's critical root zone. If trenching is to be done within the critical root zone, an air spade or hand trenching is required. No root two inches or larger shall be cut. This requirement is for placement of new utilities and does not affect the City's or the utility's ability to access existing utilities for repair, replacement, and maintenance.

(4) Avoidance of Irrigation and/or Drainage Easements

- (a) Any tree planted within any irrigation or drainage easement shall have written approval obtained from the agency holding the easement or managing facilities in the easement.
- (b) If any irrigation or drainage easement precludes installation of any trees required by this Section 11-04-09, the width of the required buffer shall be increased to accommodate the required trees or, if the site cannot accommodate the additional buffer, the applicant shall meet all tree mitigation requirements in Section, Tree Preservation.

G. Berms

- (1) Berm slopes shall not exceed three to one (3:1, horizontal: vertical).
- (2) Slopes shall not exceed four to one (4:1) on areas that require mowing.

H. Clear Areas

- (1) Trees, shrubs, and other landscaping shall not encroach into the minimum required clear height and width of primary or emergency vehicle access and shall preserve a minimum clear height of 80 inches above all pedestrian pathways.
- (2) Trees, shrubs, and other landscaping shall not encroach into any pedestrian walkway, including but not limited to sidewalks and multi-use pathways.
- (3) Landscaping shall not block the clear vision triangle at street intersections as determined by the ACHD.
- (4) The clear vision triangle shall be kept free of visual barriers including vegetation, except deciduous trees pruned at least eight feet in height above the sidewalk and 14 feet above the roadway, and walls, signs, vehicles, solid fences, or other sight obstructions exceeding three feet in height.

I. Irrigation

(1) Irrigation Required

All landscape areas requiring irrigation shall be served with an automatic underground irrigation system. Areas of landscaping that will not require supplemental watering after initial establishment are not required to have permanent irrigation.

(2) Irrigation Water Source

- (a) To the maximum extent practicable, all requirements for landscape irrigation for all forms of development and redevelopment shall be met through the use of non-potable surface water as defined by Idaho Code 67-6537.
- (b) If non-potable surface water supply is available prior to an annexation of land or City approval of a change of use for the property pursuant to this Code, the use of such water shall be retained for landscaping irrigation purposes following such City approvals.

J. Installation

(1) Certificate of Completion

Before issuance of the final Certificate of Occupancy, a licensed landscaping professional shall submit to the city certification that the landscaping has been

installed in compliance with the approved plans. Certification shall demonstrate that a certified arborist has been consulted.

(2) Installation Schedule

All required landscaping, irrigation systems and site features shall be installed according to the approved landscape plan prior to issuance of a final Certificate of Occupancy.

(3) Extension of Time for Installation

Upon recommendation of the Planning Director, a temporary Certificate of Occupancy may be issued for a specified time period, not to exceed 180 days when:

- (a)** Due to weather or other circumstances, the landscaping or other required site amenities cannot be completed; and
- (b)** The applicant has provided surety to the City for the required improvements.

4. Street Frontage Landscaping

A. Applicability

Street frontage landscaping shall be required to be installed between the curb and inside of sidewalk and between the sidewalk and each street-facing façade or parking lot, as applicable, of a primary Multiple-Family Dwelling, mixed-use, and nonresidential building. Street frontage landscaping between the sidewalk and street-facing facades shall not be required in the MX-1, MX-2, MX-3, MX-4, and MX-5 zoning districts where a landscape buffer would prevent the placement of a proposed building at the allowed front or street side setbacks.

B. Size and Location

- (1)** Street frontage landscaping shall be installed along the full width of the required front setback.
- (2)** All required landscaping shall be located outside any public street right-of-way to the maximum extent practicable.
- (3)** The required planting area between the sidewalk and façade or parking lot shall be measured from the property line (after dedication of any public right-of-way) or from the back of the sidewalk, whichever is greater.
- (4)** Landscape buffer widths shall be a minimum of eight feet for Class II and III trees and ten feet for Class I trees, as measured from the inside of the sidewalk to the inside of the curb.
- (5)** Irrigated landscaping, by agreement with the Ada County Highway District (ACHD), is required in unpaved areas within the undeveloped public street right-of-way.

C. Street Trees

The following standards shall apply to all areas located between a detached sidewalk and a public street right-of-way. If an attached sidewalk is present, the following standards shall apply to the area located between the attached sidewalk and the closest primary building on the property.

- (1) All required street frontage landscaping shall be planted with trees and shrubs, or other vegetative groundcover, not including turf that requires regular maintenance, with a minimum density of one tree per 40 lineal feet.
- (2) The largest possible class of tree shall be planted in street frontage landscaping to the maximum extent practicable.
- (3) Coniferous and evergreen trees are only allowed to be installed in planting areas between sidewalks and streets greater than 20 feet in width in width.
- (4) Tree grates shall be a minimum of 36 square feet in size.
- (5) Trees located in the public right-of-way shall comply with Title 7, Chapter 3 of the Boise City Code.

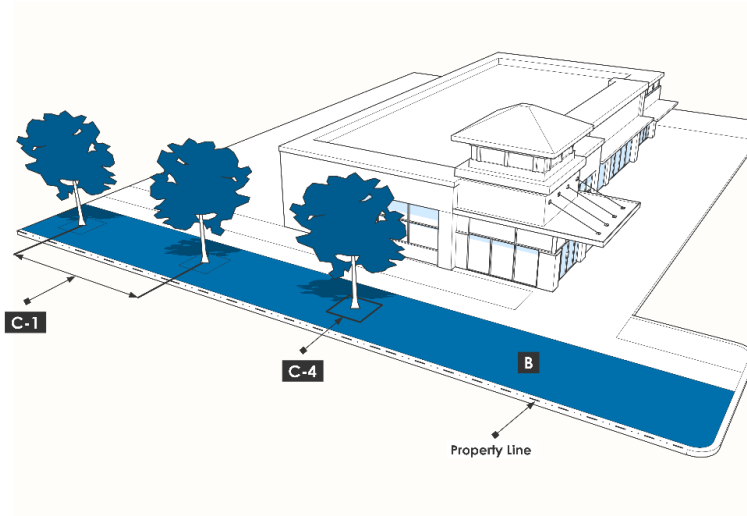


Figure 4.26. Street Frontage Landscaping

5. Site Perimeter Buffers

A. Arterial and Collector Street Buffering

(1) Applicability

Where lots containing Single-Family Detached or Attached, Duplex, Triplex, Fourplex, Co-Housing, Cottage Village Dwellings or Manufactured Home Communities are adjacent to collector or arterial streets as shown on the current Ada County Highway District Master Street Map, the following landscape buffer standards apply.

(2) Frontage Road

- (a) Frontage roads, as permitted by the Ada County Highway District and separated from a collector or arterial street by a 10 foot wide landscape buffer, may be permitted.
- (b) The landscape buffer shall be planted with trees and shrubs that at maturity will form a solid screen at least six feet high and a continuous tree canopy.

(3) Side and Rear Perimeters

- (a) If a non-buildable lot abutting an arterial or collector street is created pursuant to Section 11-04-04.4.E(2), *Side and Rear Lot Line/Property Lines*, it shall be landscaped pursuant to Subsection B below.

(b) If the buffer required by Section 11-04-04.4.E(2), *Side and Rear Lot Line/Property Lines*, is located within one or more platted lots, only the required side and/or rear setbacks on those lots (not the entire depth of the buffer shall be landscaped pursuant to Subsection B below.

(c) Fences and walls shall not be placed within the following areas:

- i. The internal boundary of the required landscape buffer;
- ii. A minimum of five feet from the back of attached sidewalks;
- iii. At the back of sidewalks separated from the curb by landscaping (unless the fence is not higher than four feet tall); or
- iv. 15 feet from back of curb.

B. Other Side and Rear Perimeter Buffers

(1) Applicability

Side and rear landscape buffers shall be required for all boundaries of Multiple-Family Dwelling, mixed-use, and nonresidential developments that are not adjacent to collector or arterial streets as shown on the current Ada County Highway District Master Street Map.

(2) Size and Location

Unless a zero setback is applicable, landscape buffer widths shall be based on the required setbacks of the underlying zoning district or the minimum width to accommodate the required plantings at full maturity, whichever is greater. All required side and rear buffers shall be located within the property and shall be maintained by the property owner. Where a utility easement is present, buffers shall be located adjacent to but not interfere with the easement.

(3) Parking Lot/Vehicular Use Area Buffers

(a) If an interior side or rear lot line/property line is adjacent to a parking lot or other vehicular use area including but not limited to vehicle sales areas, truck and bus parking areas and driveways the perimeter landscape strip shall be planted with one tree per 40 lineal feet.

(b) Species shall be selected from the Treasure Valley Tree Selection Guide or an alternative approved by Community Forestry.

(c) Clustering of trees is allowed, but clustered trees shall be spaced no closer than 80 percent of the average mature width of the trees, except as otherwise allowed by Community Forestry.

(d) In the event of a conflict between the standards in Subsection (a) above and the standards in Section 11-04-09.5.C, *Lot Buffers Between Different Land Uses* below, the standard requiring the more intense visual screen, as determined by the Planning Director, shall apply.

C. Lot Buffers Between Different Land Uses

(1) Applicability

Lot buffers shall be required along the entire contiguous property lines between Residential uses and mixed-use or nonresidential uses.

(2) Required Landscaping

Required buffering shall be of one of the following four different types of landscaping, each of which has a defined purpose, but all of which shall be required to provide visual buffering to a height of eight feet above grade at maturity.

(a) Type A – Screened Separation

Type A landscaping is intended to function as a full screen and visual barrier.

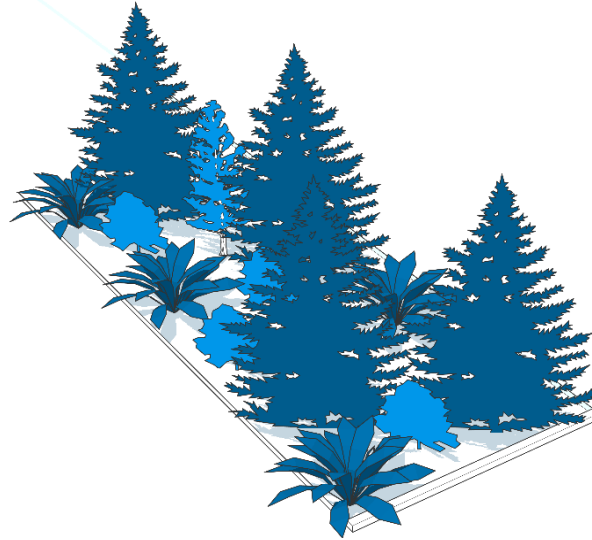


Figure 4.27. Type A Landscaping

(b) Type B – Filtered Screen

Type B landscaping is intended to function as a visual separator.

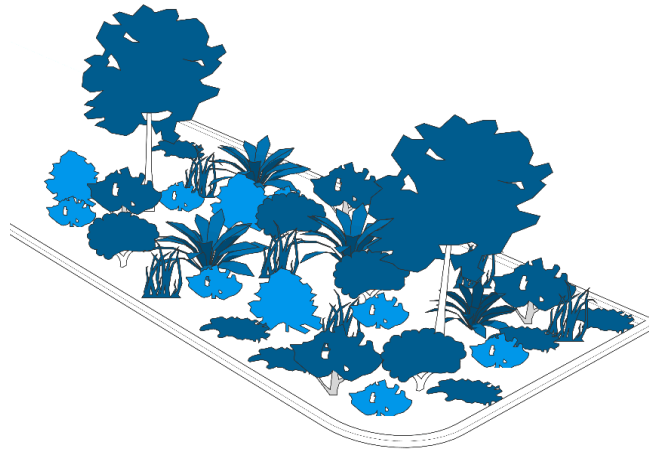


Figure 4.28. Type B Landscaping

(c) Type C – Visual Enhancement

Type C landscaping is intended to function as a partial visual separator that softens the appearance of parking areas and building elevations.

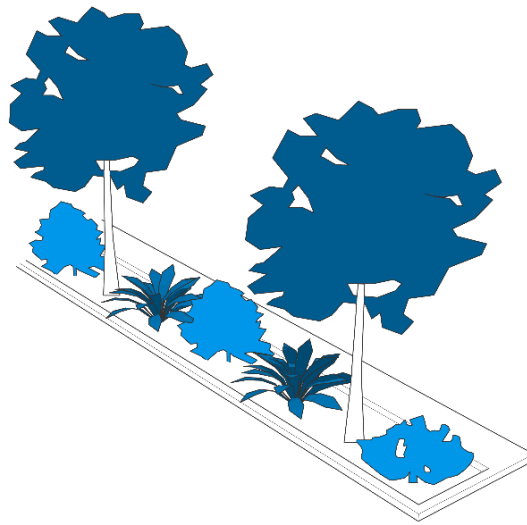


Figure 4.29. Type C Landscaping

(d) **Type D – Other**

Type D landscaping is all other landscaped areas that do not qualify as Type A, B, or C landscaping.

(3) **Standard Buffer Types**

(a) Each required standard buffer shall comply with the buffer widths and planting requirements in Table 11-04.17 below.

TABLE 11-04.17: STANDARD BUFFER TYPES				
STANDARD	TYPE A	TYPE B	TYPE C	TYPE D
PRIMARY PLANT MATERIALS [1]	A mix of primarily evergreen trees and shrubs	A mix of evergreen and deciduous trees and shrubs	Primarily deciduous trees	Native and low maintenance trees and shrubs, flower and perennial beds, and limited lawn areas
PLANT SPACING	The selected plant materials and configuration shall provide full horizontal screening of the site feature or adjacent property within six years of installation.	Trees provided at the rate of one tree per 40 linear feet of landscape strip	Trees provided at the rate of one tree per 40 linear feet of landscape strip	N/A
ADDITIONAL PLANTING MATERIALS	Groundcover	Groundcover	Shrubs and groundcover	N/A
ALTERNATIVE LANDSCAPING	N/A	Alternative tree spacing will be considered provided the plant materials	Alternative tree spacing will be considered provided the plant materials	N/A

TABLE 11-04.17: STANDARD BUFFER TYPES

STANDARD	TYPE A	TYPE B	TYPE C	TYPE D
		and configuration meet the intent of the standards within three years of planting.	and configuration meet the intent of the standards within three years of planting.	

Notes:

[1] All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative groundcover. Fences, walls, and berms may also be incorporated into the buffer area.

(b) Standard buffer types A, B, C, and D shall be required in the adjacent use situations shown in Table 11-04.18 below.

TABLE 11-04.18: REQUIRED LANDSCAPE SEPARATORS AND BUFFERS

ADJACENT USES AND ZONING							
PROPOSED NEW DEVELOPMENT	SINGLE-FAMILY DETACHED		EXISTING RESIDENTIAL IN NONRESIDENTIAL ZONING DISTRICT		NONRESIDENTIAL USE OR VACANT LOT IN NONRESIDENTIAL ZONING DISTRICT	STREET RIGHT-OF WAY [2]	PUBLIC TRAIL OR OPEN SPACE
	WITH FENCE [1]	WITHOUT FENCE [1]	WITH FENCE [1]	WITHOUT FENCE [1]			
SINGLE-FAMILY ATTACHED & MULTIPLE-FAMILY (UP TO 3 STORIES)	B or C	A	B or C	A	A, B, C, or D	A, B, C, or D (storefront building frontages are exempt)	A, B, C, or D
OFFICE, COMMERCIAL, AND MIXED-USE (UP TO 3 STORIES)	B or C	A	B or C	A			A, B, C, or D (storefront building frontages are exempt)
OFFICE, COMMERCIAL, AND MIXED-USE (> 3 STORIES)	B or C	A	B or C	A			A, B, C, or D (storefront building frontages are exempt)
INDUSTRIAL	B or C	A	B or C	A			A, B, C, or D
PARKING AREA	A or B	N/A	B or C	A	C	C	A, B, C, or D

TABLE 11-04.18: REQUIRED LANDSCAPE SEPARATORS AND BUFFERS

ADJACENT USES AND ZONING						
PROPOSED NEW DEVELOPMENT	SINGLE-FAMILY DETACHED		EXISTING RESIDENTIAL IN NONRESIDENTIAL ZONING DISTRICT		NONRESIDENTIAL USE OR VACANT LOT IN NONRESIDENTIAL ZONING DISTRICT	PUBLIC TRAIL OR OPEN SPACE
	WITH FENCE [1]	WITHOUT FENCE [1]	WITH FENCE [1]	WITHOUT FENCE [1]		
SERVICE, LOADING, OR WASTE MANAGEMENT AREA	A	N/A	A or B		A or B except where designed as a shared service areas with adjacent property	A or B

Notes:

[1] Fence refers to a privacy fence placed at or near the property line and behind the landscaping. Fences shall have a maximum height of six feet in residential areas and eight feet in commercial/industrial areas.
[2] Buffer width shall follow the minimum setback of the underlying zoning district or the minimum width to accommodate the required plantings at full maturity, whichever is greater.

(4) Additional Standards

- (a) Where existing or proposed adjacent land uses cannot be adequately buffered with plant material(s), the City may require inclusion of a wall, fence, or other type of screen that mitigates noise and/or unsightly uses. If a wall or fence at least six feet tall is provided, the planting requirement may be reduced to at least one tree per 40 lineal feet, plus shrubs, lawn, or other vegetative groundcover, in lieu of the requirements of Subsections (2) and (3). Clustering of trees is allowed, but trees shall be spaced no closer than 80 percent of the average mature width of the trees, except as otherwise allowed by Community Forestry.
- (b) Chain-link fencing does not qualify as a screening material. If a chain link fence shall be installed for security or other reasons, the buffer shall still be landscaped as described in Subsections (2), (3), and (4).
- (c) Landscaping and screens shall not eliminate required pedestrian access between Residential zoning districts and other districts or land uses.
- (d) Landscaping and screens shall not conflict with utility easements.

6. Parking Lot Interior Landscaping

A. Applicability

Interior parking lot landscaping shall be required in any parking lot with 10 spaces or more, including vehicle sales lots, as listed in Table 11-03.1: *Table of Allowed Uses*.

B. Planter Design and Size

(1) Landscaping shall be installed in planter islands or stormwater infiltration swales designed to allow infiltration and passive treatment of stormwater, as shown in Figure 4..

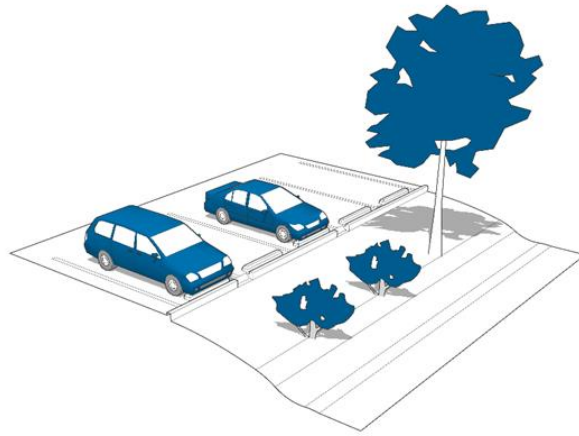


Figure 4.30. Landscaping Swale

(2) Planter islands or swales shall be a minimum of eight feet in width for Class II or III trees and 10 feet for Class I trees and shall be at least equal in length to the adjacent parking spaces. Dimensions are measured inside curbs.

C. Landscaping Locations

(1) No linear grouping of parking spaces shall exceed 10 in a row, without an interior planter island or swale.

(2) Interior planter islands or swales shall be used to guide major traffic movement within the parking area.

(3) Terminal planter islands or swales shall be provided at the ends of rows of parking to protect parked vehicles and confine moving traffic to aisles and driveways.

(4) Interior planter islands or swales shall be distributed as evenly as practicable to reduce the visual impact of long rows of parked cars.

(5) Internal parking lot walkways shall include shade trees planted along at least one side of the walkway and spaced at a minimum of one tree per 30 linear feet.

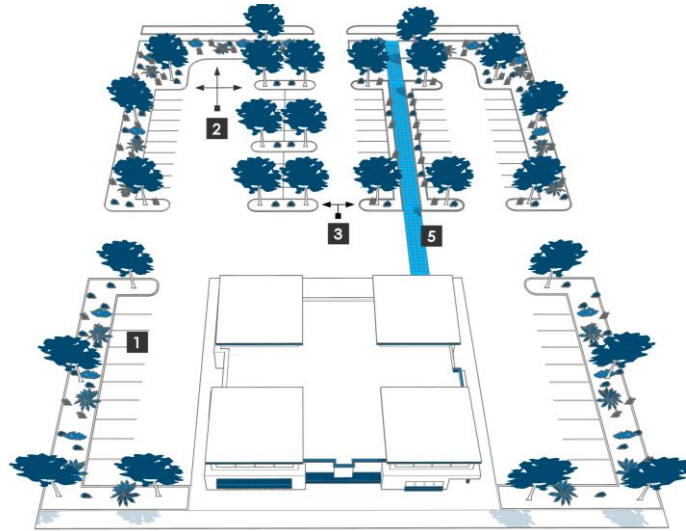


Figure 4.31. Internal Parking Lot Planting Standards

D. Trees Required

- (1) Each interior or terminal planter island or swale that serves a single row of parking spaces shall be landscaped in compliance with Type C landscaping as described in Section 11-04-09.5.C(2)(c) and at least one Class III tree.
- (2) Each interior or terminal planter island or swale that serves a double row of parking spaces shall have at least two Class II trees and shall be covered with low shrubs or other vegetative groundcover.
- (3) Class I trees shall only be allowed where a larger class of tree would create conflicts with overhead utility lines.
- (4) Deciduous shade trees shall be pruned to a minimum height of eight feet above the adjacent parking areas. Evergreen trees are prohibited in interior planters.

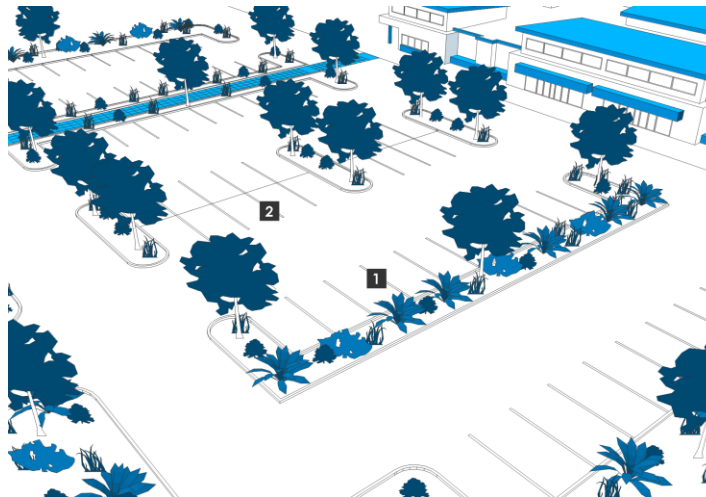


Figure 4.32. Parking Lot Interior Landscaping

E. Lights Prohibited

Light poles and fixtures shall be located outside of landscape planter islands, landscape buffers or swales that contain required trees.

7. Building Foundation Planting

All street-facing building elevations, except for those in the MX-5 zoning district and those located within 20 feet of the front lot line/property line in the MX-1, MX-2, MX-3, and MX-4 zoning districts, shall have landscaping along any exposed foundation except those portions of the buildings that provide access for pedestrians or buildings to the building. Foundation landscaping shall comply with the following standards:

- A.** The landscaped area shall be at least three feet wide and shall not impede the passage of pedestrians on the adjacent sidewalk.
- B.** There shall be at least one three-gallon shrub for every three feet of linear foundation.
- C.** Ground cover plants shall fully cover the remainder of the landscaped area.

8. Tree Preservation

All development shall comply with the following standards.

A. Credit Towards Required Landscaping

Existing trees that are retained or relocated on site may count toward the required landscaping.

B. Parking Reduction

Healthy desirable trees may be preserved in exchange for a parking reduction as set forth in Section 11-04-08.7.D, *Tree Preservation*.

C. Mitigation Trees

- (1)** Each healthy desirable tree with four inch caliper or greater that is removed shall be replaced with one or more trees with a combined caliper equal to the caliper of the tree that was removed.
- (2)** Each required replacement tree shall be of one-and-one-half inch caliper or greater.
- (3)** Required replacement trees shall be located either on-site or off-site based on the recommendation of the City Forester.

D. Protection During Construction

- (1)** Applicants shall coordinate with Community Forestry during construction to ensure adequate tree protection. Trees within a construction area shall be evaluated by a certified arborist, and a tree inventory of the site should be used to develop a tree protection plan that includes tree descriptions, protection fences, protection of root zones, and other information identified by the City Forester.
- (2)** Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction. Protection barriers around existing trees are required for the duration of construction. Protection barriers shall be an immovable metal fence with no door or access within the tree protection zone and a minimum height of six feet and shall be installed prior to construction with adequate signage.

(3) Irrigation shall be provided within the tree protection zone throughout the duration of construction and shall be removed, when appropriate, in conjunction with the installation of permanent irrigation. Acceptable irrigation delivery methods include but are not limited to drip irrigation, above ground sprinklers, soaker hoses, or tanks.

(4) Construction within the tree protection zone of existing trees shall be avoided to the maximum extent practicable, but where construction activities shall occur, they shall comply with the following standards:

- (a) Between six and 12 inches of mulch/wood chips or four inches of mulch with ground protection mats on top shall be used to reduce soil compaction.
- (b) Trunk protection shall be installed to the maximum extent practicable for trees that are near impervious surfaces, or where vehicles or pedestrians performing work within the tree protection zone may cause damage.
- (c) Impervious surfaces may be allowed at a distance from the trunk of a retained tree not less than the diameter at breast height plus five feet.
- (d) If excavation is required within the critical root zone, air spading, hand digging, and/or boring methods shall be used, and if root pruning within the critical root zone is required, pruning shall be performed by hand, to the maximum extent practicable.
- (e) Grade changes within the critical root zone of existing trees shall be avoided to the maximum extent practicable and are only permitted following a recommendation by the City Forester or a certified Arborist.
- (f) Tree pruning for clearance shall be performed by a certified Arborist prior to construction.
- (g) New underground utilities to be placed within the critical root zone of existing trees shall be installed as pursuant to Section 11-04-09.3.F(3)(c), *Trenching*.

9. Stormwater Integration

A. Purpose

The purpose of this Section 11-04-09.9 is to encourage the incorporation of vegetated, well-designed stormwater filtration swales into landscape areas where topography and hydrologic features allow. Such integrated site designs improve water quality and provide a natural, effective form of flood and water pollution control. Landscape areas that incorporate stormwater swales shall generally be in addition to the landscaping required by this Section.

B. Design Standards

New Multiple-Family Dwelling, mixed-use, and nonresidential development shall comply with the following standards to the maximum extent practicable, after initial consultation with Planning and Development Services and Public Works Departments regarding the appropriateness of the site and initial designs. Additional information regarding stormwater system design is provided in the Boise Stormwater Design Manual and Stormwater Plant Materials Resource Guide, that are available from the Public Works Department.

(1) Street Swales

Except for Industrial Uses, as listed in Table 11-03.1: *Table of Allowed Uses*, swales shall not be located in required landscape buffers along streets. Swales located along streets within required landscape buffers may be approved through the Alternative Compliance process in Section 11-04-09.11. Swales located within street buffers shall meet the following standards:

- (a) Swales shall not exceed twelve inches in storage depth;
- (b) The beginning of the swale slope shall be separated from the edge of the sidewalk by a minimum of two feet;
- (c) Street trees shall be provided as required by this Section;
- (d) Rapid sand infiltration windows shall be integrated for timely drainage of stormwater; and
- (e) No infiltration basins are allowed.

(2) Perimeter Buffers

Swales located within required buffers in side and rear yards shall meet the following standards:

- (a) Swales shall not exceed 18 inches in storage depth;
- (b) Trees shall be provided as required by this Section; and
- (c) Rapid sand infiltration windows shall be integrated for timely drainage of stormwater.

(3) Materials and Design

- (a) Gravel, rock, or cobble on the surface of swales shall not exceed 20 percent of the surface area of the bottom of the swale. Cobble may be incorporated into required landscape areas if designed as a dry creek bed or other design feature.
- (b) Stormwater swales shall be vegetated with appropriate plant materials. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels. Examples of appropriate plants materials include, but are not limited to:

i. Trees

River Birch (*Betula nigra*), American Hornbeam (*Carpinus caroliniana*), Sweetgum (*Liquidambar styraciflua*), Cottonwood (*populus trichocarpa*), Willow (*Salix* spp), Sycamore (*Platanus occidentalis*) and Mountain Alder (*Alnus tenuifolia*).

ii. Shrubs

Red Osier Dogwood (*Cornus sericea*), Serviceberry (*Amelanchier alnifolia*), Rhododendrons (*Rhododendron* sp.), American Cranberry Bush (*Viburnum trilobum*), Golden Currant (*Ribes aureum*) and Drummond Willow (*Salix drummondiana*).

iii. Groundcovers

Sedges (*Carex* sp.), Spike Rush (*Eleocharus acicularis*), Maiden Grass (*Miscanthus* sp.), and Fountain Grass (*Pennisetum* sp.).

iv. Comprehensive List

A comprehensive and updated list of appropriate plant materials can be found on the City website and should be consulted.

(c) Organic mulch shall not be used adjacent to the flow path. Plant material shall be installed adjacent to the flow path and infiltration area to aid in capturing sediment and reducing clogging.

(d) Open water ponds and holding areas with a permanent water level are not permitted in required landscape or buffer areas, except along Interstate-84. However, ponds that are aesthetically designed with special grading and vegetative features may be approved as provided for through Alternative Compliance.

(e) Slopes shall not exceed three to one (3:1, horizontal: vertical).

10. Fences, Walls, and Screening

A. Permitted Fencing and Screening Materials

(1) In Historic Districts, a Certificate of Appropriateness is required for fences made with any material other than wood or wrought iron.

(2) Electric fences are prohibited.

(3) Barbed wire is permitted only in the I-1 and I-2 zoning districts unless the Planning Director determines that it is necessary for public safety and security related to a specific use, and only as the top section of a security fence. Barbed wire shall be located at least 72 inches above grade.

(4) Walls, lattices, and screens shall be considered to be fences.

(5) Boxes, sheet metal scraps, old or decayed wood, broken masonry blocks, or other unsightly materials are prohibited.

(6) Chain-link fencing shall not qualify as a screening material.

B. Permitted Fences

(1) In Residential and Mixed-Use zoning districts, maximum fence heights are as follows:

(a) Solid fences to a height of 36 inches or open-vision fences to height of 48 inches may be built within the front yard setback. Open-vision may include slatted fences where the gap width is at least 50 percent of the slat width.

(b) Fences to a height of 72 inches may be built within the setbacks along the rear and side property lines. The Planning Director may authorize a greater height if the Planning Director determines the additional height is necessary for public safety and security related to a specific use.

(c) Fences between the front setback and the front of the building may be built to a height of forty-eight inches, except that the Planning Director may approve a greater

height to appropriately screen windows from headlights or other disruptive lighting impacts from the street.

- (d) One ornamental gate or entryway in a front or street side setback may be allowed to exceed the fence height limits, provided the gate or entryway does not exceed eight feet in height by six feet in width, and is not located within a clear vision triangle.

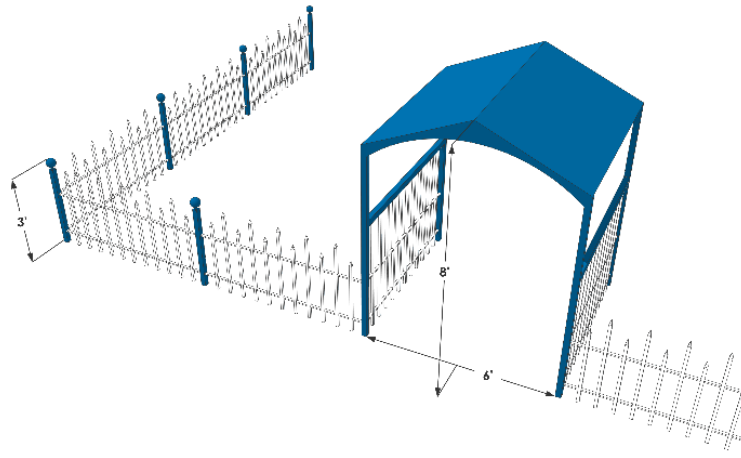


Figure 4.33. Ornamental Gate or Entryway Dimensions

(2) Standards Applicable to All Fences

- (a) The property owner installing the fence shall locate the fence entirely on their property or within an easement unless agreements are made with the abutting property owners.
- (b) If a fence is to be erected upon and within public right-of-way, approval shall also be obtained from the ACHD.
- (c) In Mixed-Use zoning districts, concrete and masonry walls of any height and fences over seven feet tall shall be approved by the Building Department.
- (d) Fences, walls, or plantings on or within the clear vision triangle shall be limited to 36 inches in height.
- (e) Multiple fences, railings, and/or privacy screens within setbacks shall be separated by a minimum distance of five feet in order to be considered separate.

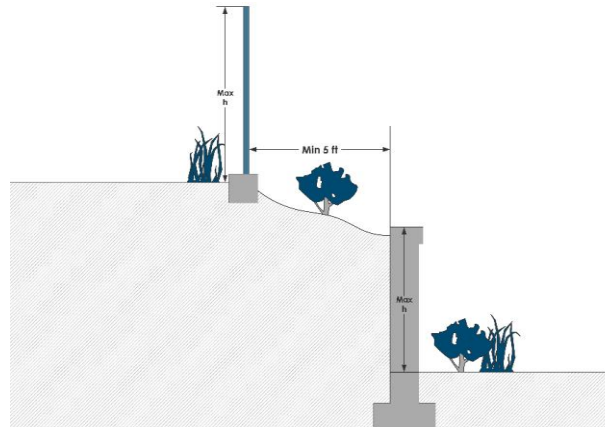


Figure 4.34. Fence Separation in Setbacks

- (f) All fences shall be maintained in accordance with Section 11-04-013.1, *Landscaping, Buffering, and Screening Maintenance*.

C. Retaining Walls

The following shall apply to retaining walls located within setbacks:

- (1) Individual retaining walls shall not exceed 36 inches in height when located within a front setback or clear vision triangle.
- (2) Individual retaining walls shall not exceed 72 inches in height when located within any other setback.
- (3) Walls shall be separated by a minimum distance of five feet in order to be considered as separate walls.

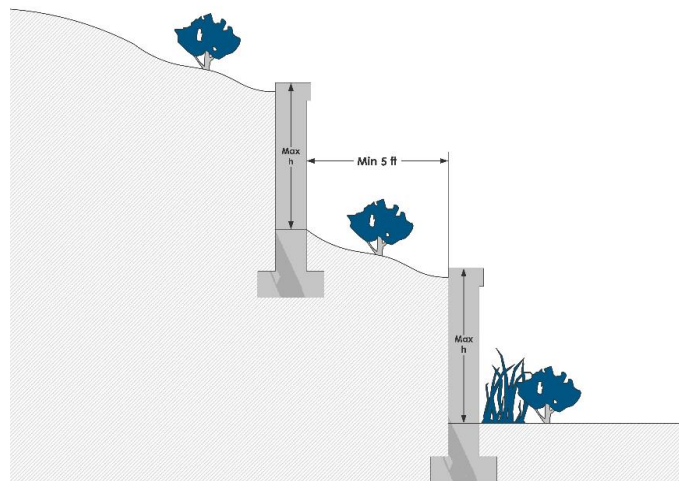


Figure 4.35. Distance for Separation

- (4) If the wall is located in the HS-O district, multiple walls with a combined height that exceeds the height allowed in the setback may be approved through the Category 2 Hillside Development Permit process if the design complies with the following conditions:

- (a) The additional height is necessary and appropriate because of the size, configuration, topography, or other unique characteristics of the property;
- (b) The Planning Director and City Engineer have jointly determined that the height, location, and grading for the walls are the minimum necessary for reasonable development of the property;
- (c) The additional height will not have any substantial detrimental effect on adjacent or nearby properties;
- (d) Terraces between the walls are of sufficient width and depth to accommodate landscaping or other techniques designed to reduce the visual impact. Conditions requiring such techniques shall be incorporated into the permit; and
- (e) Clear vision triangles are free of obstructions that exceed 36 inches in height.

D. Screening

(1) Applicability

This Section 11-04-09.10.D shall apply to all Multiple-Family Dwelling, mixed-use and nonresidential development in all districts, except the I-2 zoning district when not adjacent to residential uses.

(2) Parking and Storage Areas

All parking and storage areas including vehicle sales areas, truck parking areas, bus parking areas, and service drives shall comply with the following standards:

- (a) A solid Type B screen at least five feet deep, with a height not less than eight feet shall be provided when a parking lot is adjacent to the side and/or rear yard of a residential land use.

(3) Service Areas

- (a) All developments shall comply with all applicable regulations, ordinances, and design standards for solid waste adopted by the City, including specifics around site design and solid waste service. If there is a conflict between the requirements of this Section and solid waste design standards, the Planning Director in consultation with the Director of Public Works shall determine which standard shall apply.
- (b) Service areas visible from the street, pathway, public space, or parking area shall be enclosed and screened around their perimeter by a durable wall or fence at least six feet high.
- (c) Developments shall use materials and detailing consistent with primary structures on-site. Acceptable materials include brick, concrete block, or stone.
- (d) The sides and rear of the enclosure shall be screened with Type A, B, or C as described in Section 11-04-09.5.C(2), at least five feet deep in locations visible from the street, dwelling units, customer parking areas, or pathways to soften the views of the screening element and add visual interest.
- (e) Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic or does not require that a hauling truck project into any public right-of-way.

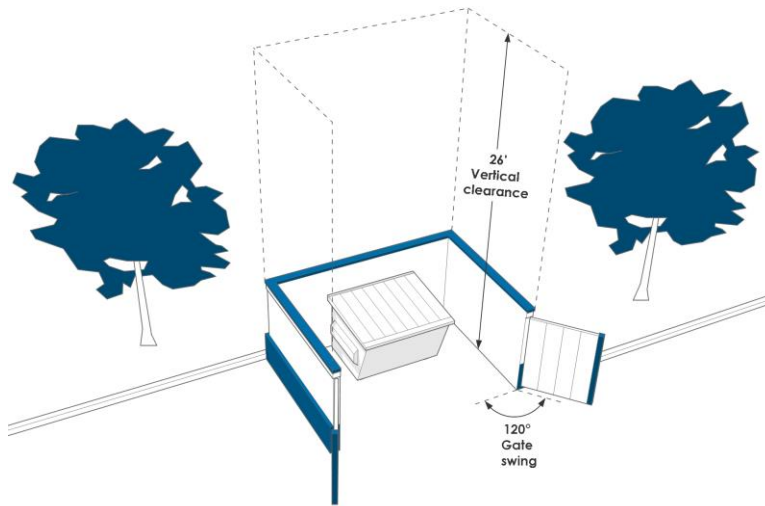


Figure 4.36. Service Area Enclosure and Landscaping Requirements

(4) Mechanical and Utility Equipment

(a) Roof-Mounted

- i. Roof-mounted mechanical equipment shall be integrated into the building's overall design so as not to be visible from five feet above ground on any lot line/property line, and from any adjacent public rights-of-way or open spaces to the maximum extent practicable.
- ii. Where integration to avoid visibility is not practicable, roof-mounted mechanical equipment shall be screened from view from five feet above ground on any lot line/property line, and from any adjacent public rights-of-way or open spaces using parapet walls or an enclosure using one of the primary building façade colors to surround the equipment.

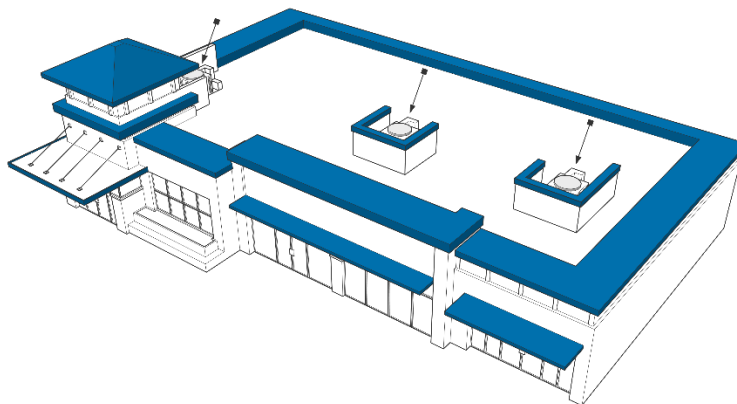


Figure 4.37. Roof-Mounted Screening

(b) Ground-Mounted

Ground-mounted mechanical equipment located within view of customer entrances and public rights-of-way or open spaces shall be integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following:

- i. A decorative wall, fence or enclosure that is constructed of one of the primary materials and colors used on the adjacent façade of the building, and of a height that is not less than the height of the equipment to be screened; or

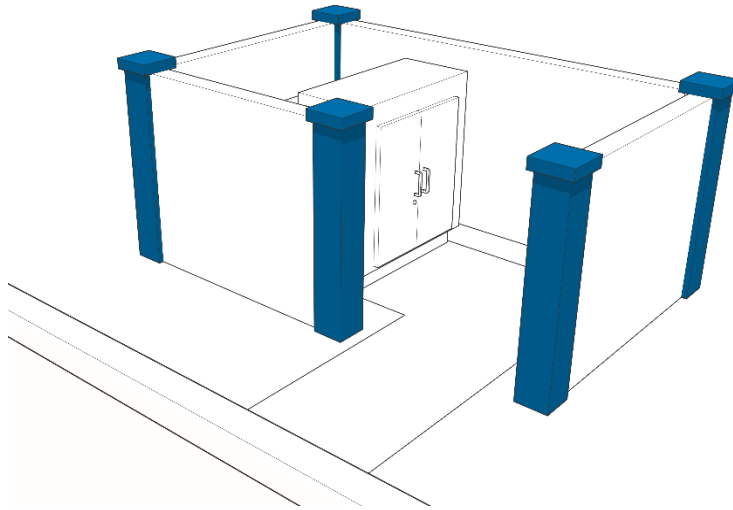


Figure 4.38. Ground-Mounted Equipment Wall Enclosure

- ii. Landscaping that is of sufficient height at maturity and of opacity to effectively soften and screen views of the equipment, and that is integrated into the overall landscape plan.

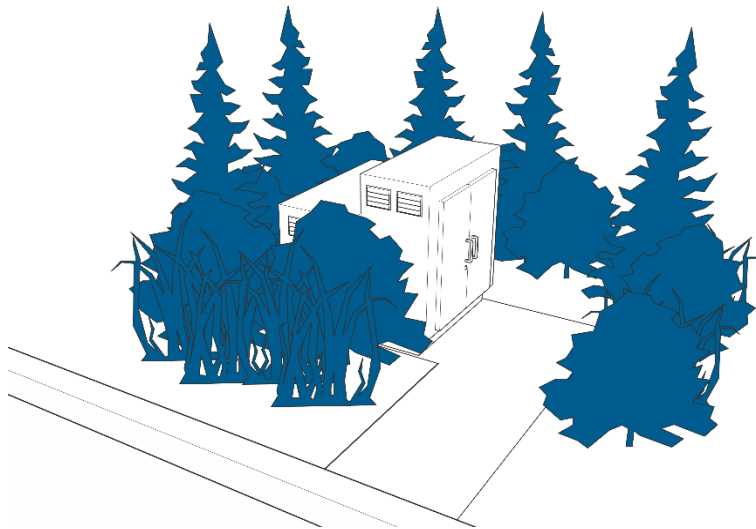


Figure 4.39. Ground Mounted Equipment Landscaping

11. Alternative Compliance

A. Purpose

The purpose of this Section 11-04-09.11 is to provide for alternative means to meet the intended purposes of the landscaping requirements in this Section 11-04-09 when explicit compliance is not practicable or the alternative means are superior to what is required.

B. Process

(1) General

The applicant shall request Alternative Compliance in conjunction with the submittal of a Zoning Certificate, Conditional Use Permit, or Design Review application, or upon the determination that the development does not comply with the specific provisions of this Section 11-04-09, at the applicant's option. The request will be considered by the same approval body as the base application. The request shall specify:

- (a)** The specific requirements that are proposed to be modified;
- (b)** The reasons for the modification; and
- (c)** A demonstration of how the alternative means for compliance meets the requirements' intended purpose.

(2) Stormwater Swales

Stormwater swales within front setbacks can be approved administratively provided that the landscape plans approved by the applicable approval body are not changed substantially and comply with Section 11-04-09.9. A landscape plan with swale construction details that incorporates the landscape design shall be submitted for the staff level review.

C. Standard

The proposed alternative means for compliance with the specific requirements shall demonstrate that the alternative provides an equal or superior means of meeting the intent and purpose of the regulation.

D. Required Findings

An application for Alternative Compliance may be approved if the Planning Director determines that:

(1) Strict adherence or application of the requirements is not practicable because one of the following conditions exist:

- (a)** Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- (b)** The site involves space limitations or an unusually shaped lot;
- (c)** Safety considerations;
- (d)** Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this Section;
- (e)** The proposed design includes innovative design features based on "new urbanism," "neotraditional design," or other site designs that promote walkable and mixed-use neighborhoods; or

- (f) Environmental quality benefits.
- (2) The Alternative Compliance provides an equal or superior means for meeting the requirements; and
- (3) The alternative means will not be detrimental to the public welfare or adversely affect the uses and character of surrounding properties.

12. Compliance with Design Standards

A. In addition to the standards required by this Section 11-04-09, all Multiple-Family Dwelling, mixed-use, and nonresidential development shall comply with the standards and other mandatory content in the Citywide or Downtown Design Standards and Guidelines, as applicable in the area where the property is located.

B. In the event of a conflict between the standards in this Section 11-04-09 and applicable standards in the Citywide or Downtown Design Standards and Guidelines, the provision requiring the higher level of visual building quality and interest, as determined by the Planning Director, shall apply.

11-04-010. Assured Water Supply

1. Purpose

Boise City is committed to appropriate growth that does not exceed the supply of available water. The purpose of this Section is to confirm, prior to planning approval, the long-term adequacy of water supplies to serve the development or redevelopment of land. The City recognizes that water supply is regulated by several state agencies and does not intend this regulation to duplicate or conflict with such jurisdiction. Pursuant to the Local Land Use Planning Act (LLUPA), however, the City will consider the impact of development on water supplies and water quality. Assured water supply requirements are intended to provide protection and benefit to residents, the development community, designated water providers, and other regulatory agencies by ensuring that land development and growth aligns with long-term water supply needs. This Section is intended to supplement the roles and responsibilities of the State of Idaho's water supply regulators solely for planning and zoning purposes, to confirm that water resources will be available to serve continued growth in Boise.

2. Applicability

A. Unless otherwise exempt pursuant to Section 11-04-010.3 below, beginning July 1, 2024, the following development shall demonstrate that it has an Assured Water Supply by providing an analysis that meets the requirements of 11-04-010.5 as part of the development application process:

- (1) All proposed development on previously undeveloped lands; or
- (2) All proposed redevelopment that:
 - (a) Includes the creation of five or more total dwelling units; or
 - (b) Is in a Groundwater Management District (GMD) defined by Idaho Statute 42-5224; Critical Groundwater Area (CGA) or Groundwater Management Area (GMA) defined by Idaho Statute 42-233A and 233B, respectively; or an Aquifer Recharge District (ARD) defined by Idaho Statute 42-4202.

- B.** These requirements apply whether or not the proposed development or redevelopment requires a Subdivision of Land.

3. Exemption

The Planning Director may exempt a project from the requirements of this Section if the applicant has submitted information demonstrating that, upon completion of the project and issuance of all required use and occupancy permits, the development or redevelopment will not increase total consumptive water use when compared to the use of the property at the time of application.

4. Designated Water Provider

Every provider of water for drinking or general domestic use as a public utility, with a service area within the City limits or the City Area of Impact and that intends to serve any proposed redevelopment or new development subject to the provisions of this Section, is required to be certified as a Designated Water Provider by demonstrating it has an Assured Water Supply, as defined in Subsection 5 and approved by the Planning Director or designee.

5. Elements of Demonstrating Assured Water Supply

To demonstrate a water supply is assured, the information provided shall meet the following criteria. A Designated Water Provider shall base its analysis of the criteria upon reasonable population projections within the existing certificated service area. An individual applicant shall base its analysis on the maximum permitted occupancy of the proposed development or redevelopment:

A. Physical and Legal Water Availability

(1) An individual applicant shall demonstrate that it has sufficient physical and legal water availability by providing a copy of its water right permit or license issued by the Idaho Department of Water Resources, or a decreed water right issued by a court of competent jurisdiction, with a permitted quantity in an amount sufficient to supply water to the maximum occupancy of the development. If the applicant does not have a water right permit, license, or decreed water right at the time of application, the applicant may submit, in the alternative, a hydrologic analysis demonstrating the physical availability of water supply for the demand of the development or redevelopment. In such case, any approval will be conditioned on the issuance of a water right permit or license.

(2) A Designated Water Provider shall demonstrate that it has sufficient physical and legal water availability by providing:

- (a)** A copy of the water right permit(s) or license(s) issued by the Idaho Department of Water Resources or water right(s) decree issued by a court of competent jurisdiction; and
- (b)** A hydrological analysis demonstrating the physical water supply, under such right(s), when used consistently over time, will be sufficient to meet the total forecasted demand at full build out within the existing certificated service area.

(3) A hydrological analysis shall include, at minimum, the following elements:

- (a)** A description of the study area;

- (b) A description of all supply sources;
- (c) Current annual demand, committed demand, and project future demand;
- (d) Summary of depth to static water levels; and
- (e) aquifer characterization and evaluation.

B. Continuous Water Availability

(1) Demonstrate the redundancy in supply and delivery of water will be continuous and reliable under any reasonably foreseeable circumstance such as, but not limited to, peak demand in consideration of available supply and facilities, climate change, and priority administration of water rights for the 50 year period to service the:

- (a) Proposed development for an individual applicant; or
- (b) Forecasted total demand at full buildout within the existing certificated service area for a Designated Water Provider.

(2) For surface water, this may include consideration of historic diversions and volumes available compared to the maximum authorized diversions and volumes, as well as the timing of supply compared to timing of demand. For ground water, this may include consideration of historic well production compared to ground water elevations at the well(s), as well as historic recharge and recovery of aquifer storage and recharge well(s). The analysis of the reliability and continuity of water supply shall include long-term agreements, percentage of supply provided by each source, a description of the integration of all supply sources to meet demand under representative water-year types (wet, normal, dry, critically dry) and a drought plan.

C. Adequate Delivery and Quality

Approval of the development application will be conditioned on meeting applicable state requirements for adequate water delivery, storage, treatment works, and water quality. For purposes of certification, the Designated Water Provider shall provide its long-term capital improvement or facilities plan as part of this requirement.

D. Compliance with GMD, CGA, GMA, ARD Standards

If the application is located in a Groundwater Management District (GMD), Critical Groundwater Area (CGA), Groundwater Management Area (GMA), or Aquifer Recharge District (ARD), approval of the development application will be conditioned on meeting applicable state standards and requirements.

E. Standards and Guidelines

Established City standards and guidelines, as hereafter adopted or as amended, for implementing the Assured Water Supply provisions and conducting the Assured Water Supply analysis, are incorporated by reference and made a part of this Section and shall be enforced as requirements of this Code.

6. Proof of Assured Water Supply Required

A. Proof of an Assured Water Supply, as defined in Subsection 5 above, may be provided by:

- (1) A letter from a Designated Water Provider committing all or a portion of its Assured Water Supply to meet the anticipated water demands of project completion; or

(2) Information and analysis from the applicant, prepared and submitted at the applicant's expense, confirming an Assured Water Supply for project completion.

B. Applicant shall comply with all licensure requirements of Idaho state code, to the extent submission of information within such analysis is subject thereto.

7. Representations

The proof of Assured Water Supply shall be submitted on a form acceptable to the City Attorney and include a written representation by the Designated Water Provider or the applicant, that:

- A.** The information is true and complete to the best of their knowledge;
- B.** The representations are binding upon the signing party and its successors in interest; and
- C.** The individual executing the letter or analysis, as applicable, has any and all required authorization to submit the materials.

8. Certification and Required Recertification

Upon review and approval of the proof by the Planning Director, the application is certified to have met the requirements of this Section, provided that the applicant or Designated Water Provider, as applicable, shall recertify proof of its Assured Water Supply if any of the follow occur:

A. By the Designated Water Provider

- (1) More than 10 years have passed since obtaining approval by the Planning Director or designee of its Assured Water Supply;
- (2) The Designated Water Provider applies to enlarge its certificated service area; or
- (3) The city has experienced extreme or exceptional drought, according to the United States Drought Monitor, for a majority of months within each calendar year for a period of three consecutive years.

B. By the Applicant

If prior to completion:

- (1) More than 10 years have passed since obtaining approval by the Planning Director or designee;
- (2) The project, subject to the application, has changed in scope such that there is a change in the type or intensity of water demand; or
- (3) The city has experienced extreme or exceptional drought, according to the United States Drought Monitor, for a majority of months within each calendar year for a period of three consecutive years.

11-04-011. Exterior Lighting

1. Purpose

The purpose of this Section 11-04-011 is to provide for exterior lighting to enhance safety, minimize light trespass from developed areas, reduce sky-glow, improve nighttime visibility through glare reduction, encourage lighting techniques and systems that conserve energy, reduce the adverse effects light can have to wildlife behavior and reproduction, and reduce development impact on nighttime environments.

2. Applicability

- A.** All outdoor lighting in all zoning districts shall comply with the standards in this Section 11-04-011 unless exempted by Subsection B below or by another provision of this Code.
- B.** The following are exempt from this Section 11-04-011:
- (1)** Luminaires with lamps of 100 watts or less in Residential zoning districts;
 - (2)** Emergency lighting used by police, fire fighting, or medical personnel, or at their direction;
 - (3)** Traffic control devices and luminaires on these devices installed by the City or other governmental entity;
 - (4)** Navigational lighting systems at airports and other lighting necessary for aircraft safety;
 - (5)** Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps; and
 - (6)** Lighting for temporary festivals, carnivals, or other amusements lasting less than 14 consecutive days, provided the lighting is turned off within 30 minutes after the last event of each day.
-

3. Prohibited Lighting

The following types of exterior lighting are prohibited:

- A.** Any lighting that could interfere with the safe movement of motor vehicles, bicycles, or pedestrians on public or private streets;
- B.** Searchlights and rotating beacons;
- C.** Laser, strobe, and or flashing light sources or any similar high intensity light for outdoor advertising or entertainment;
- D.** Mercury vapor and low-pressure sodium lighting; and
- E.** Tower lighting, unless required by the Federal Aviation Administration (FAA).
-

4. General Standards

All exterior lighting for all uses, other than the I-2 zoning district, shall comply with the following standards.

A. Lighting Types and Efficiency

- (1)** Light sources shall be color-correct types such as Halogen, LED, or metal halide.
- (2)** All lighting shall have a nominal correlated color temperature (CCT) of no greater than 3,500 degrees Kelvin.
- (3)** All exterior light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers' specifications for the fixture.

B. Shielding

- (1)** All lighting fixtures, except motion detector-activated lighting, shall be fully shielded so that the lighting element is not visible to an observer at any property line.
- (2)** Unless otherwise specified, all lighting fixtures shall be full cutoff type as installed.



Figure 4.40. Examples of Full-Cutoff Light Fixtures

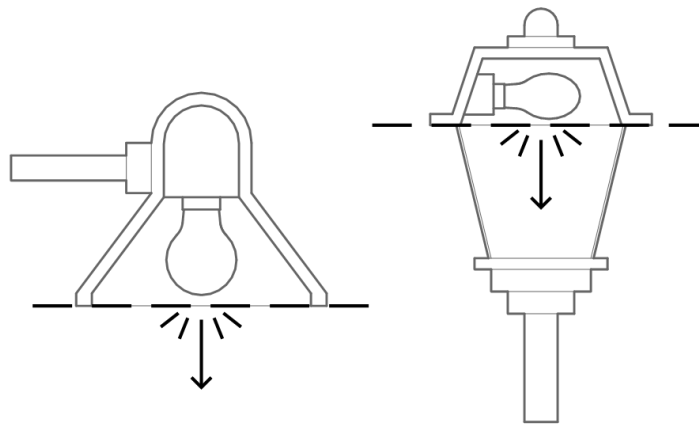


Figure 4.41. Example of Required Light Cutoff

(3) A lighting fixture may beam light upward only if all upward light is reflected back down by a canopy, roof, or other such structure.

C. Light Trespass

All lighting shall be designed so that the lighting level at each property line that does not front on a public or private street shall not exceed 1.0 footcandle.

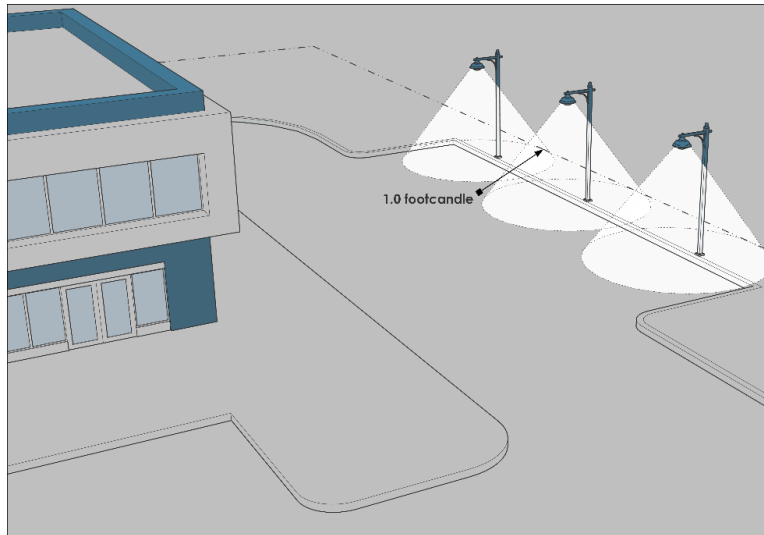


Figure 4.42. Light Trespass

D. Reduced Lighting During Evening Hours

All outdoor light fixtures within Residential, Mixed-Use, Industrial, and Open Land districts shall remain off between 11:00 p.m. and sunrise except for security purposes or to illuminate walkways, driveways, equipment yards, and parking lots.

E. Maintenance

All outdoor light fixtures shall be maintained in accordance with Section 11-04-013.2, *Exterior Lighting*.

F. Parking Lots or Areas

- (1) Average luminance values in surface parking areas shall be a maximum of four footcandles.
- (2) Parking lot poles shall not exceed 20 feet in height.
- (3) Pedestrian walkways and bicycle paths in parking areas shall be lit with pedestrian-scale lighting as described in Subsection H, below.

G. Canopy Lighting

Light fixtures installed in canopies, pavilions, drive-through bays, or similar structures shall be flush-mounted or recessed above the lower edge of the canopy and shall be equipped with flat lenses that do not project below the canopy ceiling. The canopy fascia shall not be internally illuminated.

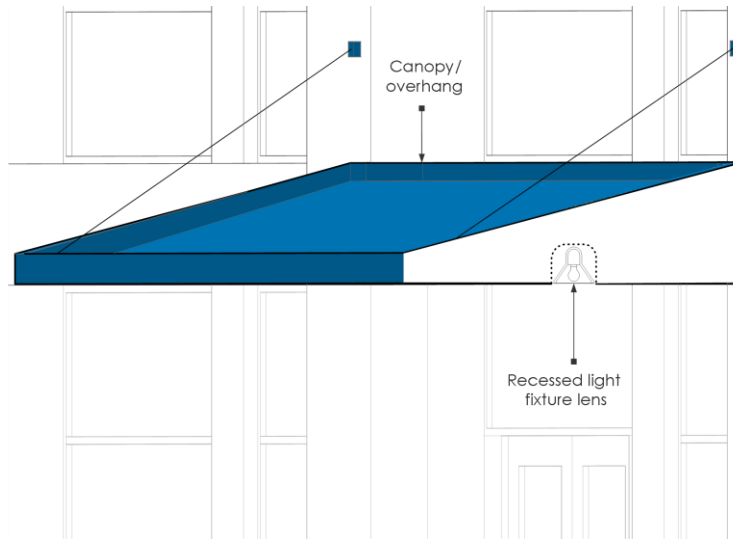


Figure 4.43. Example of Canopy Lighting

H. Pedestrian-Scaled Lighting

All on-site pedestrian walkways shall be lit with bollard lamps with shatterproof lamp coverings that direct light downwards, mounted no higher than four feet above grade.

I. Lighting Within Planter Islands and Landscape Buffers

Lighting fixtures and poles shall not be located in planter islands or landscape buffers or in any location that will in the future interfere with the natural growth of required trees.

5. Alternative Compliance

A. Purpose

The purpose of this Section to provide for alternative means to meet the intended purposes of the exterior lighting requirements in this Section 11-04-011 when explicit compliance is not practicable, or the alternative means are superior to what is required.

B. Process

The applicant shall request Alternative Compliance in conjunction with the submittal of a Zoning Certificate, Conditional Use Permit, or Design Review application, or upon the determination that the development does not comply with the specific provisions of this Section 11-04-011, at the applicant's option. The request will be considered by the same approval body as the base application. The request shall specify:

- (1) The specific requirements that are proposed to be modified;
- (2) The reasons for the modification; and
- (3) A demonstration of how the alternative means for compliance meets the requirements' intended purpose.

C. Required Findings

An application for Alternative Compliance related to alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this Code may be approved if the Planning Director determines that:

- (1) The Alternative Compliance provides an equal or superior means for meeting the requirements of this Section 11-04-011; and
- (2) The alternative means will not be detrimental to the public welfare or adversely affect the uses and character of surrounding properties.

6. Historic Street Lights

A. Applicability

The applicant shall install historic street lights in the following areas:

- (1) Historic Districts;
- (2) The Downtown Planning Area;
- (3) Any other areas with historic character; and
- (4) The shaded areas in the Downtown Historic Street Light Area shown in Figure 4.;

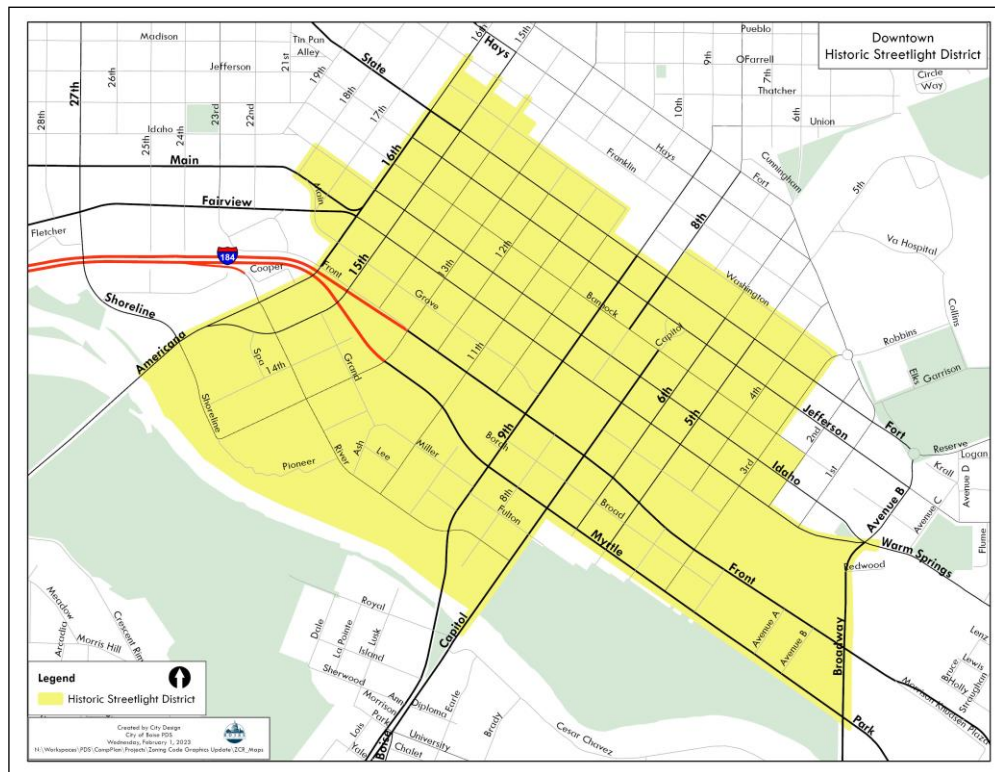


Figure 4.44. Map of Downtown Historic Street Light Area

- (5) The shaded street frontages on the Harrison Boulevard and Hyde Park Historic Street Light Areas shown in Figure 4. and 4.45.

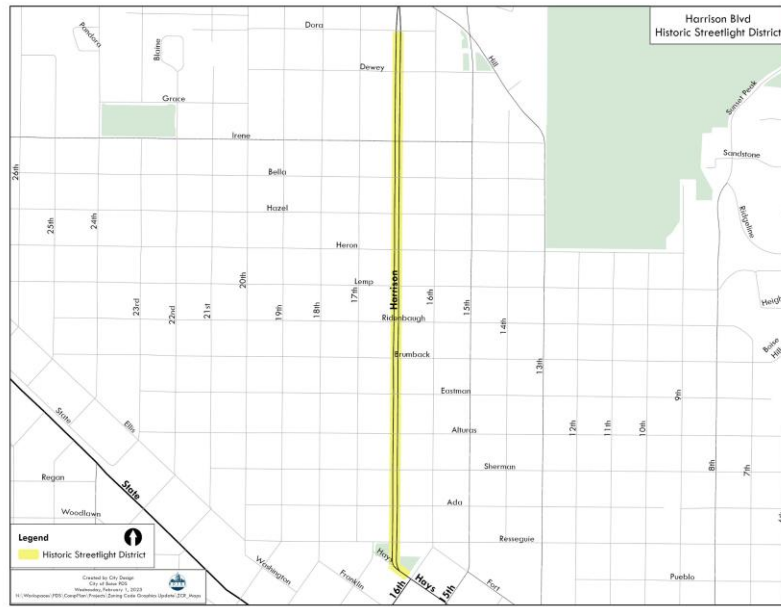


Figure 4.45. Map of Harrison Boulevard Historic Street Light Area

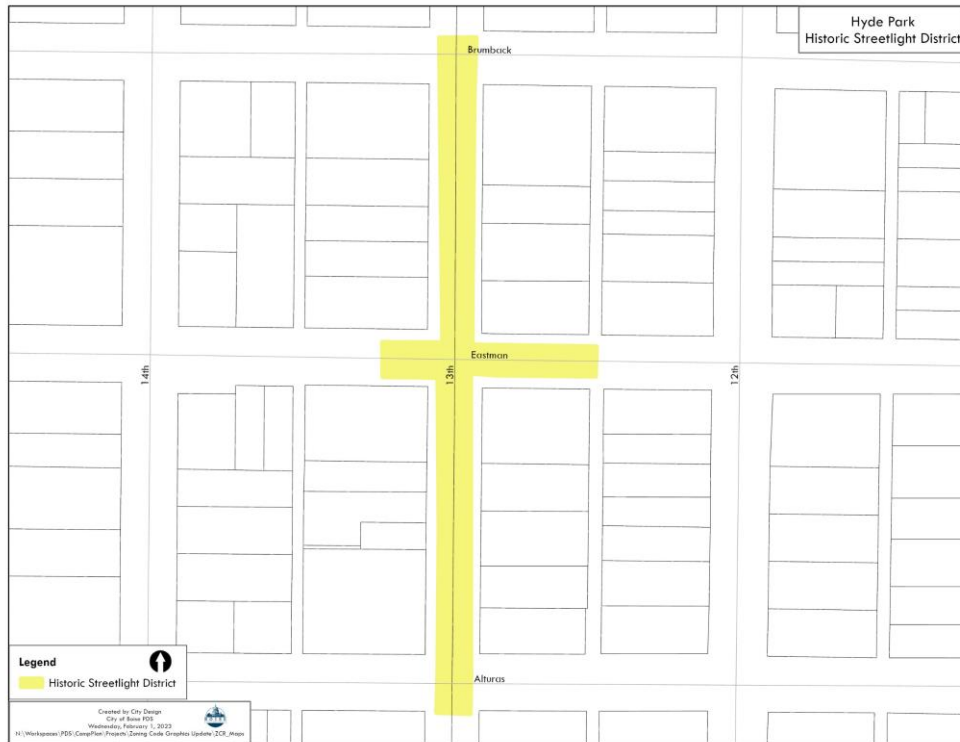


Figure 4.46. Map of Hyde Park Historic Street Light Area

(6) The shaded street frontages on the Vista Historic Street Light Area shown on Figure 4., below.

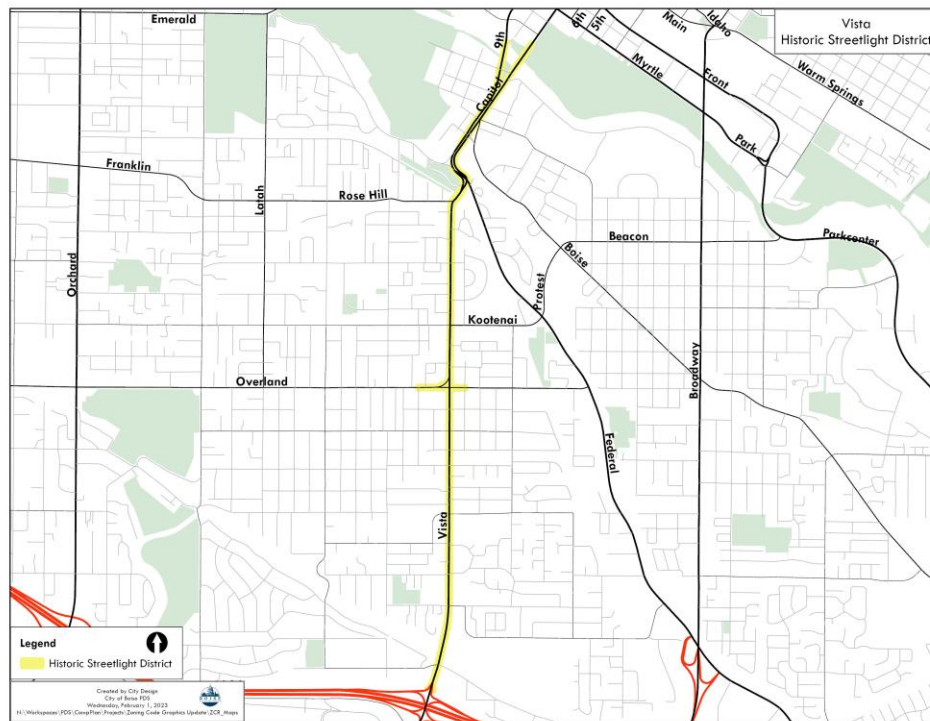


Figure 4.47. Map of Vista Historic Street Light Area

(7) The shaded street frontages on the Warm Springs Historic Street Light Area shown on Figure 4..



Figure 4.48. Map of Warm Springs Historic Street Light Area

B. General Standards

Where required, historic street lights shall comply with the lighting and spacing requirements in this Subsection B, unless an exception to these standards in Subsection C applies.

(1)General

- (a) These standards establish general location requirements only; exact locations will be determined in consultation with the Director of Public Works.
- (b) Historic street lights shall be located to match the street light on the opposite side of the street.
- (c) When replacement is required, historic street lights shall be replaced in the same location.

(2)By Sub-District**(a) Downtown District**

As required by the latest approved Capital City Development Corporation design standards, except that the Grove Plaza, 30th Street Area, and Broad Street shall instead comply with the standards in Subsection C below.

(b) Vista Avenue District

Three lights per block evenly spaced along both sides of the street.

(c) Harrison Boulevard District

Lights shall be located at either end of the street and in each center island.

(d) Hyde Park District

65 to 75 feet spacing, on both sides of the street.

(e) Warm Springs District:

Three lights per block evenly spaced along both sides of the street.

C. Exceptions to General Standards**(1)The Grove Plaza**

Street lights in the Grove Plaza shown in Figure 4. shall be the Landscape Forms FGP 12 foot light, using model numbers and light requirements obtained from the Public Works Department, and with locations of light fixtures to be determined by the Public Works Department.

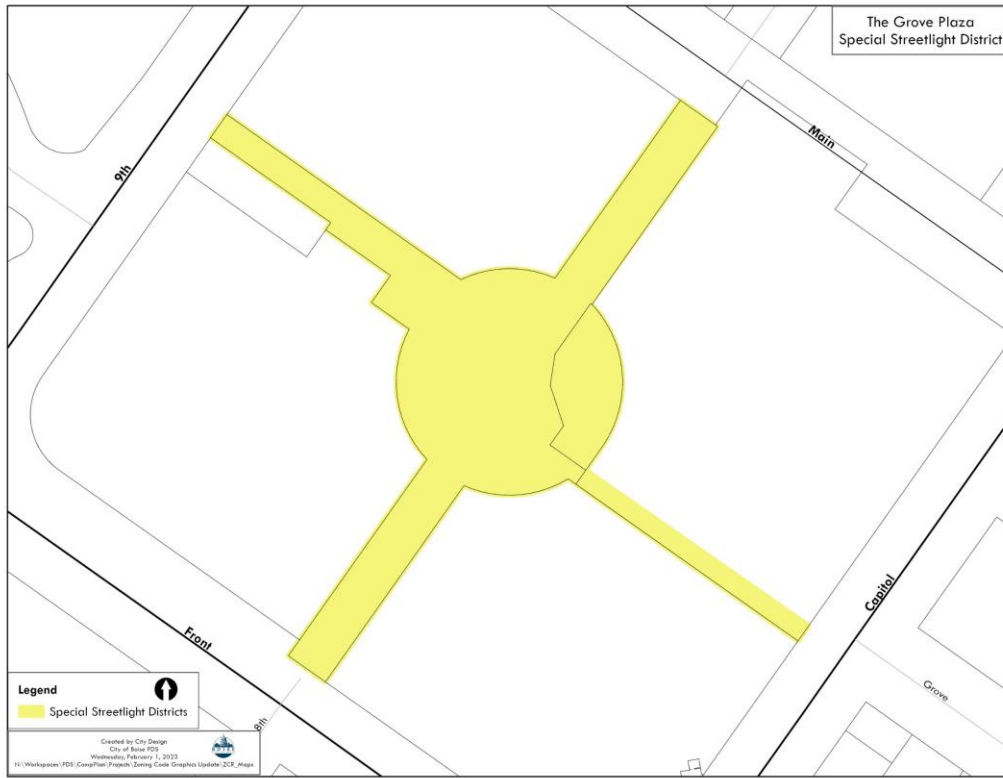
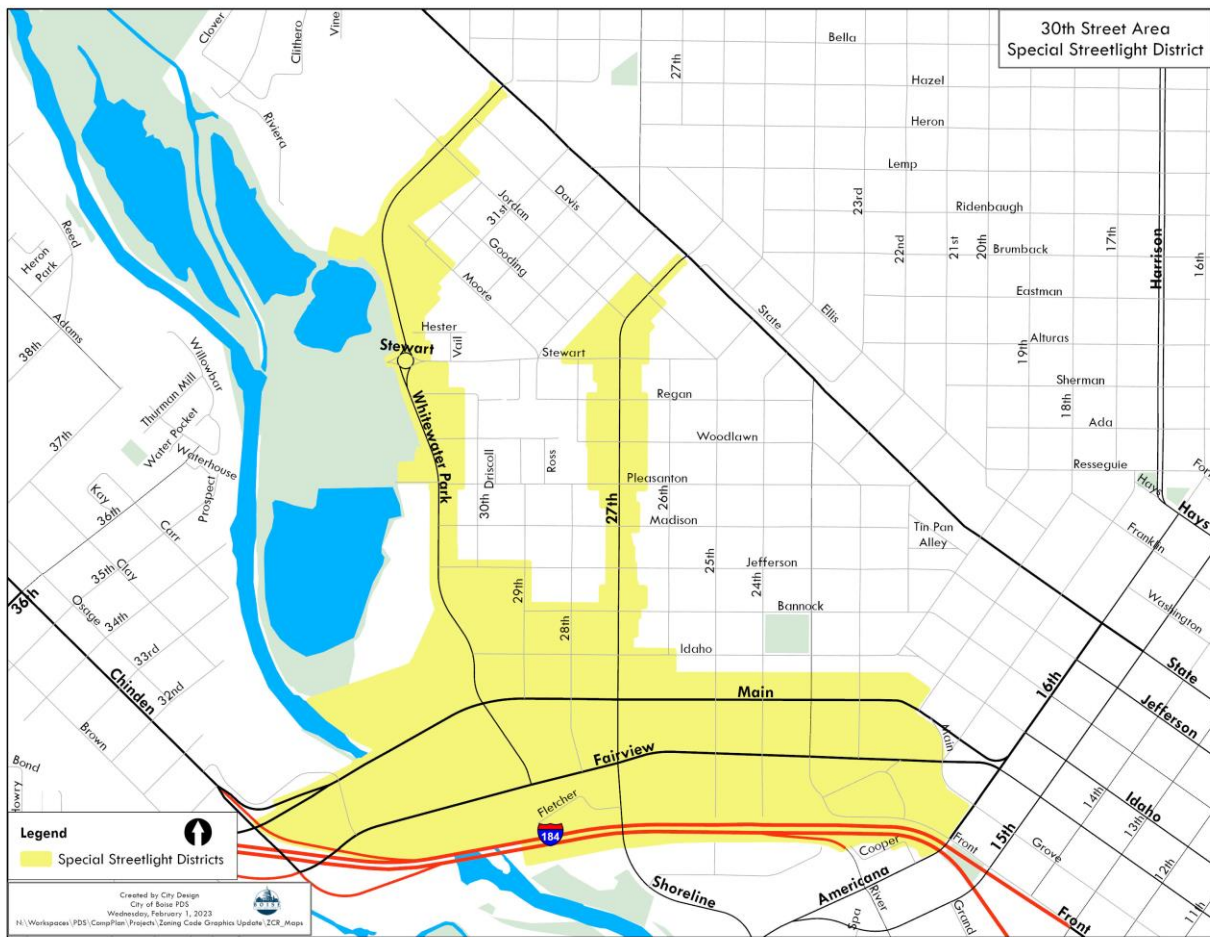


Figure 4.49. The Grove Plaza

(2)30th Street Area

Streetlights on Main Street south to I-184 and within the district boundary east and west, as shown on Figure 4., shall comply with the following standards:

- (a)** The light fixture for this area is the EPAX Eurotique Aluminum Pole Series 12 foot light, using model numbers and light requirements obtained from the Public Works Department.
- (b)** On east-west streets, four lights per block shall be installed and shall be evenly spaced.
- (c)** On north-south streets a light shall be installed at each alley.
- (d)** Locations of light fixtures shall be determined by the Public Works Department.

Figure 4.50. 30th Street Area**(3) Broad Street**

Street lights on Broad Street from Capitol Boulevard to Second Street, as shown on Figure 4., shall comply with the following standards.

- (a) The light fixture for this area is the EPAX Eurotique Aluminum Pole Series 12 foot, Eurotique Arms and Antique Street Lamps Munich Pendant, using model numbers and light requirements obtained from the Public Works Department.
- (b) Light locations are to be determined by the Public Works Department.

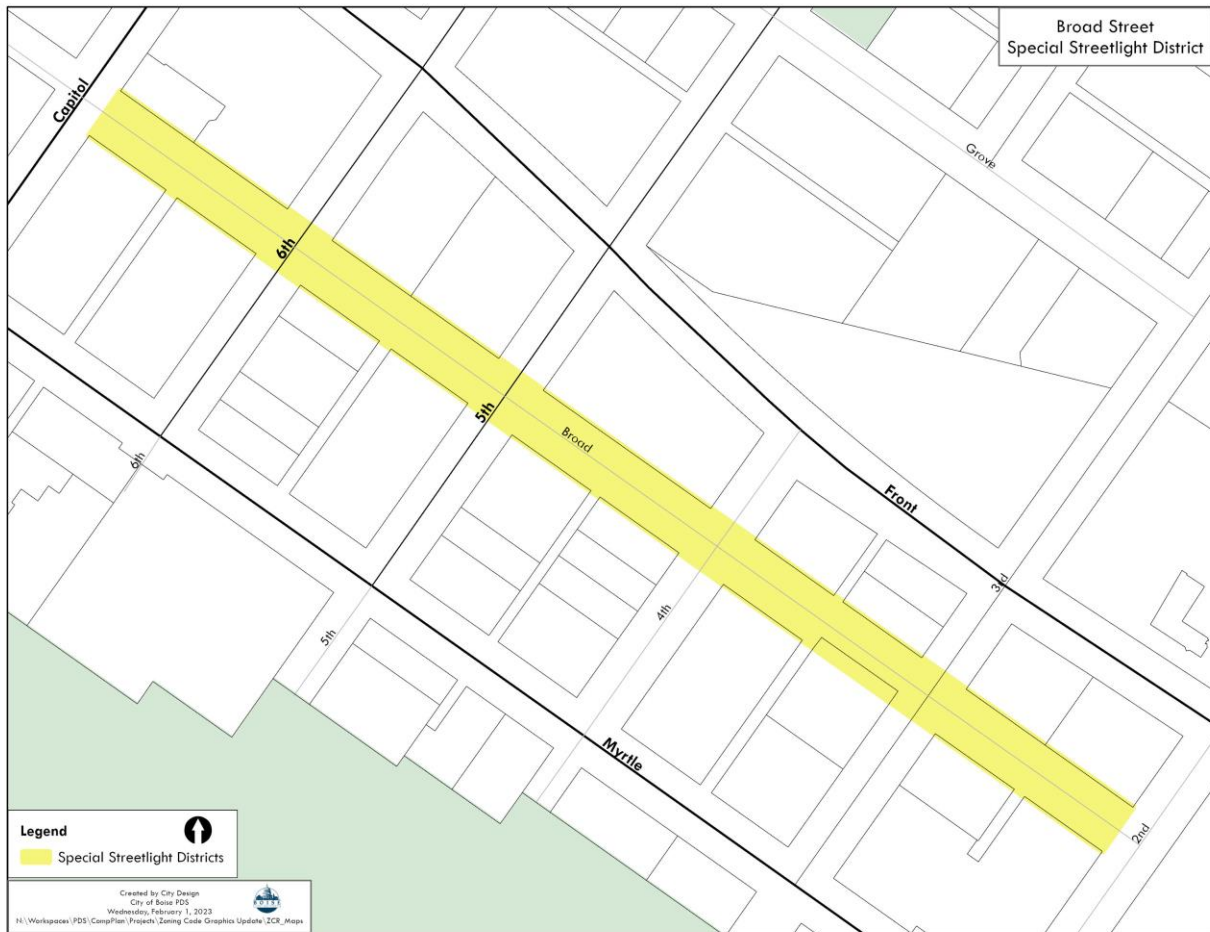


Figure 4.51. Broad Street Area

D. Installation

- (1) All historic street lights shall be installed and paid for by the developer of the project, shall meet current Public Works standards and be approved and inspected by the Public Works Department.
- (2) If the installation is not associated with a specific development, the applicant shall contract the work with technical assistance provided by the Public Works Department.
- (3) Upon completion and successful inspection, the Public Works Department will accept ownership of the lights and assume responsibility for operation and maintenance costs.

11-04-012. Signs

1. Purpose

The purpose of this Section 11-04-012 is to:

- A. Protect the health, safety, property, and welfare of the public;

- B.** Provide for the neat, clean, orderly, and attractive appearance of the community;
- C.** Improve the effectiveness of signs;
- D.** Provide for safe construction, location, erection, and maintenance of signs;
- E.** Minimize adverse visual safety factors to the traveling public; and
- F.** Comply with all applicable provisions of state and federal law regarding freedom of speech and sign content neutrality.

2. Applicability

- A.** All signs and advertising devices within the City boundaries shall be established, altered, changed, erected, constructed, reconstructed, moved, divided, enlarged, demolished, or maintained in compliance with this Section 11-04-012.
- B.** This Section shall be interpreted and enforced so as to avoid violation or inconsistency with applicable state or federal law.

3. Prohibited Signs

The following signs are prohibited in all zoning districts, unless specifically permitted by another provision of this Section 11-04-012, this Code, or other City, state, or federal law.

- A.** Signs or posters that are visible from a public way and are affixed to walls, buildings, trees, poles, fences, bridges, or other structures;
- B.** Signs placed on any public street right-of-way, sidewalk, pole, bridge, or tree; such signs may be deemed nuisances and removed by the City without prior notice;
- C.** Banners, pennants, strings of lights, ribbons, streamers, balloons, mechanically aided, or similar devices that call attention rather than contribute to the establishment décor;
- D.** Portable signs except those allowed as temporary signs and those allowed in the MX-5 district.
- E.** Signs whose lighting, location or appearance would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings;
- F.** Any sign attached to or placed on a vehicle or trailer that is parked on public or private property or driven on public streets, except for signs that comply with the following standards:
 - (1)** The primary purpose of such a vehicle or trailer is not the display of signs; and
 - (2)** The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment; and
 - (3)** The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, and actively used or available for use in the daily function of the establishment to which such signs relate;
- G.** Roof signs;
- H.** Animated signs;
- I.** Strobe lights and flashing lights;
- J.** Any sort of sign used to advertise or display any visually communicated message by letter or by picture, of any kind, on any seating bench, or in direct connection with any bench unless

authorized by the regional public transportation system authority as permitted from the Planning Director; and

K. Abandoned signs, including but not limited to any on-premises sign that relates to an establishment that no longer occupies or operates on the property where the sign is located.

4. Signs Not Requiring a Permit

The following shall be exempt from requirement to obtain a Sign Permit under Section 11-05-05.1.A or shall be required to comply with other applicable provisions of this Section 11-04-012, unless an exception or deviation from those standards is authorized by other provisions of this Code or other City, state, or federal law.

A. General Signs

- (1)** Official notices authorized by a court, public body, or public safety official;
- (2)** Directional, warning or information signs authorized by a government;
- (3)** Memorial plaques, establishment identification signs and building cornerstones when cut or carved into a masonry surface or when made an integral part of the building or structure;
- (4)** The flag of government or noncommercial institution, such as a school;
- (5)** Religious symbols and seasonal decorations;
- (6)** Works of art containing no form of advertising;
- (7)** Street address signs and combination nameplate and street address signs that contain no advertising copy and that do not exceed six square feet in area;
- (8)** Signs oriented only to the property on which they are located, and that are not visible from the public right-of-way, such as restaurant menu boards;
- (9)** Signs in the display windows of an establishment that are incorporated in a display of merchandise;
- (10)** "No Trespassing," "No Dumping," or similar signs not to exceed one and one-half square feet in area and not exceeding four per parcel;
- (11)** Window signs that maintain 25 percent or less aggregate area of the window area;
- (12)** Political signs that are not placed in any public right-of-way and do not obstruct traffic visibility; and
- (13)** Neighborhood identification, and wayfinding signage approved as a community program.

B. Temporary Signs

- (1)** Non-illuminated real estate signs that comply with the following standards:
 - (a)** One per residential parcel;
 - (b)** One per frontage for nonresidential;
 - (c)** Six square feet for a single residential lot;
 - (d)** 32 square feet in Residential and Open Land zoning districts; and
 - (e)** 64 square feet in Mixed-Use and Industrial zoning districts.

(2) Non-illuminated signs temporarily erected during construction to inform the public of the nature of the project that comply with the following standards:

- (a) One per residential parcel;
- (b) One per frontage for nonresidential parcel;
- (c) Six square feet for a single residential lot;
- (d) 64 square feet in Residential and Open Land zoning districts;
- (e) 96 square feet in Mixed-Use and Industrial zoning districts; and
- (f) Eight feet maximum height.

(3) Such signs shall not be displayed until after the issuance of construction permits and shall be removed not later than 24 hours following issuance of an occupancy permit for any portion of the project.

(4) Signs and posters advertising a special community event, including in or over public rights-of-way, subject to approval by the Planning Director as to the size, location, and method of erection based on considerations of pedestrian, bicycle, and vehicle safety and impacts on surrounding areas. Signs that might impair safety or obstruct traffic visibility shall not be approved.

(5) Pennants, flags, banners, balloons, and promotional sandwich boards during and for community events in the Grove that comply with the following standards:

- (a) Signs shall not remain in place overnight.
- (b) Sandwich boards shall not exceed a maximum height of four feet or a width of three feet.

(6) Portable Signs

Portable signs are only permitted in the MX-5 zoning district and shall comply with the following standards:

- (a) Each ground floor establishment with street frontage is allowed one portable sign per street frontage.
- (b) One portable sign is permitted per non-residential establishment.
- (c) The maximum sign area is seven square feet and shall not extend more than 26 inches above the grade level of that sidewalk or walkway.
- (d) Portable signs shall be located within 20-feet of the establishment door in the furnishing zone or close to the curb in front of the establishment, outside of vision triangles, and shall not obstruct pedestrian traffic or violate ADA guidelines.
- (e) If adequate space does not exist in a furnishing zone or near the curb, a portable sign may be placed in a vestibule or alcove near a building entrance, provided that a five foot clear horizontal pedestrian passage zone with a minimum clear vertical height of at least 80 inches above grade is maintained. Signs shall not be placed within five feet of the curb abutting an on-street accessible parking stall.
- (f) A portable sign attached to a building surface shall not extend more than four inches horizontally over any portion of a sidewalk or walkway.
- (g) All portable signs shall be made of stable and durable materials and complimentary in design to the immediate area.

(7) Special Promotions, Event and Grand Opening Signs:

- (h)** One sign is permitted per non-residential establishment.
- (i)** Multi-tenant buildings, an individual establishment may place a sign next to their respective front door or as a banner above the door. A freestanding sign may be placed in the perimeter landscaping of the development.
- (j)** The maximum sign area is 32 square feet, and the maximum sign height for a freestanding sign is eight feet.
- (k)** Signs shall be maintained in good order and removed after the promotion, event, or opening has concluded.

5. Signs Requiring a Permit

Unless specifically exempted by Subsection 4 above or other provision of this Code or other City, state, or federal law, each erection or installation of a sign in the City shall require the approval of a Sign Permit pursuant to Sections 11-05-05.1.A, *Sign Permit for On-Premise Sign* **Error! Reference source not found., Error! Reference source not found.**, as applicable. Sign Permits are not required for change of copy, repainting, or other normal maintenance and repair, provided there is no expansion of the sign structure or face.

6. General Sign Standards**A. Sign Measurement****(1) Sign Height**

The distance from the adjacent ground elevation supporting the sign to the highest point of the sign. A landscape berm or other structure erected to support the sign shall be measured as part of the height. If the street to which the sign is oriented is higher than the grade at the base of the sign, then the street elevation shall be used as the ground elevation for purposes of calculating the permitted height of the sign.

(2) Sign Area

(a) Sign area is calculated as the area within a continuous perimeter with up to eight straight sides that encloses the limits of text and graphics of a sign. Additionally, this area includes any frame or other material, or color forming an integral part of the display or used to differentiate the sign's message from the background against which it is placed. The area excludes the structure upon which the sign is placed (unless the structure is an integral part of the display), but includes any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not.

(b) When computing the sign area, only the face or faces that can be seen from one direction at one time, shall be considered.

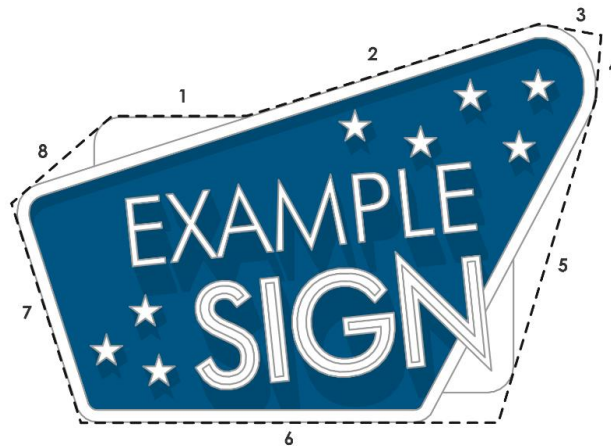


Figure 4.52. Sign Area Measurement

B. Design

- (1) Pole support structures shall be covered with an enclosure.
- (2) Signs shall complement the architectural style of the building.

C. Traffic Visibility

- (1) Signs shall not be permitted in the clear vision triangle as defined in this Code and ACHD.
- (2) Signs shall not be erected at any intersection or driveway entrance location that will obstruct the view of traffic, as determined by the Planning Director, ACHD, or the Idaho Transportation Department.

D. Adjacent to Residential Zones

Signs in Mixed-Use, Industrial, or Open Land zoning districts shall not be located within 50 feet of a Residential zoning district boundary. Where a zoning district boundary is the centerline of the street, the distance shall be measured to the opposite street side.

E. Street Trees

Trees shall not be topped or removed to facilitate better view of signs.

F. Maintenance and Repair

Signs shall be maintained in accordance with the standards set forth in Section 11-04-013, *Operations and Maintenance*.

7. On-Premise Signs**A. Accessory On-Premise Signs****(1) Awning Signs****(a) Applicability**

Awning signs are prohibited in the Residential zoning districts (excluding the R-3 zoning district), and in the A-1 and A-2 zoning districts.

(b) Standards

The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning to which the signs is affixed, or the permitted

area for wall or fascia signs, whichever is less. Background colors, striping, patterns, or valances shall not be included in the computation of the sign area.

(2) Canopy and Marquee Signs

(a) Applicability

Canopy and marquee signs are prohibited in the Residential zoning districts, excluding the R-3 zoning district, and in the A-1 and A-2 zoning districts.

(b) Standards for Under Canopy or Marquee Signs (Hanging Signs)

- i. There shall be no more than one under canopy or under marquee sign per public entrance to any tenant or user space, and shall not exceed 16 square feet;
- ii. Each sign shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of eight feet; and
- iii. Each sign shall be mounted perpendicular to the building wall.

(c) Standards for Above Canopy and Above Marquee Signs

- i. The maximum sign width shall be no more than 33 percent of the canopy background width;
- ii. The minimum space between the bottom edge of the letter and the top of the canopy background shall be 1.5 inches; and
- iii. The maximum height of each letter shall be no more than three times the canopy background height, with a maximum of 30 inches, whichever is less.

(d) Standards for Signs on Marquees

- i. No more than one sign shall be permitted on each side of a marquee, and any such sign shall be in lieu of a wall, canopy, or projecting sign;
- ii. The sign area of each side shall not exceed two square feet of total area per lineal foot of building frontage or 200 square feet, whichever is smaller;
- iii. The vertical dimension of the sign shall not exceed six feet; and
- iv. The bottom of the sign shall have a minimum vertical clearance of twelve feet above the sidewalk or pedestrian way.

(3) Freestanding Signs

Freestanding accessory signs shall comply with the standards set forth in Table 11-04.19 and the following standards. Freestanding signs:

- (a) Shall be located within a landscaped area no smaller than the background area of the sign; new landscaped areas shall be reviewed as part of the sign application. Decorative rock may be a component of the landscaping area counted to calculate its area for this purpose;
- (b) Shall include the street address in letters at least three and one-half inches tall;
- (c) Shall be oriented perpendicular to the street providing frontage to the establishment and be located toward the front of the parcel and as close to the main vehicle entrance as possible. Orientation to interstate highways or the I-184 Connector is prohibited;

- (d) Shall be set back at least five feet from the front property line in Residential and Mixed-Use zoning districts, and one foot in Industrial and Open Land zoning districts. The entirety of the sign shall be located outside of the setbacks.
- (e) Shall be set back at least five feet from side property lines in all zoning districts;
- (f) Shall not exceed one per street frontage, except that:
 - i. Where two signs are allowed for a single establishment on a street corner or a collection of buildings within an integrated commercial center, each sign shall be designed and located so as to be viewed only from the street on which it is located; and
 - ii. In lieu of two signs, one corner sign designed to be viewed from both streets is allowed, provided it complies with other provisions of this Code;
- (g) May have architectural appurtenances with no text extend up to two feet over the allowed height.

TABLE 11-04.19: FREESTANDING SIGN, MAXIMUM BACKGROUND AREA AND HEIGHT

ZONING DISTRICT	MAXIMUM BACKGROUND AREA (SQUARE FEET)	MAXIMUM HEIGHT (FEET)	GATEWAY (FEET) [1]
R-1A, R-1B, R-1C, R-2, R-3, A-1, A-2	1 per 3 lineal ft. of street frontage up to 50	6	6
MX-1	1 per 3 lineal ft. of street frontage up to 50	8	8
MX-3, MX-4, MX-5, MX-U, I-1, I-2	70	15	12
MX-2	80	20	12

Notes:

[1] Applies to freestanding signs oriented toward the following streets: Capitol Boulevard; Vista Avenue from I-84 north; Broadway Avenue from I-84 north; State Street from State Capitol to Highway 55; Myrtle Street; Front Street; Federal Way from Capitol Boulevard to Bergeson Street; Warm Springs Avenue; Park Center Boulevard.

(4) Directional Signs

- (a) Up to two directional signs shall be permitted at the street entrance to any parcel. The maximum area is four square feet, and the maximum height is four feet.
- (b) Non-accessory directional or wayfinding signs may be erected by governments giving direction to places of general interest such as colleges, parks, hospitals, or Neighborhood Associations. Such signs shall be subject to approval by the Planning Director as to the size, location, and method of erection.

(5) Electronic Message Displays (EMD)

- (a) **Applicability**
 - i. EMDs are permitted for all uses located in the Mixed-Use, Industrial, and Open Land zoning districts.

- ii. EMDs are only permitted for nonresidential uses located on collector or arterial roadways in the Residential zoning districts and in the A-1, and A-2 zoning districts.

(b) Standards

All electronic message displays shall comply with the following standards:

- i. Only one EMD is permitted per establishment. For establishments located in a center, only one EMD is permitted for the center.
- ii. No EMD may be installed on a non-conforming sign.
- iii. EMDs shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating, or varying of light intensity.
- iv. Each message or frame shall be displayed for a minimum of eight seconds.
- v. The area used for an EMD shall not occupy more than 50 percent of the total sign area.
- vi. The brightness or intensity of the EMD shall be factory set not to exceed 5,000 nits on clear days and 500 nits from dawn to dusk. The EMD shall also not exceed 50 percent of its maximum brightness on clear days and 10 percent of maximum brightness from dawn to dusk. Each display shall have a light sensing meter that will adjust the display brightness as the ambient light changes.
- vii. Text-only single-color message displays with letters no higher than 12 inches may scroll or travel without the static message limitation. The maximum area for such displays is eight square feet.

(6) Projecting Signs

(a) Applicability

Projecting signs are prohibited in the Residential zoning districts, excluding the R-3 zoning district, and in the A-1 and A-2 zoning districts.

(b) Standards

i. Maximum Background Area

The maximum background area shall be:

- A. The lesser of five percent of the wall area facing a street or 50 square feet in the MX-1 district.
- B. The lesser of 10 percent of the wall area facing a street or 75 square feet in all other districts where allowed.
- C. When both projecting and wall signs are used, the maximum area for both signs is reduced by 50 percent.

ii. Number Allowed

- A. One per street level establishment for each street frontage.

- B.** Where there is more than 150 feet of frontage for one establishment, a second sign is permitted.

- iii. Projection Above Building Height**

No sign shall extend vertically above the highest point of the building façade upon which it is mounted by more than two feet.

- iv. Projection from Wall**

The projection from the wall shall be no more than 10 feet, or to within two feet of the face of the curb, whichever is less.

- v. Clearance**

Clearance over public property shall be a minimum of 12 feet.

- vi. Maximum Height**

No portion of any projecting sign shall extend more than 30 feet above the ground.

(7) Wall Signs

(a) Wall Signs Oriented to Interstate Highways

- i. Applicability**

In the Mixed-Use, Industrial, and Open Land zoning districts, properties that abut I-84 or I-184 southwest of 15th Street may have one wall sign per establishment oriented to the highway, provided the sign complies with the following standards:

- ii. Standards**

- A. Area**

One square foot in sign area for each lineal foot of wall up to 32 square feet.

- B. Height**

Shall not exceed the height of the wall or 30 feet.

- iii. Prohibited Signs**

EMDs and other forms of signage using light emitting diode (LED) technology are prohibited.

(b) All Other Wall Signs

Wall signs shall comply with the standards in Table 11-04.20 and the following standards:

- i.** Wall signs shall not project above the wall to which they are attached.

- ii.** Wall signs shall face the street or streets that the building faces, except that a sign on a building wall in a Mixed-Use, Industrial, or Open Land zoning district that does not face a street may be permitted if it complies with the following standards:

- A.** The sign area may be borrowed from that allowed on the building wall facing the street; and

- B.** The sign area shall not exceed 10 percent of the building wall; where multiple tenants or users are located in a single building, and allowable sign area is allocated between some or all of those tenants or users, the calculation of the 10 percent maximum sign area shall be allocated among each tenant or user based on the square footage of the ground floor wall space of the building frontage occupied by that individual tenant or user, rather than the wall area of the building as a whole.
 - C.** For commercial centers with multiple tenants, allowed signage for each tenant is based on the percentage allowed for the zone and calculated based on the square footage of the ground floor wall space of that individual tenant; and
 - D.** The sign faces an abutting property zoned Mixed-Use, Industrial, or Open Land.
- iii.** In Mixed-Use, Industrial, or Open Land zoning districts, the sign area allowed may be divided among multiple signs according to Table 11-04.20 below.

TABLE 11-04.20: WALL SIGNS

ZONING DISTRICT	MAXIMUM SIGN AREA
R (Multiple-Family and nonresidential signs), A-1, and A-2	One square foot per three lineal feet of building wall facing the street. Maximum 50 square feet.
MX-1, MX-3, MX-4	15% of building wall facing the street.
MX-2, MX-5, MX-U, I-1, I-2, I-3	20% of building wall facing the street.

8. Alternative Sign Plan

A. Multi-tenant nonresidential developments that are planned and developed as an integrated center or a single, multi-tenant building shall obtain approval of an Alternative Sign Plan pursuant to Section 11-05-05.2.A before constructing or installing any sign on the property. This includes but is not limited to:

- (1)** Hospital complexes on sites of two acres or larger;
- (2)** Office centers with multiple building on sites of two acres or larger;
- (3)** Industrial parks with multiple buildings on sites of five acres or larger; and
- (4)** Single, multi-tenant buildings on sites of two acres or larger.

B. The Alternative Sign Plan shall establish standards and criteria for all signs that require Sign Permits and shall address location, materials, design, and quantity.

C. One freestanding center sign is permitted on each street frontage, with a maximum of two, according to the provisions of the following Table 11-04.21. Where there is more than 1,000 feet of frontage on a street, a second sign is allowed. Center signs on Gateway Streets shall not exceed the Gateway Street height standards.

D. Freestanding signs shall be located as near to the primary access driveway to the maximum extent practicable.

- E.** Freestanding signs in Mixed-Use, Industrial, and Open Land zoning districts shall not be closer than 150 feet from any Residential district.
- F.** Separate building pads within centers and parks are allowed one monument style sign with a maximum height of six feet and a maximum background sign area of 32 square feet but shall not exceed the standards in Table 11-04.19.
- G.** Wall signs are permitted in any number, location, or orientation, provided they do not face a Residential district, and provided the total square footage does not exceed 18 percent of the ground floor tenant wall face upon which the signs are placed.
- H.** Sign height and placement shall be consistent throughout the development.
- I.** Signs shall incorporate materials, colors and design motifs that are compatible with buildings in the development.

TABLE 11-04.21: CENTER SIGN MAXIMUM BACKGROUND AREA AND HEIGHT

ZONING DISTRICT	MAXIMUM BACKGROUND AREA (SQUARE FEET)	MAXIMUM HEIGHT (FEET)
MX-1	80	8
MX-3, MX-4, MX-5, MX-U, I-1, I-2	100	25
MX-2	150	30

9. Off-Premise Signs

A. Off-Site Identification

When off-site identification is needed because of excessive distance from a public street, lack of street frontage, unusual topography or other special circumstances, an off-premise sign may be allowed with a Conditional Use Permit. The standard conditional use approval criteria and the special circumstances noted above shall be used to evaluate the request. The base zoning district standards for sign size and location shall apply.

B. Poster Panel and Bulletin Panel Off-Premise Signs (Billboards)

Each application for a billboard shall be accompanied by a demolition permit for an existing billboard. The number of billboard signs in the City shall not be increased except through annexation. Off-premise poster panels and bulletin panels are only permitted in the MX-2, MX-3, I-1, and I-2 zoning districts, and only after approval of a Conditional Use Permit, provided that no signs may be located on Capitol Boulevard or on Federal Way between Capitol Boulevard and Bergeson Street.

(1) Approval Criteria

The Planning and Zoning Commission shall make the following findings:

- (a)** That the sign will not negatively impact the visual quality of a public open space.
- (b)** That the sign will not block the view of a structure of historical or architectural significance.

(c) That sign height is compatible with buildings within a 300 foot radius. Where view of the sign would be blocked by buildings, or where view of buildings would be blocked by the sign, the sign height shall not exceed the building height by more than 12 feet. Where there are no buildings within 300 feet, sign height shall not exceed 22 feet.

(d) That sign lighting will not trespass onto adjacent properties.

(2) Design and Location

New signs shall comply with the following standards:

(a) Sign area height shall not exceed 10.5 feet.

(b) Sign area shall not exceed 248 square feet for poster panels and 378 square feet for bulletin panels.

(c) Sign height shall not exceed 40 feet but may be limited to less by 11-04-012.9.B(1)(c) above.

(d) No sign may be located within 1,000 feet of another billboard on the same side of the street. However, if a sign is larger than 312 square feet, the distance to another such sign shall be at least 2,000 feet.

(e) A sign on one side of the street may be no closer than 150 feet from a sign on the opposite side of the street, as measured along the line of travel.

(f) At any street intersection, there may be no more than 496 combined square feet of billboard sign area within 250 feet measured from the street corner curbs.

(g) Back-bracing is prohibited.

(h) View of the sign should be unobstructed for 250 feet along the line of travel.

(i) Electronic message displays are allowed with static frame effects that change with no transition - no more frequently than every 8 seconds. Brightness levels shall comply with Section 11-04-012.7.A(5)(b)vi. A change from non-EMD to EMD requires the approval of a sign permit.

(j) Setbacks shall be at least five feet from any property line. When adjacent to a Residential zoning district, the setback of that residential zoning district shall be met.

10. Special Sign Districts

A. Capitol Boulevard Sign Standards

In addition to the generally applicable sign regulations of this Section 11-04-012, these special standards apply in the Capital Boulevard Special Design District.

(1) Review

(a) Signs require Design Review approval as an overall sign plan for the site.

(b) The Design Review Commission shall provide recommendations to the Planning and Zoning Commission on requests for Variances and Conditional Use Permits.

(2) General Standards

(a) One wall sign, or one projecting sign, or one canopy sign, or one freestanding sign per building is permitted for each street frontage in accordance with the following standards.

- i. Wall signs shall not exceed 15 percent of the wall area or 65 square feet in size, whichever is less.
 - ii. Projecting signs shall not exceed 25 square feet in area and shall not exceed the building height or 20 feet, whichever is less.
 - iii. Freestanding signs are allowed as per the size and height regulations for Gateway Streets in Table 11-04.19.
- (b) One wall sign per street frontage may exceed the maximum size allowed in Subsection (a) if it is reviewed and approved by the Design Review Commission. The Design Review Commission shall take into account the scale and height of the building, the visibility and orientation of the proposed sign, and impacts on the Capitol Boulevard view corridor when evaluating these requests.
- (c) In addition to the signs in Subsection (a), each building with more than one tenant or occupant is allowed either: one 20 square foot wall sign or one 12 square foot projecting sign per tenant or occupant located on the ground floor of the building.
- (d) Colors, materials, and lighting shall be restrained and harmonious with the building and site.
- (e) Use of neon is encouraged for illumination.
- (f) Electronic message displays are permitted only with a Conditional Use Permit. Manual readerboards require approval by the Design Review Commission.

11-04-013. Operations and Maintenance

1. Landscaping, Buffering, and Screening Maintenance

All landscaping, buffering, and screening required by this Code shall be maintained by the property owner in compliance with the following standards.

- A. No required street tree shall be topped without the written permission of the City. For street trees not located within a public right-of-way, alternative pruning techniques to achieve specific horticultural or aesthetic effects may be used if approved by the Parks and Recreation Department. Examples include pleached alley, pleached bosque, espalier, and pollarded canopy.
- B. Tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right-of-way.
- C. Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.
- D. All required landscaping shall be subject to periodic inspections by City Officials to determine compliance.
- E. Required landscaped areas in residential subdivisions that are not located in individual lots shall be placed under the control and maintenance of a Homeowners' Association, unless the applicant can demonstrate that the landscaping will be maintained in an attractive condition by another entity including but not limited to individual property owners or the ACHD.
- F. All fences and walls shall be maintained and kept structurally sound.

2. Exterior Lighting

All exterior lighting required to comply with Section 11-04-011, *Exterior Lighting* shall be maintained by the property owner in compliance with the following standards.

- A.** All lighting fixtures that are required to be shielded shall be installed and maintained so that they maintain compliance with all standards for shielded fixtures as specified in Section 11-04-011, *Exterior Lighting* and other applicable regulations as adopted by the City.
 - B.** Exterior lighting fixtures shall comply with the Building Code, the energy efficiency standards, and other applicable regulations adopted by the City.
 - C.** Exterior lighting shall be maintained in good structural condition at all times.
-

3. Signs

- A.** Signs shall be maintained by the property owner in a state of good appearance, safety, and repair.
 - B.** Any on-premise sign associated with a building or establishment that has been vacant and unoccupied for more than six months, or any sign no longer associated with the use on the property shall be deemed abandoned and shall be removed by the property owner.
-

4. Glare, Heat, Smoke, Fumes, Radiation, and Odors

Every use shall be operated so that it does not exceed an objectionable or dangerous degree of glare, heat, fumes, electromagnetic radiation, nuclear radiation, or odors beyond any property line of the site on which the use is located.

5. Vibration

Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any property line of the site on which the use is located.

6. Hazardous Materials

All uses and activities shall comply with all state and federal laws and regulations regarding the use, storage, handling, and transportation of flammable liquids, liquefied petroleum, gases, explosives, hazardous materials, hazardous wastes, toxic materials, and solid wastes, as those terms are defined by applicable statutes, rules, regulations, or ordinances.

7. Waste Materials

- A.** No materials or wastes shall be deposited upon a property in any form or manner that would permit natural causes or forces to transfer them off the site.
- B.** All materials or wastes that may cause fumes or dust, or that constitute a fire hazard, or that may be edible by or otherwise attractive to rodents or insects shall only be stored outdoors in closed solid waste containers that are screened from adjacent property.
- C.** All biomedical wastes that are processed through ozonation treatment shall either be beneficially reused, recycled, or rendered safe for disposal in a municipal solid waste landfill or other approved disposal facility, or as otherwise permitted by state and federal law.

Chapter 11-05 Administration and Procedures

11-05-01. Purpose

The purpose of this Chapter 11-05 is to identify the roles and responsibilities of appointed and elected boards and City Officials, departments, and staff in the administration of this Code and describes the review and decision-making procedures of applications for development.

11-05-02. Summary Table of Review and Decision-Making Procedures

1. Table 11-05.1: *Summary of Review and Decision-Making Procedures* identifies the development procedures authorized by this Code and establishes whether public notice and pre-submittal activities are required, the role of the City review and decision-making bodies, and whether public hearings are required during each process.
2. The Summary Table of Review and Decision-Making Procedures lists applications that have unique processes but generally fall within one of four types. Refer to the Specific Procedures to identify unique requirements of each application.
3. If a specific procedure is not listed in Table 11-05.1, the application shall be subject to a Zoning Compliance Review or the approval of a Zoning Certificate, as determined by the Planning Director.

TABLE 11-05.1: SUMMARY OF REVIEW AND DECISION-MAKING PROCEDURES

R = RECOMMENDATION **D** = DECISION **A** = APPEAL **< >** = PUBLIC HEARING **X** = Required

		PUBLIC NOTICE			PRE-SUBMITTAL ACTIVITIES			REVIEW AND DECISION-MAKING BODIES					
Application	Type of Procedure and Code Reference	Published	Mailed	Posted	Concept Review	Neighborhood Meeting	Interdepartmental Review	Planning Director	Hearing Examiner	Design Review Commission	Historic Preservation Commission	Planning & Zoning Commission	City Council
Type 1 Ministerial Decisions													
Hillside Development Permit – Category 2	Type 1 11-05-05.1							D	<A> [10]				
Sign Permit for On-Premise Sign	Type 1 11-05-05.1.A							D	<A> [10]				
Temporary Sign Permit	Type 1 Error! Reference source not found.							D	<A> [10]				
Temporary Use Permit	Type 1 11-05-05.1.B							D	<A> [10]				
Zoning Compliance Review	Type 1 11-05-05.1.C							D	<A> [10]				
Type 2 Planning Director Decisions													
Allowed Use with Allowed Zone-Specific Standards	Type 2 11-05-05.2.A		X [1]		X		X	D	<A> [10]				
Alternative Sign Plan	Type 2 11-05-05.2.B		X [1]		X			D	<A> [10]				
Certificate of Appropriateness – Minor	Type 2 11-05-05.2.C		X [1]		X			D	<A> [10]				
Conditional Use – Minor Modification	Type 2 11-05-05.2.D		X [1]		X			D	<A> [10]				
Design Review – Minor	Type 2 11-05-05.2.E		X [1]		X		X	D	<A> [10]				
Floodplain Permit	Type 2 11-05-05.2.F		X [1]		X			D	<A> [10]				
Legal Nonconformity – Confirmation, Change, or Minor Expansion	Type 2 11-05-05.2.G		X [1]		X			D	<A> [10]				

TABLE 11-05.1: SUMMARY OF REVIEW AND DECISION-MAKING PROCEDURES

R = RECOMMENDATION **D** = DECISION **A** = APPEAL **< >** = PUBLIC HEARING **X** = Required

		PUBLIC NOTICE			PRE-SUBMITTAL ACTIVITIES			REVIEW AND DECISION-MAKING BODIES					
Application	Type of Procedure and Code Reference	Published	Mailed	Posted	Concept Review	Neighborhood Meeting	Interdepartmental Review	Planning Director	Hearing Examiner	Design Review Commission	Historic Preservation Commission	Planning & Zoning Commission	City Council
PUD Modification – Minor	Type 2 11-05-05.2.I		X [1]		X			D	<A> [10]				
Reasonable Accommodation for Accessibility	Type 2 11-05-05.2.J		X [1]		X			D	<A> [10]				
Record of Survey	Type 2 11-05-05.2.K		X [1]					D	<A> [10]				
Residential Small Lot Approval – Minor	Type 2 11-05-05.2.L		X [1]		X			D	<A> [10]				
River System Permit – Minor	Type 2 11-05-05.2.M		X [1]		X			D	<A> [10]				
Zoning Certificate	Type 2 11-05-05.2.N		X [1]		X			D	<A> [10]				
Type 3 Appointed Body Decisions													
Allowed Use with Alternative Zone-Specific Standards	Type 3 11-05-05.3.A		X	X	X	X	X	R				<D>	<A>
Certificate of Appropriateness – Major	Type 3 11-05-05.3.B		X	X	X	X	X	R			<D>		<A>
Conditional Use Permit – Initial Approval or Major Modification	Type 3 11-05-05.3.C	X	X	X	X	X	X	R				<D>	<A>
Design Review – Major	Type 3 11-05-05.3.D		X	X	X	X	X	R		<D>			<A>
Floodplain Variance	Type 3 11-05-05.3.E		X	X	X	X	X	R	<D> [10]				
Hillside Development Permit – Category 3	Type 3 11-05-05.3.F		X	X	X	X	X	R				<D>	<A>
Legal Nonconformity – Major Expansion	Type 3 11-05-05.3.G		X	X	X	X	X	R				<D>	<A>
PUD Modification – Major	Type 3 11-05-05.3.H		X	X	X	X	X	R				<D>	<A>

TABLE 11-05.1: SUMMARY OF REVIEW AND DECISION-MAKING PROCEDURES

R = RECOMMENDATION **D** = DECISION **A** = APPEAL **< >** = PUBLIC HEARING **X** = Required

		PUBLIC NOTICE			PRE-SUBMITTAL ACTIVITIES			REVIEW AND DECISION-MAKING BODIES					
Application	Type of Procedure and Code Reference	Published	Mailed	Posted	Concept Review	Neighborhood Meeting	Interdepartmental Review	Planning Director	Hearing Examiner	Design Review Commission	Historic Preservation Commission	Planning & Zoning Commission	City Council
Reclassification of Historic Resource	Type 3 11-05-05.3.I		X		X	X	X	R			<D>		<A>
Residential Small Lot Approval – Major	Type 3 11-05-05.3.J		X	X	X	X	X	R		<D>			<A>
River System Permit – Major	Type 3 11-05-05.3.K		X	X	X	X	X	R				<D>	<A>
Variance	Type 3 11-05-05.3.L		X	X	X	X	X	R	<D> [10]				
Type 4 City Council Decisions													
Annexation of Land and Related Zoning Map Amendment	Type 4 11-05-05.4.A	X	X	X	X	X	X	R				<R>	<D>
Code Adoption or Amendment	Type 4 11-05-05.4.B	X	X	X	X		X	R		R [2]	R [3]	<R>	<D>
Comprehensive Plan Adoption or Amendment	Type 4 11-05-05.4.C	X	X	X	X		X	R				<R>	<D>
Development Agreement or Modification	Type 4 11-05-05.4.D	X	X	X	X	X	X	R				<R>	<D>
Major Historic Preservation Actions	Type 4 11-05-05.4.E	X	X [4]	X [4]	X	X	X	R			<R>	<R> [5]	<D> [6]
Subdivision Plat - Preliminary	Type 4 11-05-05.4.F	X [7]	X [7]	X [7]	X		X [8]	R				<R>	<D>
Subdivision Plat - Final	Type 4 11-05-05.4.G						X [8]	R					<D>
Subdivision Plat – Vacation	Type 4 11-05-05.4.H	X	X [9]		X [9]	X [9]	X [9]	R					<D>
Zoning Map Amendment (Rezoning, including Planned Unit Development)	Type 4 11-05-05.4.I	X	X	X	X	X	X	R		R [2]	R [3]	<R>	<D>

TABLE 11-05.1: SUMMARY OF REVIEW AND DECISION-MAKING PROCEDURES

R = RECOMMENDATION **D** = DECISION **A** = APPEAL **< >** = PUBLIC HEARING **X** = Required

		PUBLIC NOTICE			PRE-SUBMITTAL ACTIVITIES			REVIEW AND DECISION-MAKING BODIES					
Application	Type of Procedure and Code Reference	Published	Mailed	Posted	Concept Review	Neighborhood Meeting	Interdepartmental Review	Planning Director	Hearing Examiner	Design Review Commission	Historic Preservation Commission	Planning & Zoning Commission	City Council

Notes:

- [1] Notice required upon approval of a decision.
- [2] Only required if application is to establish a Design Review Overlay district other than an HD-O district.
- [3] Only required if application is to establish an HD-O district.
- [4] Notice varies depending on specific action being requested.
- [5] Only required if application is to establish or remove an HD-O district.
- [6] Council action only required if HPC recommends approval for some actions.
- [7] Required for applications for proposed subdivision that include more than five acres.
- [8] Required for applications for proposed subdivisions that include 40 or more lots or dwelling units.
- [9] Varies by type of Vacation.
- [10] In the event the Hearing Examiner is unavailable as per 11-05-03.6.A, PZC may hear and decide the application.

11-05-03. Review and Decision-Making Bodies

1. Purpose

The purpose of this Section 11-05-03 is to describe the organization, powers, and duties of the offices and governing bodies responsible for the administration of this Code.

2. City Council

A. Duties, Jurisdiction, and Authority

The Boise City Council ("the Council") is the final legislative authority on zoning and land use decisions. The Planning Director and all commissions and committees indicated in this Code function at the direction of the City Council. Specific duties and authority of the City Council related to this Code include but are not limited to the following:

- (1) Confirm the Mayor's appointments to the memberships of the Planning and Zoning Commission, the Design Review Commission, the Historic Preservation Commission, and the position of Hearing Examiner;
- (2) After receiving a recommendation from the Planning and Zoning Commission, Design Review Commission, or Historic Preservation Commission, hear and decide all legislative matters including but not limited to Comprehensive Plan Adoption or Amendments, including amendments to the Future Land Use Map, Code Text Amendments, Annexation of Land, Zoning Map Amendments, Area of Impact provisions, emergency ordinances and moratoriums.

(3) Hear and decide applications as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures* and in Sections 11-05-04, *Common Procedures*, 11-05-05, *Specific Procedures*, and 11-05-06, *Nonconformities*; and

(4) Hear and decide appeals of decisions of the Planning and Zoning Commission, Design Review Commission, and the Historic Preservation Commission.

B. Membership

The membership of the City Council shall be as set forth in Election of Council Members by Designated Seat in Title 1, Chapter 9 of the Boise City Code.

C. Procedures

(1) General

Rules of procedure for the City Council are set forth in Title 1, Chapter 6 of the Boise City Code.

(2) Emergency Ordinances

(a) If the City Council finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances, or adoption of a moratorium upon the issuance of certain classes of permits, or both, it shall issue a written statement containing the reasons for the adoption. The City Council may then proceed to a hearing without recommendation of a commission and upon any abbreviated notice of hearing that it finds practical to adopt the ordinance or moratorium.

(b) An emergency ordinance or moratorium may remain in effect for no more than 182 days. Restrictions established by an emergency ordinance shall not be imposed for consecutive periods. Further, an intervening period of not less than one year shall exist between an emergency ordinance or moratorium and reinstatement of the same emergency ordinance or moratorium. To sustain restrictions established by an emergency ordinance beyond the 182 day period, the City Council shall adopt an interim or regular ordinance, following the notice and hearing procedures in Section 11-05-04.5, *Scheduling and Notice of Public Hearing*.

(3) Interim Ordinances

(a) If the City Council finds that a plan, plan component, or amendment to a City plan is being prepared, it may adopt interim ordinances following the notice and hearing procedures provided in Section 11-05-04.5, *Scheduling and Notice of Public Hearing*. The City Council may also adopt an interim moratorium upon the issuance of certain classes of permits if, in addition to the foregoing, the City Council finds that an imminent peril to the public health, safety, or welfare requires the adoption of an interim moratorium.

(b) An interim ordinance shall state a definite period of time, not to exceed one calendar year, during which it shall be in effect. To sustain restrictions established by an interim ordinance, the City Council shall adopt a regular ordinance, following the notice and hearing procedures provided in Section 11-05-04.5, *Scheduling and Notice of Public Hearing*.

3. Planning and Zoning Commission

A. Duties, Jurisdiction, and Authority

For enabling legislation for the Planning and Zoning Commission (PZC) generally, see Title 2 of the Boise City Code. Duties, jurisdiction, and authority of the PZC related to this Code include but are not limited to the following:

- (1) Prepare and recommend approval of a Comprehensive Plan and periodically review the provisions of the plan and report its findings and recommendations to the City Council;
- (2) Review and decide applications as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures* and in Sections 11-05-04, *Common Procedures* and 11-05-05, *Specific Procedures*;
- (3) As indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures* and in Sections 11-05-04, *Common Procedures* and 11-05-05, *Specific Procedures*, submit to the City Council, following a public hearing, a report of findings and a recommendation to approve, approve with conditions, or deny each application;
- (4) Initiate, from time to time, a review of the provisions of this Code, report its findings and recommendations to the City Council;
- (5) Petition the City Council requesting an amendment of this Code or the Comprehensive Plan, provided that it shall first have held public hearings following the procedures provided in Section 11-05-04.5, *Scheduling and Notice of Public Hearing*; and
- (6) Perform other functions related to the administration of this Code or related regulations authorized by City Council.

B. Membership

(1) Composition

- (a) The PZC shall consist of not less than seven nor more than eleven voting members.
- (b) Members of the PZC shall be appointed by the Mayor and confirmed by the City Council. Members may reside outside of the city limits and within the Area of Impact. The Mayor, in the same manner, shall appoint a member to fill an unexpired term in case of a vacancy.

(2) Term of Office

Appointment to such office shall be for the period of four years. No person shall serve more than two full consecutive terms without specific concurrence by two-thirds of the City Council adopted by motion and recorded in minutes. If a vacancy shall occur during any unexpired term, the Mayor, with the confirmation of the City Council, shall appoint a member for the balance of the term.

(3)Chair

The PZC shall appoint one of its members as Chair of the PZC, who shall hold office as Chair for such term as the PZC shall so designate, and the PZC may elect a Vice-Chair who shall act as Chair in the absence of the Chair of the PZC.

C. Procedures

The rules of procedure for the PZC are as set forth in Title 2, Chapter 4 of the Boise City Code and the by-laws adopted by the PZC.

(1)Compensation

The members of the PZC shall serve and act without compensation, except that their actual and necessary expenses shall be allowed by the City Council and the City shall provide the necessary and suitable equipment and supplies to enable the PZC to properly transact and perform its business.

(2)Quorum

A majority of the active appointed members of the PZC shall be necessary to constitute a quorum for the transaction of business.

(3)Meetings and Attendance

(a) The PZC shall meet in regular hearing once per 30 days on the first Monday of the month for at least nine months of the year. The PZC may hold additional hearings following the regular monthly hearing if required by the volume of applications received, and at such other times as may be called by the Chair or by the Mayor.

(b) The members of the PZC are expected to attend scheduled meetings. Members may be excused from attendance due to personal illness, family emergencies, or out of town business trips. PZC members whose attendance at scheduled meetings falls below 60 percent without cause within any given year may be removed from the PZC by the Mayor with the approval of Council.

(4)Conflict Of Interest Prohibited

Members of the PZC shall honor the Code of Ethics within Title 1, Chapter 8 of the Boise City Code and shall not participate in any proceeding or action when the member or their employer, business partner, business associate, or any person related to the member by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered.

4. Design Review Commission

A. Duties, Jurisdiction, and Authority

The duties, jurisdiction, and authority of the Design Review Commission related to this Code include, but are not limited to the following:

(1)Maintain and enhance valued environmental features of the city, and ensure that the general appearance of buildings and structures does not impair or preclude the orderly and harmonious development of the community;

(2) Review all development proposals within the Design Review Overlay Districts or subject to the adopted Citywide Design Standards and Guidelines and the Downtown Design Standards and Guidelines, and as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures*, Sections 11-05-04, *Common Procedures* and 11-05-05, *Specific Procedures*.

(3) Develop and recommend to the PZC for Council adoption, special design criteria districts including additional requirements relating to bulk and design or design standards for specific uses, types of uses, parking standards, streetscapes, or other similar items. Where a special district has been adopted, it shall be designated on the zoning map; and

(4) Perform other functions related to the administration of this Code or related regulations authorized by City Council.

B. Limitations

The DRC is specifically prohibited from requiring reduction in density, reduction in floor area ratio, or other regulations set forth in Table 11-04.2: *Residential District Dimensional Standards* and Table 11-04.3: *Mixed-Use, Industrial, and Open Land District Dimensional Standards* that cannot be shown to be required by reason of public safety, health, or destruction or diminution of property values, except as allowed per Section 11-04-03.4, *Residential Small Lots*.

C. Membership

(1) Composition

The DRC shall consist of not less than five nor more than nine voting members. Members of the DRC shall be appointed by the Mayor and confirmed by the City Council with due regard to the proper representation of such fields as architecture, landscape architecture, engineering, planning (environmental, urban, and town), and the visual arts. Only one member may reside outside of the city limits and within the Area of Impact. The Mayor, in the same manner, shall appoint a member to fill an unexpired term in case of a vacancy.

(2) Term Of Office

Members shall each serve for a four year term. If a vacancy occurs, the Mayor, with the consent of the City Council, shall appoint a member to fill an unexpired term or may be appointed for a full term.

(3) Chair

The DRC shall appoint one of its members as Chair who shall hold office for a term of office designated by the DRC. The DRC shall elect a Co-Chair to act as the Chair in the absence of the Chair.

D. Procedures

(1) Compensation

The members of the DRC shall serve without pay but shall be reimbursed by the City for necessary expenses incurred in connection with their duties.

(2) Quorum

A majority of the active appointed members of the DRC shall be necessary to constitute a quorum for the transaction of business.

(3) Meetings

The DRC shall meet in regular hearing once per 30 days on the second Wednesday of each month. The DRC may hold additional hearings following the regular monthly hearing if required by the volume of applications received, and at such other times as may be called by the Chair or by the Mayor.

5. Historic Preservation Commission

A. Duties, Jurisdiction, and Authority

The duties, jurisdiction, and authority of the Historic Preservation Commission (HPC) are as follows:

- (1)** Conduct a survey of local historic properties and landmarks;
- (2)** Recommend contracting with the state or federal governments in the pursuit of the objectives of historic preservation;
- (3)** Cooperate with the federal, state, and local governments in the pursuit of the objectives of historic preservation;
- (4)** Participate in the conduct of land use, urban renewal, and other planning processes undertaken by the City, the County, or any other governmental entity;
- (5)** Recommend ordinances and otherwise provide information for the purposes of historic preservation within the city;
- (6)** After having received prior consent of the owner, occupant, or person in charge, and solely in performance of official duties and only at reasonable times, enter upon private lands for the examination or survey such lands; and
- (7)** Review all development proposals within the HD-O district and as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures*, Sections 11-05-04, *Common Procedures*, and 11-05-05, *Specific Procedures*.

B. Membership

(1) Composition

The HPC shall consist of not less than five nor more than nine voting members. Members of the HPC shall be appointed by the Mayor and confirmed by the City Council with due regard to the proper representation of such fields as history, architecture, urban planning, archeology, and law. Only one member may reside outside of the city limits and within the Area of Impact. The Mayor, in the same manner, shall appoint a member to fill an unexpired term in case of a vacancy.

(2)Term of Office

All appointments shall be for a term of three years. If a vacancy occurs, the Mayor, with the consent of the City Council, shall appoint a member to fill an unexpired term or may be appointed for a full term.

(3)Chair

The HPC shall appoint one of its members as Chair of the HPC who shall hold office as Chair for a consecutive period not to exceed two years. The HPC may also appoint a Co-chairman who shall act as the Chair in the absence of the HPC Chair.

C. Procedures

(1)Compensation

The members of the HPC shall serve without pay but shall be reimbursed by the City for necessary expenses incurred in connection with their duties.

(2)Quorum

A majority of the active appointed members of the HPC shall be necessary to constitute a quorum for the transaction of business.

(3)Meetings

The HPC shall meet in regular hearing once per 30 days. The HPC may hold additional hearings following the regular monthly hearing if required by the volume of applications received, and at such other times as may be called by the Chair or by the Mayor.

6. Hearing Examiner

A. Duties, Jurisdiction, and Authority

(1)This Section authorizes the PZC to use the services of a Hearing Examiner pursuant to the authority granted in Idaho Code §67-6520 ("the Local Land Use Planning Act").

(2)The Hearing Examiner may conduct hearings on behalf of the PZC on matters as indicated in *Table 11-05.1: Summary of Review and Decision-Making Procedures* and in Sections 11-05-04, *Common Procedures*, and 11-05-05, *Specific Procedures*.

(a) If the Hearing Examiner is unavailable due to a vacancy in the position, extended absence, conflict of interest, or other reason, the PZC may hear and decide matters that otherwise would be decided by the Hearing Examiner. Any appeal from a PZC decision sitting as the Hearing Examiner shall follow the appeal procedures for a Hearing Examiner decision.

B. Qualifications

A person filling the position of Hearing Examiner shall be a professionally trained attorney or planner, and/or have land use law legal training and/or experience. The Hearing Examiner shall be approved by the Mayor and City Council.

C. Procedures

(1) Meetings

The Hearing Examiner shall meet in regular hearing once per 30 to 60 days for a minimum of nine hearings per year. The Hearing Examiner may hold additional hearings if required by the volume of applications received, and at such other times as may be called by the Planning Director, Planning and Zoning Commission Chair or by the Mayor.

(2) The Hearing Examiner shall review all information supplied by the Planning Director prior to any hearing the Hearing Examiner is authorized to conduct.

(3) The hearing shall be conducted in accordance with Section 11-05-04.5, *Scheduling and Notice of Public Hearing* and applicable state law.

(4) At the completion of each hearing, the Hearing Examiner shall render a decision supported by a summary of testimony, findings of fact, and conclusions of law. The decision and supporting materials shall be filed with the Planning Director and shall be available to the applicant and the public no later than 30 days after the close of each hearing.

7. Planning Director

A. Duties, Jurisdiction, and Authority

(1) It shall be the duty of the Planning Director to provide for the administration of this Code and the Comprehensive Plan. The Planning Director shall serve as the technical staff on planning and zoning issues.

(2) Duties and responsibilities of the Planning Director may be formally delegated to City Officials in subordinate positions to the Planning Director.

(3) The specific duties and responsibilities of the Planning Director related to this Code shall include, but not be limited to the following:

- (a)** Provide and maintain a continuing program of public information on zoning matters and provide planning and zoning assistance to the public as requested;
- (b)** Submit a written report evaluating applications, to the appropriate bodies;
- (c)** Review all development proposals and make those recommendations or decisions indicated in *Table 11-05.1: Summary of Review and Decision-Making Procedures*, Sections 11-05-04, *Common Procedures*, and 11-05-05, *Specific Procedures*;
- (d)** Review Building Permit applications for zoning compliance;
- (e)** Provide public notice of hearings;
- (f)** Maintain records and files of all zoning applications;
- (g)** Initiate revisions and amendments of this Code and the Comprehensive Plan;
- (h)** Prepare special studies and plans;
- (i)** Ensure the proper administration of this Code and the Comprehensive Plan including:
 - i.** Interpretation of the meaning and application of the Code in specific instances;

- ii. Determine the application of the Code where there is no specific guidance as in the classification of uses not specifically identified in this Code;
- iii. Determine the required procedures for applications including minor modification of procedures;
- iv. Resolve conflicts in adopted code provisions; and
- v. Approve alternative means for compliance with adopted code requirements.
- (j) Coordinate applications with the appropriate City departments and other public or quasi-public agencies;
- (k) Serve as Floodplain Administrator; and
- (l) Perform other functions related to the administration of this Code or related regulations as directed or authorized by City Council.

B. Qualifications

The person filling the position of Planning Director shall be professionally trained or a licensed planner and/or have land use law legal training and/or experience. The Planning Director shall be appointed by the Mayor and confirmed by the City Council. The Planning Director shall serve at the pleasure of the Mayor.

8. Floodplain Administrator

A. Duties, Jurisdiction, and Authority

(1) Designation

The Planning Director shall serve as the Floodplain Administrator and shall administer and implement Sections 11-02-07.3.F, *FP-O Flood Protection Overlay* and 11-04-05.3, *Flood Hazard Standards*.

(2) Duties

The duties, jurisdiction, and authority of the Floodplain Administrator are as follows:

(a) Review Applications

Review all applications for Zoning Map Amendments, Subdivision Plats, and Conditional Use Permits to determine:

- i. If the development is within an Area of Special Flood Hazard;
- ii. That all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; and
- iii. Compliance with the provisions of Sections 11-02-07.3.F, *FP-O Flood Protection Overlay* and 11-04-05.3, *Flood Hazard Standards* and disclose to the PZC and Council whether the application is, or is not, in compliance with the provisions of those Sections.

(b) Interpretations

- i. Make interpretations of the location of the boundaries of the Floodway and the Floodway Fringe.
- ii. When uncertainty exists as to whether a new development is within an Area of Special Flood Hazard, determine whether development is within the Floodway or Floodway Fringe.

(c) Zoning Certificates

Issues Zoning Certificates for those structures that are to be constructed or modified in compliance with the provisions of Sections 11-02-07.3.F, *FP-O Flood Protection Overlay* and 11-04-05.3, *Flood Hazard Standards*.

(d) Available Data

Obtain, review, and reasonably use any base flood elevation and floodway data available from a federal, state, or other source when such data has not been provided in the Flood Insurance Study.

(e) Record Keeping

Compile and maintain in perpetuity for public inspection all records pertaining to the provisions of Sections 11-02-07.3.F, *FP-O Flood Protection Overlay* and 11-04-05.3, *Flood Hazard Standards*, including records of all appeal actions and Variances, records of first floor elevations, flood-proofing certificates, letters of map amendment, and all other records required by those sections or by federal regulations.

(f) Notification

Notify adjacent jurisdictions and the Idaho Department of Water Resources prior to any alteration or relocation of a watercourse, submit evidence of such notification to the Federal Insurance Administrator, and require that the flood-carrying capacity of the altered or relocated portion of that watercourse is maintained.

- i. Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.
- ii. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

(g) Engineer Certification

- i. Require that for all new or substantially improved structures in an Area of Special Flood Hazard along the Boise River or in the gulches, a licensed professional engineer or registered land surveyor certify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure and record the certified elevation, whether or not the structure contains a basement.
- ii. Require that for all new or substantially improved structures in an Area of Shallow Flooding in an Area of Special Flood Hazard, a licensed professional

engineer or registered land surveyor shall certify the actual height in feet, as measured from the building edges at the lowest floor height to the highest ground that surrounds the building and record the certified height, whether or not the structure contains a basement.

- iii. Require that for all new or substantially improved flood-proofed nonresidential structures, a licensed professional engineer or registered land surveyor certify that the actual elevation (in relation to mean sea level) to which the structure is flood-proofed, and maintain copies of the flood-proofing certificates as required in Sections 11-02-07.3.F, *FP-O Flood Protection Overlay* and 11-04-05.3, *Flood Hazard Standards*.

(h) Permit Issuance

Issue Building or Grading Permits for new construction, new development, and substantial improvement to structures that are in compliance with the provisions of Sections 11-02-07.3.F, *FP-O Flood Protection Overlay* and 11-04-05.3, *Flood Hazard Standards*.

(i) Corrective Procedures

When the Floodplain Administrator finds violations of applicable state and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

9. City Engineer

A. Duties, Jurisdiction, and Authority

(1) Designation

(a) The City Engineer shall be that person designated by the Director of Public Works to administer and implement the duties of that office. The City Engineer shall perform all duties referenced in this Code related to the development or redevelopment of property, either jointly or in consultation with the Planning Director and other City Officials, as applicable.

(b) Upon request from the Planning Director, the City Engineer shall provide technical assistance and information including, but not limited to, verifying field surveys and technical information submitted by any applicant for new development.

11-05-04. Common Procedures

1. General

A. The common review procedures in this Section 11-05-04 provide the foundation for specific review and approval procedures identified in Section 11-05-05, *Specific Procedures*.

B. Not all common review procedures apply to every development application type. Section 11-05-05, *Specific Procedures* identifies how these common review procedures are applied to specific development application types and identifies additional procedures and requirements beyond the general review procedures.

C. If an application under this Code is proposed to be developed as a condominium under Idaho law, the proposed or approved condominium documents required by Idaho law shall be

submitted to the City along with other required application materials. This requirement applies to all condominium developments, regardless of whether they involve the division of airspace or the division of surface land into separate areas for individual or shared occupancy, ownership, or development. The City may review the submitted condominium documents in connection with applications for the related development under this Code to evaluate their consistency with the adopted Comprehensive Plan or this Code.

2. Four Paths for Review and Approval

The City uses four different types of procedures for reviewing and making decisions on applications under this Code.

A. Type 1 - Ministerial Decisions

(1) Purpose

The purpose of Type 1 procedures is to process simple applications where planning requirements may be reviewed at the time a Building Permit or other ministerial approval is issued.

(2) General Procedure

Unless modified by another provision of this Code, Type 1 applications are reviewed and decisions made by the Planning Director or a City Official, as described in more detail in Section 11-05-05.1.

B. Type 2 - Planning Director Decisions

(1) Purpose

The purpose of Type 2 procedures is to process applications for allowed uses, with or without Use-Specific Standards (or Zone-Specific Standards), and other types of applications where some interdepartmental or interagency collaboration is required, but no review by an appointed body is necessary.

(2) General Procedure

Unless modified by another provision of this Code, Type 2 applications are reviewed and decisions made by the Planning Director or a City Official after Interdepartmental Review, as described in more detail in Section 11-05-05.2.

C. Type 3 - Appointed Body Decisions

(1) Purpose

The purpose of Type 3 procedures is to process applications for conditional uses, allowed uses with Alternative Zone-Specific Standards, and other complex applications that require interpretation and the exercise of discretion in making a decision by an appointed body.

(2) General Procedure

Unless modified by another provision of this Code, Type 3 applications are reviewed, and decisions made by an appointed City Official or Commission and require public notice and hearing as described in more detail in Section 11-05-05.3

D. Type 4 - City Council Decisions**(1) Purpose**

The purpose of Type 4 procedures is to process the most complex development applications, changes to the procedures or standards in this Code or the zoning map, and legislative actions that require public notice and hearing, recommendation by an appointed body and action by City Council.

(2) General Procedure

Unless modified by another provision of this Code, Type 4 applications are reviewed and decisions made by City Council, as shown in more detail in Section 11-05-05.4.

3. Pre-Submittal Activities

Pre-submittal activities include the Concept Review, Neighborhood Meeting, and Interdepartmental Review, if any, required for each type of application as shown in Table 11-05.1: *Summary of Review and Decision-Making Procedures*.

A. Concept Review**(1) Purpose**

The purpose of a Concept Review is to discuss the concept of the proposed development with Planning and Development Services staff on an informal basis to identify the potential alignment of the project with this Code and the Comprehensive Plan, as applicable.

(2) Applicability

This procedure applies to all Type 2, 3, and 4 applications under this Code.

(3) Procedure

- (a)** When required by Subsection (2) above, the applicant shall request a Concept Review by request to the Planning Director or through the City's website.
- (b)** The applicant shall bring to the Concept Review all information listed as required on the City's website.
- (c)** At the time of Concept Review, the Planning Director may require an Interdepartmental Review for any Type 2 application if the Planning Director determines the project as proposed will present concerns related to safety and connectivity, solid waste collection, life safety service, or any other service or facility provided or maintained by the City.

(4) Effect

Any information or discussions held at the Concept Review meeting shall not be binding on the City or the applicant. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.

(5) Noticing

No public notice of a Concept Review meeting is required.

B. Neighborhood Meeting**(1) Purpose**

A Neighborhood Meeting is intended to allow residents, property owners, businesses, and organizations in the area surrounding a proposed development an early opportunity to learn about the project details and to provide feedback to the applicant before significant resources have been expended on project design and engineering.

(2) Applicability

A Neighborhood Meeting shall be required as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures*, that includes most Type 3 and Type 4 applications. The Planning Director may waive this step for projects that the Planning Director determines have little potential to create significant material impacts on the surrounding neighborhood.

(3) Procedure

- (a)** When required by Subsection (2) above, the applicant shall hold a meeting allowing the public to review the proposed project only after any required Concept Review meeting with the City has been held.
- (b)** A Neighborhood Meeting shall be held no more than four months prior to submission of the request for Interdepartmental Review, in a finished, climate-controlled structure near the project site in a venue that is accessible to persons experiencing mobility impairments (e.g., those using wheelchairs or walkers) and vision impairments, Monday through Thursday, excluding holidays, and shall start between 6:00 p.m. and 8:00 p.m. Hybrid meetings that include both in-person and virtual attendance options may be allowed.
- (c)** The mailed invitation to the Neighborhood Meeting shall include the specifics of the planned meeting in addition to the description of the project, general site plan of the proposed development, and the contact information of the applicant including email and telephone number.
- (d)** A second Neighborhood Meeting may be required by the Planning Director because of the size and complexity of the project, the potential to create significant impacts, or if the application has substantially changed since the initial Neighborhood Meeting.
- (e)** The Planning Director may, but is not required to, assign a City staff member to attend the Neighborhood Meeting, based on the Planning Director's determination of the size, complexity, and potential impacts of the development on the surrounding neighborhood.
- (f)** The applicant shall bring to the Neighborhood Meeting a general site plan for the proposed development, that does not need to include precise dimensions but shall indicate the height and general location of primary and accessory structures on the property, vehicle parking and service areas, and points of pedestrian, bicycle, and vehicular access to the property. The applicant is not required to provide any level of engineering detail for the site, however preliminary architectural elevations are required

for any proposed structures. The Planning Director may require additional materials be provided for complex projects.

(g) After the Neighborhood Meeting, the applicant shall complete and submit to the City a detailed summary of the Neighborhood Meeting presentation and discussion, using a template available on the City's website.

(4)Effect

The City will not schedule an Interdepartmental Review pursuant to Section 11-05-04.3.C until the detailed summary of the Neighborhood Meeting has been received.

(5)Noticing

Notice shall be mailed following the standard notification procedures for mailed noticed in Section 11-05-04.5A(2), Scheduling and Notice of Public Hearing, as well as residents of the project site known to the owner, at least 10 days prior to the scheduled Neighborhood Meeting. Hand deliveries shall not be used as a substitute for mailed notice. Notice does not convey a property right.

C. Interdepartmental Review

(1)Purpose

The purpose of an Interdepartmental Review is to allow staff from the Planning and Development Services Department, other City departments and agencies, and other public and quasi-public groups an opportunity to review draft application materials and neighborhood feedback received through the Neighborhood Meeting (if required) to identify potential issues related to their respective services before the applicant has prepared required application materials at a 100 percent level of detail. The review also enables reviewing departments, agencies, and groups the ability to specify the detailed information required to address the issues of their concern necessary for the application to be completed.

(2)Applicability

An Interdepartmental Review is required as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures*. The Planning Director may waive this step for projects that the Planning Director determines do not have potential material impacts on the services or facilities of other City departments or agencies or other public or quasi-public agencies. The Planning Director may require an Interdepartmental Review for any Type 2 application if the Planning Director determines that the application may create significant impacts on surrounding areas.

(3)Procedure

(a) When required by Subsection (2) above, the applicant shall request an Interdepartmental Review by a written request to the Planning Director. The Planning Director shall determine which departments and agencies' facilities and services are potentially affected by the proposed application and shall schedule the meeting in consultation with those departments and agencies.

(b) The applicant shall bring to the review all draft application materials with at least 50 percent of the detailed information required for a complete application, as determined by the Planning Director.

(c) The representatives of departments and agencies included in the meeting may make recommendations to the applicant as to changes to the application materials or the design of the project needed to comply with their respective standards or requirements or the additional necessary for them to complete their review when a full application is submitted.

(d) The Planning Director shall document any recommendations made at the Interdepartmental Review and that document may, at the Planning Director's discretion, be included with the full application materials for referral and consideration by the review and decision-making bodies if and when a full and complete application is submitted to the City.

(4)Effect

Following any required Interdepartmental Review, the applicant may proceed to file a complete application for the proposed project pursuant to Section 11-05-04.4, *Application Submittal and Processing*, below.

(5)Noticing

No public notice of an Interdepartmental Review meeting is required.

4. Application Submittal and Processing

A. Application Submittal and Fees

(1)Application Requirements

(a) Applications shall be submitted on prescribed forms available on the City's website and shall be accompanied by all required supporting documents, as shown on the City's website.

(b) Additional submittal requirements necessary to evaluate the application may be required, as determined by the Planning Director, based on the size, complexity, or potential impacts of the project on the surrounding neighborhood or the City's transportation system, utility, or other public services or systems.

(c) The Planning Director may waive application submittal requirements if the Planning Director determines that those materials or level of detail are not required to evaluate potential impacts of the proposed development or compliance with the requirements of this Code.

(2)Application Fees

The Planning Director shall maintain a list of fees as established by the City Council and shown on the City's website, and the applicant shall pay all required application fees to the City in full before an application will be reviewed by the Planning Director or scheduled for a public hearing. No portion of required application fees shall be refunded if an application is abandoned, withdrawn, or denied following.

(3)Application Resubmittal

Except as indicated in Section 11-05-05, *Specific Procedures*, no application that has been denied shall be resubmitted in substantially the same form, as determined by the Planning Director, in less than one year unless the reviewing body issuing the denial allowed for a resubmittal within that time.

B. Application Processing

(1) Incomplete Application

- (a) The Planning Director shall notify the applicant of any deficiencies in the application. No application will be verified as complete until the applicant has corrected the deficiencies and resubmitted the application for a determination of completeness.
- (b) If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 90 calendar days after being notified of submittal deficiencies, the application shall be considered abandoned and no further steps to review the application will be taken by the City.
- (c) No application shall be reviewed for compliance with this Code or scheduled for a public hearing by any review or decision-making body until it is determined to be complete.

(2) Complete Application

Upon receiving an application, the Planning Director shall determine whether the application is complete. A complete application is one that:

- (a) Contains all information and materials required by Subsection A. above;
- (b) Is in the form required by the City's website for submittal of that type of application; and
- (c) Is accompanied by the fee established for the type of application being submitted.

Upon determining that an application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this Code.

(3) Withdrawal of Application

An application shall be deemed withdrawn, and the review terminated if:

- (a) The applicant requests that the application be withdrawn; or
- (b) The applicant fails to respond or submit revised plans, reports, or correspondence to the Planning Director for more than 90 days following a request from the Planning Director. The Planning Director may extend the response period for good cause shown by the applicant.

(4) Application Referrals

Applications requiring public hearings shall be referred to all interested or affected city departments, Registered Neighborhood Associations in good standing, and all political subdivisions providing services to the site, as determined by the Planning Director, for review and comment. Application referrals to the Registered Neighborhood Association shall be in addition to, and not in lieu of, mailed public hearing notice.

C. Concurrent Permit Processing

When a proposed development or activity requires more than one permit or approval under this Code, the Planning Director will determine if the applications shall be reviewed

and a decision on the related decisions be made individually or together by the highest level review body authorized to make a decision on any of the required applications.

D. Mediation

(1)Applicability

When a difference arises between or among persons affected by a proposed development that will require an approval by an appointed body or City Council under this Code, the City Council, the PZC, the applicant, or any person affected by the proposed development may request mediation pursuant to Section 67-6510 of the Idaho Code.

(2)Timing of Mediation Request

Mediation may occur at any point during the decision-making process or after a final decision has been made. If a mediated resolution is agreed to by the participating parties after a final decision has been made, the revisions resulting from such resolution shall be the subject of a new public hearing before the decision-making body that made the initial decision.

(3)Written Request Required

Mediation may be requested by submission of a written request to the Planning Director. An affected person is one having an interest in real property or residing in or doing business in real property that may be adversely affected by the issuance or denial of a permit or approval. The request shall include a statement of concerns and issues and the desired outcome of the mediation.

(4)Notification of Willingness to Participate

The Planning Director shall forward the request to the applicant or affected persons on the other side of the issue, as determined by the Planning Director. The notice shall state that these parties have seven days to notify the City as to whether or not they will participate in mediation.

(5)Tolling of Time Limits

Upon notice of a request for mediation all time limits related to hearings and appeals are tolled until:

- (a)** All parties on one side of an issue decline further participation in the mediation process; or
- (b)** No mediation session is scheduled for a period of 28 days from the date the request for mediation is received.

(6)Participation

The parties shall participate in at least one mediation session if requested by the PZC or Council. If the applicant or affected person declines to participate in mediation and the City Council declines to direct mediation, the mediation process and the tolling of time limits are ended.

(7)Expenses of Mediation

The City Council shall select and pay the expenses of the Mediator for the first session. Any additional sessions shall be paid for by participating parties.

(8) Mediation Not Part of the Application Record

The mediation process shall not be part of the official application or project record and shall not be disclosed or used in any subsequent City hearings on the application or appeal of a decision on such application.

5. Scheduling and Notice of Public Hearing

A. Notice

(1) Published Notice

Where Table 11-05.1: *Summary of Review and Decision-Making Procedures* indicates that published notice is required, notice of the time and place and a description of the proposal shall be published in the official newspaper of Boise City at least 15 days prior to any required public hearing. Based on the size, complexity, or potential impacts of a proposed application, the Planning Director may require that notice shall be provided to other newspapers, radio, City website, social media and television stations servicing the city for use as a public service announcement.

(2) Mailed Notice

Where Table 11-05.1: *Summary of Review and Decision-Making Procedures* indicates that mailed notice is required, notice shall be mailed to the applicant and to property owners, tenant addresses known to the City, and Registered Neighborhood Associations whose boundaries include the subject property, at least 15 days prior to any required public hearing:

- (a)** Within the subject property;
- (b)** Within 300 feet from the external boundaries of the subject property, unless otherwise noted below:
 - i.** For River System Permits, 500 feet upstream and 1,000 feet downstream from the project site;
 - ii.** For Comprehensive Plan Amendments, Zoning Map Amendments, Subdivision Plats five acres or greater, and Conditional Use Permits or development in a PUD zoning district involving properties larger than one acre or on a gateway street, 500 feet; and
 - iii.** For Variances, to adjacent properties, except that a Variance to increase maximum building height by over 100 feet shall require notice to a distance from the property equal to three times the height of the proposed structure.
- (c)** The Planning Director may require that mailed notice also be sent to additional area(s) if the public interest would be better served by expanding the notification area.

(3) Posted Notice

(a) General

- i.** Where Table 11-05.1: *Summary of Review and Decision-Making Procedures* indicates that posted notice is required, and when an appeal of a decision is filed, sign(s) regarding the application shall be posted in a conspicuous place on the premises at least 15 days prior to any required public hearing.

The applicant shall be responsible for the timely posting of all signs and for the documentation of such postings.

- ii. The Planning Director may require larger sized sign(s) or additional sign(s) if the Planning Director determines that the public interest would be better served by expanding the size or number of required signs.

(b) Placement and Quantity

- i. The notice(s) shall be posted along each street frontage, excluding Interstate 84, adjacent to the subject property boundaries, and shall be oriented perpendicularly to the lot line/property line.
- ii. The base of the notice shall be at least three feet above the ground.
- iii. If the property has street frontage of 1,000 feet or more, a notice shall be placed at each end of that street frontage.
- iv. If the notice(s) cannot be placed on the property and still be clearly visible, the notice(s) may be placed within the public right-of-way with the written consent of the owner of the right-of-way.

(c) Proof of Posting

10 days prior to the public hearing, the applicant shall submit to the City a notarized statement and photograph of the posting stating where and when the notice(s) were posted. If the required statement is not received by that date, the hearing will be deferred.

(d) Removal

The posted notice(s) shall be removed no later than three days after the public hearing for which the notice(s) was posted.

(4) Alternate Forms of Notice

(a) When mailed notice is required for 200 or more property owners or tenant addresses known to the City, an alternative form of notice may be provided as follows:

- i. In lieu of mailed notices, two additional newspaper notices as described in Subsection (1), above; and
- ii. The general area that is the subject of the application may be posted with notice in lieu of posting a separate notice on each lot or parcel included in the application.

(b) If the Planning Director determines that it is in the public interest to do so, due to the size, complexity, or potential impacts of specific applications or types of applications under this Code, the City may send, or cause to be sent, electronic notices to those property owners or tenant addresses known to the City in the area surrounding the site that is the subject of the application.

(5) Notice of Continued Hearing

At any public hearing, the review body may order the hearing to be continued by publicly announcing the time and place of continuance. No further notice shall be required.

(6) Adequacy of Notice

- (a) The City Clerk's and Planning Director's proof of publication, mailing, and posting shall constitute proof of notice.
- (b) If the applicant provides evidence that the required notices were timely provided, then the failure of an intended person or organization to receive actual notice due to changes of address since the latest update to the City real estate records, or due to changes of e-mail addresses since those were last provided to the City, or due to s in postal delivery or newspaper publishing, or for other reasons beyond the control of applicant or City, shall not be grounds for a delay of application review or public hearings, and shall not be grounds for appeal of the resulting decision.

B. Public Hearing Procedure and Conduct

(1) Types of Public Hearings

(a) Legislative

Legislative hearings include hearings on amendments to, or enactments of, any ordinance. They also include revisions or amendments to the Comprehensive Plan, to the text of this Code or Zoning Map, or applications to establish a new zoning or overlay district. In legislative hearings, the record is not limited to the record developed by the review body. Any and all new evidence may be received by Council during a legislative hearing regardless of whether the evidence was introduced in prior procedural steps.

(b) Quasi-Judicial

Quasi-judicial hearings are hearings in which the review bodies are making decisions on the development of a specific property.

(2) Timing of Public Hearings

- (a) The date for hearings before any appointed body shall be established by the Planning Director based upon hearing dates as follows:
 - i. The application shall be scheduled at the next available hearing.
 - ii. The Planning Director may extend the review time for applications based on their size, complexity, or potential impacts of the project on the surrounding neighborhood, or the City's transportation system or utility systems.
 - iii. Deferrals due to lack of quorum, lateness of the hour, or a request by the applicant shall extend any required time during which the hearing shall be held, pursuant to Section 11-05-04.5.B(3)(c) *Review Body Deferral Procedure*, below.
- (b) Council hearing dates shall be established at a Council meeting.

(3) Conduct of Public Hearings Before Review Bodies

The following provisions govern the conduct of public hearings before the Hearing Examiner, the Planning and Zoning Commission (PZC), the Design Review Commission (DRC), and the Historic Preservation Commission (HPC), unless another provision of this Code states an exception to these provisions.

(a) Requirements

i. Sign-In Roster

A sign-in roster shall be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application or issue.

ii. Order of Presentation

- A. In the case of an initial review body hearing, the order of presentation shall be staff, applicant, the designated neighborhood association, and the public.
- B. In the case of an appeal, the order of presentation before the review body shall be staff, appellant, applicant (unless the appellant is the applicant), other parties to the appeal, and the public. Questions by the review body shall be held until after the staff report and the presentations by the appellant(s) and/or applicant. Following the close of public testimony the applicant and appellant shall be allowed up to 5 minutes each for rebuttal, with the appellant providing the last rebuttal.

iii. Allotted Time for Testimony

In order to accommodate all participants, the Chair may determine the time allotted to each speaker within the following parameters:

- A. The applicant and staff shall each be provided up to 30 minutes for a presentation.
- B. Any Registered Neighborhood Associations that are located within the notification radius shall be provided a minimum of 10 minutes for their presentation or testimony. Only the representative of the Registered Neighborhood Association who has been authorized by the Association's established procedures to represent the Association in the matter before the review body shall be allowed to provide testimony. Any other member of such association shall be limited to three minutes.
- C. The public shall be provided three minutes for their presentation or testimony.

iv. Submission of Written Documents and Evidence to a Review Body

- A. Every document referred to by any person during testimony (including charts, maps, photographic evidence, or any other physical evidence) shall be identified and entered into the record of the proceeding. Such exhibits shall be incorporated into the public record in the Planning and Development Services Department. In most cases, a decision will be made at the end of the hearing; therefore, it is strongly encouraged that documents be given to the Planning and Development Services Staff as early as possible before the hearing so that all evidence will be adequately reviewed by staff and the review body.
- B. A review body cannot review written documents handed to them during the hearing while listening to verbal testimony. Further, the submission of such documents does not allow other parties time to

address the material. Therefore, the submission of written information to a review body may be accepted to the extent that it is a copy of the testifying party's oral testimony presented to the review body. All other written testimony and documents shall be submitted to the Planning Director by 5:00 pm. on the Thursday preceding the review body hearing in order to be included in the record presented to the review body.

v. Recording

All proceedings shall be recorded, and all material presented shall be maintained by the City. The record shall be made and maintained in a manner such that the hearing record may be transcribed.

vi. Disclosure and Inquiry

Review body members shall disclose any comments received or observations they have made, or discussions they have had regarding the application prior to and outside of the public hearing proceedings. Disclosure shall be on the record prior to the time for testimony to allow parties of record to address them. Disclosure shall include from whom the comments were received, with whom the person making the comments is affiliated and the nature of the comments, as well as any related documents.

(b) Review Body Consent Agenda

i. Criteria for Consent Agenda

Routine, uncontested applications may be placed on a consent agenda in accordance with the procedures in this Subsection (b). Based upon a recommendation from the Planning Director, the Chair shall identify all items proposed for the consent agenda at the beginning of the public hearing. Only applications that meet the following criteria shall be considered for the consent agenda:

- A.** There has not been any written or oral opposition to the application.
- B.** The Planning Director and the applicant are in agreement on the findings and conclusions and recommended conditions of approval.
- C.** The application complies with the Comprehensive Plan and this Code as proposed or as it will be modified by conditions of approval.
- D.** Members of the review body have no concerns with the application.

ii. Opposition to Consent Agenda

- A.** If there is any opposition from any party or member of the public regarding an application, or if no one is present to testify, but written testimony was provided, that item shall not be placed on the consent agenda.
- B.** Once the consent agenda is established, the review body may approve all items on the consent agenda with one motion.

(c) Review Body Deferral Procedure

i. Deferral Allowed

Applications that have been placed on the review body public hearing agenda may be deferred for no more than 60 days unless the applicant agrees to a longer period.

ii. Lack of Quorum or Lateness of Hour

- A.** If the review body makes a specific finding at the public hearing that a limited delay is necessary due to the lack of a quorum or the lateness of the hour, then a delay can be granted to the next scheduled meeting of the review body.
- B.** A request for deferral may be initiated by a member of the review body, the applicant, or the Planning Director.
- C.** Scheduled agenda items shall only be deferred by the review body and only during the public hearing.

iii. Criteria for Deferral

Requests for deferral submitted prior to or at the start of the public hearing shall be ruled upon by the review body subject to the following standards:

- A.** The review body shall act on requests for deferral only after soliciting input from the applicant, the Planning Director, and the public attending the hearing.
- B.** If the applicant and the Planning Director are in agreement on the deferral, including the requested length of deferral, and there is no public opposition, the review body shall be deferred to a specific date whenever possible to avoid the need to repeat required public notice.
- C.** If a deferral is granted, any member of the public who cannot or will not return for a deferral hearing shall be provided an opportunity to testify.

iv. Deferral Process

A. Indefinite Deferral Process

When action on an application has been deferred indefinitely at the applicant's request, the applicant shall pay an additional fee to cover the cost of re-advertising before the application is scheduled for a public hearing. Such fee shall be determined by the Planning Director.

B. Deferrals for Specific Applications

Unless the applicant agrees to a deferral, applications for Sexually Oriented Businesses, Religious Institutions, and other forms of expression and activity protected by the First Amendment or similar Idaho state law shall be decided within 45 days following the public hearing. Failure of the Commission to decide such an application within 45 days following the hearing shall result in its approval.

(d) Inclusion on Agenda

An application shall be considered as being on the agenda upon the mailing of radius notices to impacted property owners or tenant addresses known to the City. Prior to the placement of an application on the public hearing agenda, the applicant may submit a request for rescheduling to the Planning Director. The Planning Director may reschedule the hearing to an appropriate date if the applicant has requested rescheduling or if there are procedural or logistical reasons that justify rescheduling.

6. Decision**A. Decision**

The decision-making body shall approve, approve with conditions, or deny an application based upon the applicable standards and criteria in this Code. The decision shall be deemed to have been made on the date that the appointed or elected body adopts a reasoned statement or on the date that an administrative decision was mailed to the applicant. A decision is final unless appealed.

(1) Timing of Decision**(a) Director or City Official Approval**

Where Table 11-05.1: *Summary of Review and Decision-Making Procedures* indicates that the Planning Director or a City Official is authorized to make a decision, the Planning Director or official shall approve, approve with conditions, or deny the application and shall notify the applicant, in writing, of the decision and the reasons for modification or denial.

(b) Appointed Body Approval

Where Table 11-05.1: *Summary of Review and Decision-Making Procedures* indicates that an appointed body is authorized to make a decisions, the appointed body shall take action within 60 days from the date of the initial public hearing unless the applicant agrees to a deferral for a longer period of time, or unless otherwise provided in this Code. The decision of an appeal body is considered to have been made when that body has issued the written reason statement of its decision.

(c) Optional Referral of Review and Decision to PZC, DRC or HPC

If Table 11-05.1: *Summary of Review and Decision-Making Procedures* authorizes the Planning Director to make a decision, and the Planning Director determines that the application is unusually large or complex or raises potentially unique or serious impacts on the City or the surrounding neighborhoods, the Planning Director:

- i.** May refer a decision for which the PZC is the appeal body directly to the PZC for an initial decision, in which case a public hearing pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing* shall apply, and the PZC shall make a decision on the application using the criteria that would apply if the Planning Director had made the decision.

- ii. May refer a decision for which the DRC is the appeal body directly to the DRC for an initial decision, in which case a public hearing pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing* shall apply, and the DRC shall make a decision on the application using the criteria that would apply if the Planning Director had made the decision.
- iii. May refer a decision for which the HPC is the appeal body directly to the HPC for an initial decision, in which case a public hearing pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing* shall apply, and the HPC shall make a decision on the application using the criteria that would apply if the Planning Director had made the decision.

(d) Extended Review

The Planning Director may extend the review and processing period for large Zoning Map Amendment applications for rezoning to PUD. This extended review period is to allow for adequate staff research and analysis, agency review and comment, coordination with other city departments, and coordination with the applicant.

(2) Reason Statement

The approval or denial of an application shall be in writing and accompanied by a statement that explains the applicable criteria and standards, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Comprehensive Plan and this Code, relevant and statutory provisions, pertinent constitutional principles, and factual information contained in the record.

(3) General Decision Criteria

(a) Decision by Planning Director, City Official, or Hearing Examiner

- i. Where Table 11-05.1: *Summary of Review and Decision-Making Procedures* indicates that the Planning Director, City Official, or Hearing Examiner shall make the decision on an application, the Planning Director, City Official, or Hearing Examiner shall approve the application, or approve it with conditions, if it complies with the following criteria. The decision shall be based on the evidence submitted with the application, comments from referral agencies, information on file with the Planning and Development Services Department, and any required approvals from other bodies.
 - A. The application complies with all applicable provisions of this Code and other City regulations, as modified by any previously approved Minor Modifications, Major Modifications, or Variances;
 - B. The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, county, or city land use law or administrative rule; and
 - C. The property is not subject to a Development Agreement containing any provision that was required to be performed before the date of the subject application and that has not been satisfied.

- ii. Notwithstanding Subsection (i) above, if specific findings for approval of that type of application are listed in Section 11-05-05, *Specific Procedures* or another section of this Code, the specific criteria listed in Section 11-05-05 or the other section of this Code shall apply.

(b) Decision by Appointed Body or City Council

- i. When Table 11-05.1: *Summary of Review and Decision-Making Procedures* or another provision of this Code indicates that an appointed body or City Council under this Code shall make the decision on an application, the appointed body or City Council shall approve the application, or approve it with conditions, if it complies with the following criteria:
 - A. The application complies with all applicable provisions of this Code and other adopted City regulations, as modified by any previously approved Minor Modification, Major Modification, or Variance;
 - B. The application is consistent with any previous development approvals related to the property including but not limited to any Conditional Use Permit;
 - C. The application will not create any material negative impacts on adjacent properties; or any material negative impacts have been mitigated to the maximum extent practicable and the public benefits of the application outweigh any material negative impacts that cannot be mitigated; and
 - D. The application will promote the efficient use of land, resources, and existing infrastructure.
 - E. The application will not create any material negative impacts on the provision of public services, including schools.
 - F. The approval is not in conflict with the policies of the Comprehensive Plan.
- ii. Notwithstanding Subsection (i) above, if specific findings for approval of that type of application are listed in Section 11-05-05, *Specific Procedures* or another section of this Code, the specific criteria listed in Section 11-05-05 or the other section of this Code shall apply.

(4) Conditions

- (a) A decision-making body authorized to act under this Code may impose conditions as needed to ensure that the approval is consistent with the purposes of the Comprehensive Plan and the general purpose of this Code stated in Section 11-01-03.
- (b) All conditions of approval shall be reasonably related and proportionate to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City prior to the review of an application. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan and this Code.

(c) During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.

(d) Any conditions that require an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall include an individualized determination and shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(e) All required improvements shall be completed before the issuance of the first Certificate of Occupancy to the maximum extent practicable, or unless another time for completion is stated as a written condition of approval. If no condition of approval allows additional time for the completion of improvements, but the Planning Director determines that completion is not reasonably practicable before the issuance of the first Certificate of Occupancy, the Planning Director may allow in writing an extension of time of up to one year following the issuance of the first Certificate of Occupancy.

(5)Effective Date of Approval

(a) An approval under this Code documented in any form other than an ordinance shall become final upon the issuance of a written reason statement and after 10 days have elapsed from the date following the written decision, provided however, that such effective date shall be stayed by the filing of an appeal under Section 11-05-04.7.A, *Appeals*.

(b) Ordinances shall be effective upon publication.

(6)Notice of Type 2 Administrative Decisions

The Planning Director shall mail notice to adjacent property owners, tenant addresses known to the City, and Registered Neighborhood Associations whose boundaries include the subject property upon approval of a decision made under this Code.

(7)Notice of Public Appointed Body and City Council Decisions

(a) The Planning Director shall mail notice to the applicant, Registered Neighborhood Associations within which the property is located, and any appellant, within a reasonable timeframe following a decision under this Code. The notice shall indicate:

(b) The decision, and any conditions attached to any approval;

(c) Where a reason statement for the decision can be reviewed;

(d) Whether the decision can be appealed, and if so to what body, and the deadline for filing that appeal; and

(e) That the property owner can request a taking analysis pursuant to Section 11-05-04.6.C, *Regulatory Takings Analysis*.

(8)Reconsiderations of Review Body Decisions**(a) Purpose**

The purpose of this Section is to minimize the number of appeals, prevent new information related to the application from being presented for the first time on appeals, and resolve disputes at the lowest possible level. The decision-making body may reconsider a decision according to the procedure below and applicable provisions of Idaho law.

(b) Applicability

- i. This Section applies to any applicant or affected person who intends to seek judicial review of a decision made under this Code. The decision is not considered final, and no application for judicial review of the decision may be filed, until reconsideration of the decision pursuant to this Section has been requested and the provisions below have been completed.
- ii. The 28 day timeframe for filing an application for judicial review is tolled until a written decision upon reconsideration has been made, or until 60 days after the request for reconsideration is filed, whichever occurs first. If a decision upon reconsideration is not made within 60 days after the request for reconsideration is filed, the request for reconsideration is deemed denied.

(c) Procedure

- i. A request for reconsideration shall be filed within 14 days after the decision was made and shall state specific ways in which the decision does not comply with this Code or with applicable provisions of state or federal law.
- ii. The public hearing process for reconsideration shall be the same as that applied to the initial decision, except that no additional public notice shall be required.
- iii. If the applicant has modified the application, the review body shall determine if the revised application shall be reconsidered or if a new application is required.
- iv. Upon reconsideration, the decision may be affirmed, reversed, or modified to comply with the provisions of this Code or with applicable provisions of state and federal law.
- v. A decision on a reconsideration is not appealable.

B. Period of Validity**(1)Approvals Run with the Land**

Unless otherwise stated for a specific type of permit, application, or decision under this Code, or unless otherwise stated on the permit or approval document, permits, approvals, and approvals with conditions under this Code run with the land and are not affected by changes in ownership, tenancy, or the form of ownership or tenancy of the property. Subsequent owners and tenants of the property have the same rights and obligations with respect to the permit, approval, or decision as the initial applicant.

(2)Period of Validity

Unless otherwise indicated in Section 11-05-05, *Specific Procedures*, the term of an approval shall be as shown in Table 11-05.2 below, unless the property owner or permit holder has taken action to initiate construction of the improvements (including the installation of utilities), initiate the allowed use or activity, modify the property, or take other actions to use the authority granted in that permit or development approval within the period of validity.

TABLE 11-05.2: PERMIT AND APPROVAL VALIDITY	
TYPE OF APPROVAL	PERIOD OF VALIDITY
Type 1 Ministerial Review	
Hillside Development Permit – Category 2	Three years from the date of approval
Sign Permit for On-Premise Sign	One year from the date of approval
Temporary Sign Permit	As stated in the Temporary Sign Permit
Temporary Use Permit	As stated in the Temporary Use Permit
Zoning Compliance Review	Two years from the date of approval
Type 2 Administrative Decision	
Allowed Use with Allowed Zone-Specific Standards	Two years from the date of approval
Alternative Sign Plan	Two years from the date of approval
Certificate of Appropriateness - Minor	Two years from the date of approval
Conditional Use – Minor Modification	Two years from the date of approval
Design Review – Minor	Two years from the date of approval
Floodplain Permit	Two years from the date of approval
Legal Nonconformity - Confirmation, Change, or Minor Expansion	See Section 11-05-06, <i>Nonconformities</i>
PUD Modification – Minor	Two years from the date of approval
Reasonable Accommodation for Accessibility	Does not expire as long as the rationale for approval of the Reasonable Accommodation remains valid
Record of Survey	Two years from the date of approval
Residential Small Lot Approval – Minor	Two years from the date of approval
River System Permit - Minor	Two years from the date of approval
Zoning Certificate	Two years from the date of approval
Type 3 Decisions by an Appointed Body	
Allowed Use with Alternative Zone-Specific Standards	Two years from the date of approval
Certificate of Appropriateness – Major	Two years from the date of approval
Conditional Use Permit - Initial Approval or Major Modification	Two years from the date of approval
Design Review – Major	Two years from the date of approval
Floodplain Variance	Two years from the date of approval
Hillside Development Permit – Category 3	Three years from the date of approval
Legal Nonconformity - Major Expansion	Two years from the date of approval

TABLE 11-05.2: PERMIT AND APPROVAL VALIDITY

TYPE OF APPROVAL	PERIOD OF VALIDITY
PUD Modification – Major	Two years from the date of approval
Reclassification of Historic Resources	Two years from the date of approval
Residential Small Lot Approval - Major	Two years from the date of approval
River System Permit - Major	Two years from the date of approval, unless otherwise conditioned
Variance	Two years from the date of approval
Type 4 Decisions by City Council	
Annexation of Land and Related Zoning Map Amendment	Do not expire
Code Adoption or Amendment	Do not expire
Comprehensive Plan Adoption or Amendment	Do not expire
Development Agreement or Modification	See Section 11-05-05.4.D
Major Historic Preservation Actions	Do not expire
Subdivision Plat – Preliminary, Final, and Vacation	See Sections 11-05-05.4.F, 11-05-05.4.G, and 11-05-05.4.H
Zoning Map Amendment (Rezoning, including Planned Development)	Do not expire

(3) Extension of Approval Term

(a) The property owner or holder of a permit or approval subject to lapsing pursuant to this Section may file with the Planning Director a written request for an extension of the period of validity, provided that the request is received before the expiration of the permit and shows good cause why the permit or approval should be extended. If a request for extension is timely received, the approval expiration time limit shall be suspended between the time of filing and decision for an extension request.

(b) Provided that each written request is timely received, the Planning Director may approve up to two extensions of a permit or approval, neither of which may exceed one-half of the period of validity of the initial permit or approval, if the Planning Director determines that there is good cause for the extension. Good cause generally requires that the inability to initiate or complete the project for which the permit or approval was given was due to circumstances beyond the control of the property owner or the holder of the permit or approval.

(c) As an alternative to Subsection (b), the Planning Director may direct that the PZC hold a public hearing to determine whether the permit or approval shall be extended if the Planning Director determines that:

- i. There have been significant amendments to the Comprehensive Plan or Code that will affect the permit or approval;
- ii. There have been significant land use changes in the area surrounding the property that would adversely impact the project or be adversely impacted by the project; or

iii. There are hazardous situations that have developed or have been discovered in the area.

(d) If a public hearing on the extension is required, notice shall be provided per Section 11-05-04.5, Scheduling and Notice of Public Hearing.

(e) A new application and fee are required and shall be reviewed for compliance with current plans and ordinances.

C. Regulatory Takings Analysis

(1) Applicability

(a) Following a final decision on an application, the property owner may request in writing that the City conduct an analysis to determine if the approval, approval with conditions, or denial constitutes a regulatory "taking" of private property in violation of state or federal law.

(b) The decision is not considered final, and no application for judicial review of the decision may be filed, until reconsideration of the decision pursuant to this Section has been requested and the provisions below have been completed.

(2) Procedure

(a) A request for a regulatory taking analysis shall be submitted to the Planning Director within 28 days from the date of the final decision.

(b) Upon request, the City shall prepare a written taking analysis of any decision or condition(s) of approval on any site-specific development application pursuant to the criteria in Subsection (3) below. The regulatory taking analysis shall become a part of the record related to the application.

(c) A requested regulatory taking analysis shall be provided to the real property owner within 42 days of the request. During the preparation of a taking analysis, any time limitations related to the application or action shall be tolled.

(d) If the analysis concludes that the decision created a regulatory taking of private property in violation of state or federal law, the decision shall be referred to City Council for corrective action to avoid the violation.

(e) If a regulatory taking analysis is requested by the property owner and is not prepared by the City, the decision for which the analysis was requested is voidable, and the property owner may seek judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. A suit seeking to invalidate a City action for noncompliance with paragraph (b) of this Subsection shall be filed in a District Court in the county in which the private real property affected by the decision is located.

(3) Criteria

The City shall use the most current regulatory taking guidelines of the Idaho Attorney General to prepare the takings analysis. The following guidelines are current as of the Effective Date:

(a) Does the regulation or action result in a permanent or temporary physical occupation of private property?

- (b) Does the regulation or action condition the receipt of a government benefit on a property owner dedicating a portion of property, granting an easement, or expending funds for items unrelated to the impacts of the proposed action?
- (c) Does the regulation deprive the owner of all economically viable uses of the property?
- (d) Does the regulation have a significant impact on the landowner's economic interest?
- (e) Does the regulation deny a fundamental attribute of ownership?

7. Post-Decision Actions and Limitations

A. Appeals

(1) Appeal of Administrative Decisions

(a) General

Except as noted in Subsection (ii), an affected person may file an appeal for review of an interpretation of this Code made by the Planning Director, or a decision of the Planning Director to abate violations or enforce the provisions of this Code pursuant to Section 11-05-07, *Violations, Enforcement, and Penalties*, or a decision for which Table 11-05.1: *Summary of Review and Decision-Making Procedures* identifies the Planning Director, or City Official as the decision-maker.

- i. Appeals of decisions for which Table 11-05.1: *Summary of Review and Decision-Making Procedures* requires public notice and a public hearing, including any appeal to City Council, may only be filed by a Party of Record or by someone entitled to receive mailed notice for that type of application pursuant to Section 11-05-04.5.A(2), *Mailed Notice*.
- ii. The appeal shall be heard by body the listed in Table 11-05.1.
- iii. These provisions shall apply to appeals of administrative decisions in Specific Plan Districts unless an alternative appeal process is established in the Specific Plan District.

(b) Grounds for Appeal

- i. For an appeal of an administrative decision, the appeal shall list one or more of the following grounds for appeal:
 - A. Prevention of an allowed land use;
 - B. Prohibited or unwarranted restriction of building type, material, or method;
 - C. Misapplication or misinterpretation of the criteria in review of the application;
 - D. Conditions not authorized by Section 11-05-04.6.A(4), *Conditions*.
- ii. For appeals of administrative decisions, the appeal shall list the section of this Code or applicable state or federal law that has been incorrectly applied or violated and a written description of how they have been incorrectly

applied or violated. If the appeal alleges an error in applying floodplain regulations, it shall be supported by technical or scientific evidence.

(c) Procedure

- i.** The appeal shall be submitted to the Planning Director within 10 days of the decision. The timely filing of an appeal stays further action based on the decision being appealed unless the Planning Director determines that a stay would cause imminent peril to life or property.
- ii.** The appeal shall be accompanied by the appeal fee established by City Council and available on the City's website. If the appeal is successful and the decision is reversed or modified, the appeal fee shall be refunded.
- iii.** Upon receipt of a timely appeal, the Planning Director shall:
 - A.** Schedule the hearing before the appropriate appeal body shown in Table 11-05.1 for the next available public hearing date;
 - B.** Provide notice pursuant to Section 11-05-04.5.A(2), *Mailed Notice* to the appellant, the applicant for the permit, approval, or decision being appealed; and
 - C.** Transmit the record of the decision, including application materials submitted with the application, to the appeal body shown in Table 11-05.1.
- iv.** If more than one appeal is received related to the same interpretation, permit, approval, or decision, the Planning Director shall consolidate them into a single appeal and shall schedule a single public hearing on all appeals.
- v.** The appeal shall be conducted pursuant to the Section 11-05-04.5.B, *Public Hearing Procedure and Conduct*.
- vi.** The appeal shall be conducted on the record and the appellant shall bear the burden of demonstrating that the decision was in error. Testimony and evidence presented may include materials not included in the application but shall be limited to matters relevant to those items and sections of this Code and applicable state and federal law listed in the appeal filing. Testimony based on special administrative or technical expertise shall be weighed accordingly.
- vii.** The appeal body may uphold, modify, attach conditions to, or reverse the decision being appealed in order to bring the decision into conformance with this Code or applicable provisions of state or federal law.
- viii.** The Planning Director shall mail notice of the appeal body decision to those individuals and organizations entitled to receive notice of the appeal pursuant to Subsection (e) above, and to Parties of Record at the public hearing on the appeal.
- ix.** A decision appealed to the Hearing Examiner, PZC, DRC, or HPC, as listed in Table 11-05.1 shall not be further appealed to City Council but may be subject to review the District Court pursuant to Idaho law.

(2) Appeals of Commission Decisions

(a) Applicability

- i. A Party of Record on a decision of the Commission on an application for which Table 11-05.1: Summary of Review and Decision-Making Procedures shows the Commission, as the decision-maker may file an appeal to City Council. However, Commission decisions on appeals from a decision of the Planning Director, Hearing Examiner, or another City Official shall not be appealed to City Council.
- ii. Commission recommendations to Council shall not be appealed since Council will consider the application and will consider the Commission recommendation at that time.
- iii. These provisions shall apply to appeals of Commission decisions in Specific Plan Districts unless an alternative appeal process is established in the Specific Plan District.
- iv. These provisions shall apply to Commission decisions unless modified by Specific Procedures in Section 11-05-05. When in conflict, the provisions in Specific Procedures shall control.

(b) Procedure

- i. The appeal shall be submitted to the Planning Director within 10 days of the Commission decision. The timely filing of an appeal stays further action based on the decision being appealed unless the Planning Director determines that a stay would cause imminent peril to life or property.
- ii. An appeal of a Commission decision to City Council may only be filed by a Party of Record or a person entitled to receive mailed notice for that type of application pursuant to Section 11-05-04.5.A(2), *Mailed Notice*.
- iii. The appeal shall list the section of this Code or applicable state or federal law that has been incorrectly applied or violated and a written description of how they have been incorrectly applied or violated.
- iv. Upon receipt of a timely appeal, the Planning Director or the City Clerk shall:
 - A. Notify the City Clerk and City Council of the appeal;
 - B. Schedule a public hearing before City Council on the first available date, as determined by Council.
 - C. Provide notice pursuant to Section 11-05-04.5.A(2), *Mailed Notice* to the Parties of Record.
 - D. Transmit to City Council the record relating to the decision being appealed and shall make the record available to the public.
- v. If a Party of Record or a person entitled to receive mailed notice of the Commission public hearing believes that information has been omitted from the administrative record, they shall bring it to the attention of the Planning Director no later than 10 days prior to the date for the appeal hearing. If information has been omitted from the record, the Planning Director shall

determine if the information was presented to the review body and, if so, shall include it in the record provided to the City Council.

- vi. If more than one appeal is received related to the same interpretation, permit, approval, or decision, the Planning Director shall consolidate them into a single appeal and a single public hearing shall be held to consider all appeals.
- vii. Supplemental documents may be submitted subject to the following:
 - A. The parties to the appeal and the Planning Director may file written arguments (memoranda) regarding the appeal within 14 days after the appeal deadline. For the purpose of this Subsection (vii), staff reports to the City Council regarding the appeal are not considered memoranda.
 - B. Replies to memoranda shall be filed within 21 days of the appeal deadline.
 - C. The Council may modify the schedule if the hearing date on the appeal is deferred.
 - D. Memoranda and responses presented shall not contain new facts or evidence or discuss matters outside the record but shall be limited to matters relevant to those items of error and sections of this Code and applicable state and federal law listed in the appeal filing. Memoranda, responses, and testimony based on special administrative or technical expertise shall be weighted accordingly.
- viii. The appeal shall be conducted pursuant to the Section 11-05-04.5.B, *Public Hearing Procedure and Conduct*.
- ix. Except as noted in Subsection xi. below, the appeal shall be conducted on the record and the appellant shall bear the burden of demonstrating that the decision was in error.
- x. Where an appeal of a decision by the Commission is combined with or related to a decision for which Table 11-05.1 shows City Council as the decision-maker, the City Council may hear the appeal of the lower body's decision de novo.
- xi. After conducting the public hearing on the appeal, City Council may uphold, modify, attach conditions to, or reverse the decision being appealed in order to bring the decision into conformance with this Code or applicable provisions of state or federal law. If the City Council determines that the procedural steps required by this Code were not followed, the City Council may remand the decision to the Commission with instructions to comply with required procedures. The City Council shall adopt a written reason statement in support of its decision.
- xii. A City Council decision to modify, attach conditions to, or reverse a Commission decision shall be based on one or more of the following criteria:
 - A. The decision violates state or federal law.

- B. The decision exceeds the statutory or delegated authority of Commission.
- C. The decision was made through procedures that are unlawful or are inconsistent with this Code.
- D. The decision is not supported by substantial evidence.
- E. The decision is arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented.
- xiii. The Planning Director shall mail notice of the City Council decision and the reason statement to those individuals and organizations entitled to receive notice of the appeal pursuant to Subsection iv above, and to Parties of Record at the public hearing on the appeal.

B. Modifications of Approvals

This Section describes the procedures for modification of existing approvals under this Code.

(1) Minor Modifications

(a) Procedure

- i. After City approval or approval with conditions of an application under this Code, a property owner or holder of a permit or approval under this Code may apply for a Minor Modification of the permit or approval. A Minor Modification shall be processed administratively pursuant to Section [*Conditional Use Permit – Minor Modification 11-05-05.2.D*](#), [*Design Review – Minor Modification 11-05-05.2.E*](#), or other applicable code sections permitting minor modifications.
- ii. No Minor Modification may be approved if it would have the effect of reversing a decision on appeal of the initial approval or is inconsistent with a condition attached to the initial approval.
- iii. The Planning Director is authorized to approve, approve with conditions, or deny Minor Modifications and to require the applicant to file and/or record those materials necessary to document the Minor Modification in the City or Ada County records, as applicable.

(b) Permitted Minor Modifications

i. Conditional Use Permits

- A. The Planning Director may approve the following types of Minor Modifications:
 - (i) A reduction in the density that does not exceed 25 percent of total units;
 - (ii) A relocation of dwelling units or building pads for some practical reason such as road alignment, topography, access, solar access, or stability in hillside areas;
 - (iii) A change in the phasing plan;

- (iv) A modification to the recreation area or open space design that does not significantly reduce or eliminate the recreation or open space area;
- (v) An increase or decrease in the proposed setback as long as Code requirements are met; and
- (vi) Similar changes as determined by the Planning Director.

B. Applications for minor modifications of approved conditional uses shall be processed pursuant to Section 11-05-05.2.D, *Conditional Use Permit - Minor*.

ii. Design Review Approvals

The Planning Director may approve the following types of Minor Modifications to Design Review approvals:

- A.** Modifications to previous Minor Design Review that are consistent with Code standards;
- B.** Relocation of building pads or dwelling units provided that the modification does not significantly alter the site in terms of parking layouts, vehicular circulation, or landscaping;
- C.** Increase or decrease in a setback as long as Code requirements are met;
- D.** Change in materials, colors, window and door locations, and mechanical units, provided building design remains essentially the same and the changes comply with Code requirements.
- E.** Modification to a recreation area or open space design that does not eliminate or significantly reduce the size of any area shown on the initial approval; and
- F.** A change in landscape design or plant types, minor parking lot revisions, or minor site revisions that are consistent with Code requirements.

iii. Planned Unit Developments

Minor Modifications to approved Planned Units or related Development Plans shall be processed pursuant to Section 11-05-05.2.I.

iv. Other Approvals Under this Code

Those modifications that the Planning Director determines are not inconsistent with any standard or requirement in this Code or any condition attached to a prior permit or development for the property, and that are not included in those types of applications for which a Floodplain Variance pursuant to Section 11-05-05.3.E or a Variance pursuant to Section 11-05-05.3.L are required.

(c) Findings for Approval

- i.** The Planning Director may approve a Minor Modification, or approve it with conditions, if the Planning Director determines that the modification is not

inconsistent with any standard or requirement in this Code or any condition attached to a prior permit or development for the property and will not create a material negative impact on surrounding properties.

- ii. In the event the Planning Director is unclear as to whether a requested Minor Modification is consistent with this Section, the Planning Director may refer the application to the appointed body that granted the initial approval for treatment as a Major Modification.
- iii. The Planning Director's decision as to what qualifies as a Minor Modification, and the Planning Director's decision to refer the application to an appointed body, are not appealable.

(2)Major Modifications

(a) After City approval or approval with conditions of an application under this Code, a property owner or holder of a permit or approval under this Code may apply for a Major Modification of the permit or approval.

(b) A Major Modification is one that does not meet the definition of a Minor Modification under Subsection (1)(b) above.

(c) Unless otherwise provided in this Code, an applicant for a Major Modification shall be required to file a new application and follow the same procedure applicable to the initial application that was approved or approved with conditions, and the approval of the change shall be subject to the same criteria applicable to the initial application as applied to the requested modification.

(d) Major expansions of approved conditional uses are processed pursuant to Section 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification*.

(e) Major modifications to Planned Unit Developments are processed pursuant to Section 11-05-05.3.H.

(f) The Planning Director is authorized to waive any application submittal materials that are not required for the decision-making body listed in Table 11-05.1: *Summary of Review and Decision-Making Procedures* to evaluate the impacts of the proposed modification.

11-05-05. Specific Procedures

1. Type 1 Ministerial Decisions

A. Sign Permit for On-Premise Sign

(1)Applicability

(a) Except as otherwise exempted by Section 11-04-012.4, *Signs Not Requiring a Permit*, it shall be unlawful to erect, construct, enlarge, move, or convert any sign without first obtaining a Sign Permit.

(b) A Sign Permit shall not be required for a change of copy on a sign, nor for the repainting, cleaning, or other normal maintenance or repair for which a permit has previously been issued provided that the sign or sign structure is not altered in any way.

(2)Procedure

Sign Permit for On-Premise Sign

	Application Review		
	Director Decision		
	Appeal to Hearing Examiner		 Public Hearing
 = Input Opportunities			

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for Type 1 applications apply unless specifically modified by the provisions of this Section 11-05-05.1.A.

(3) Findings for Approval

- (a) The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*, including, but not limited to compliance with the standards in Section 11-04-012, *Signs*.
- (b) No condition attached to the approval of any Sign Permit shall include any form of content regulation prohibited by state or federal law.

B. Temporary Use Permit

(1) Applicability

(2) A Temporary Use Permit is required for each use listed as a Temporary Use in Table 11-03.1: *Table of Allowed Uses* or any use with a planned duration of 180 days or less. Procedure

Temporary Use Permit			
	Application Review		
	Director Decision		
	Appeal to Hearing Examiner		 Public Hearing
 = Input Opportunities			

All applicable provisions of Section 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 1 application shall apply unless specifically modified by the provisions of this Section 11-05-05.1.B.

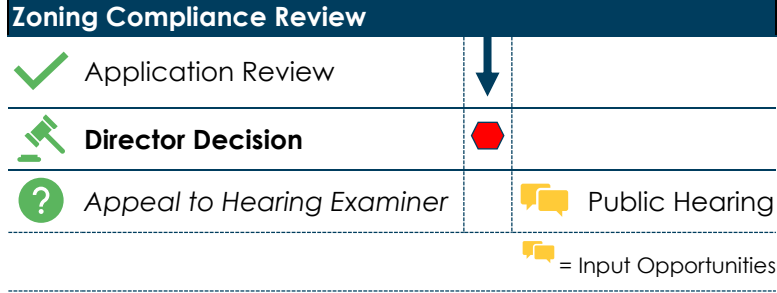
(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*, including but not limited to compliance with the standards in Section 11-03-03.7, *Temporary Uses*.

C. Zoning Compliance Review**(1) Applicability**

A Zoning Compliance Review is required to confirm compliance with the applicable standards of this Code and may include but are not limited to the following:

- (a)** Minor exterior commercial building or Multiple-Family Dwelling changes including but not limited to:
 - i.** Addition or removal of a window that complies with Code standards;
 - ii.** Change of exterior building material that complies with applicable design standards; and
 - iii.** Change in awning type, such as fabric to metal or aluminum, that complies with applicable design standards;
- (b)** Accessory structures over 1,000 square feet in area or over 22 feet in height; and
- (c)** Commercial fences.

(2) Procedure

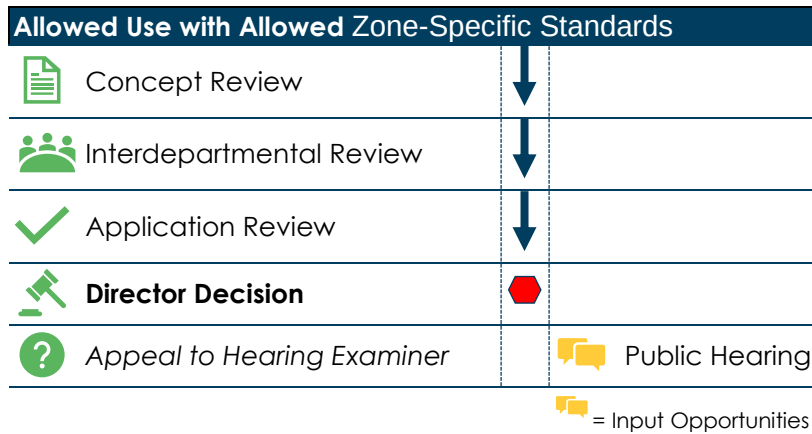
All applicable provisions of Section 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 1 application shall apply unless specifically modified by the provisions of this Section 11-05-05.1.C.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*.

2. Type 2 Administrative Decisions**A. Allowed Use with Allowed Zone-Specific Standards****(1) Applicability**

This procedure applies to all applications for an Allowed Use, as shown in Table 11-03.1: *Table of Allowed Uses* that meets all applicable Zone-Specific Standards and therefore has a design applicable to the Allowed Use.

(2) Procedure

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.A.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director,*

City Official, or Hearing Examiner including but not limited to the applicable Use-Specific Standards for that use, and specifically including those Zone-Specific Standards applicable to the Allowed Use in the zoning district in which it is located.

B. Alternative Sign Plan

(1) Applicability

This procedure applies to all applications for approval of an Alternative Sign Plan pursuant to Section 11-04-012.8.

(2) Procedure

Alternative Sign Plan		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.B.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if:

- (a) It complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*, including but not limited to compliance with the standards in Section 11-04-012.8, *Alternative Sign Plan*;
- (b) It will not create material distractions or confusion that could materially impact traffic safety; and
- (c) It will not materially increase visual clutter when viewed from adjacent streets, parks, open spaces, and Residential zoning districts, or any material impact to visual clutter have been mitigated to the maximum extent practicable.

C. Certificate of Appropriateness - Minor

(1) Applicability

(a) General

Within any HD-O district, the following provisions shall apply unless an exception to these provisions is shown in Subsection (b) below;

- i. No building, site, structure, or exterior feature of any building, site, structure, or object (including, but not limited to, walls, pavement, or other appurtenant features), above ground utility structure, trees removed or

substantially modified, or any type of sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Minor Certificate of Appropriateness has been approved by the Planning Director or the HPC.

- ii. A Minor Certificate of Appropriateness shall be required whether or not a Building Permit is required, and before any other application under this Code may be approved for the property in question.
- iii. The Minor Certificate of Appropriateness process shall apply to each activity identified in Subsection i. above that is identified as eligible for review and decision by the Planning Director in the Certificate of Appropriateness Matrix of major and minor historic preservation actions adopted by resolution by the City Council on recommendation from the HPC and on file in the Planning and Development Services Department and available on the City's website.

(b) Exceptions

- i. No Certificate of Appropriateness is required for the following items:
 - A. Interior arrangement of any building or structure;
 - B. Installation of temporary structures and features that do not remain in existence for more than 45 days in any consecutive 12 month period.
 - C. A site or building improvement that does not require a Certificate in the Certificate of Appropriateness Matrix as adopted by resolution by the City Council and on file in the Planning and Development Services Department and available on the City's website.
- ii. If an application that is eligible for review as a Minor Certificate of Appropriateness will also require a Variance, it shall be reviewed as a Major Certificate of Appropriateness.

(2) Procedure

Certificate of Appropriateness - Minor		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.C.

(3) Findings for Approval

The Planning Director shall approve, or approve with conditions, the application if the Planning Director, after consideration of the factors listed in Section 11-05-05.3.B(3), *Findings for Approval*, as applicable, determines that the proposed activity will not create a material negative impact on the historic character of the HD-O district in which the property is located, and that any minor impacts have been mitigated to the maximum extent practicable.

D. Conditional Use Permit - Minor Modification**(1) Applicability**

This procedure applies to all applications for approval to:

- (a) Expand an approved conditional use by up to 20 percent of the approved gross floor area or site area;
- (b) Reduce the project density by up to 25 percent of the total units;
- (c) Relocate dwelling units or building pads for some practical reason such as road alignment, topography, access, solar access, or stability in hillside areas;
- (d) Modify the phasing Plan;
- (e) Modify the recreation area or open space design that will not eliminate or significantly reduce these areas;
- (f) Increase or decrease in the proposed setbacks that comply with Code standards; and
- (g) Modify building elevations.

(2) Procedure

Conditional Use Permit – Minor Modification		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures*, 11-05-04, *Common Procedures* for a Type 2 application, and Section 11-05-04.7.B, *Modifications of Approvals* apply unless specifically modified by the provisions of this Section 11-05-05.2.D.

(b) In addition to the Interdepartmental Review that may be required by the Planning Director pursuant to Section 11-05-04.3.C prior to submittal of an application, the

Planning Director may require an Interdepartmental Review of the application after the completeness of an application has been confirmed pursuant to Section 11-05-04.4.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner* and with the following criteria:

- (a)** The location and design of the proposed use is compatible to other uses in the surrounding area; and
- (b)** The proposed modification will not create any material negative impacts to uses in the surrounding area, or any material negative impacts will be mitigated to the maximum extent practicable.

E. Design Review - Minor

(1) Applicability

(a) General

This procedure applies to all applications for Minor Design Review approval unless exempted pursuant to Subsection (b) below:

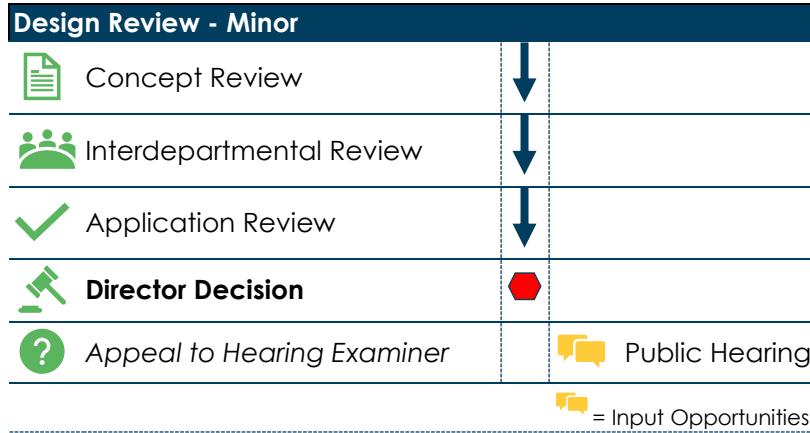
- i.** A commercial or mixed-use building not exceeding 5,000 square feet gross floor area that is not on a lot abutting a Residential zoning district or residential use;
- ii.** An industrial building not exceeding 10,000 square feet gross floor area that is not on a lot or parcel abutting a residential zoning district or a residential use;
- iii.** A residential development of less than 50 dwelling units;
- iv.** Surface parking lots; and/or
- v.** A Modification meeting the standards set forth in Section 11-05-04.7.B(1)(b)ii.

(b) Exceptions

- i.** Single-Family Detached, Single-Family Attached, Duplex, Triplex, and Fourplex Dwellings are exempted from the requirements of this Section, unless they are required to comply pursuant to Section 11-04-03.4, *Residential Small Lots*.
- ii.** Installation of the following:
 - A.** Residential building additions or accessory buildings less than 200 square feet;
 - B.** Roof and fascia changes;
 - C.** Minor parking lot revisions;
 - D.** Minor repairs that do not result in discernable changes; and/or
 - E.** Repainting of approved parking stalls.

- (c) Applications that are not required to complete Minor Design Review are still required to comply with applicable design standards in Section 11-04-06, *Building Design*.

(2) Procedure



- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures*, 11-05-04, *Common Procedures* for a Type 2 application, and Section 11-05-04.7.B, *Modifications of Approvals* apply unless specifically modified by the provisions of this Section 11-05-05.2.E.

- (b) The Planning Director shall determine whether the application is categorized as requiring Minor or Major Design Review.

- (c) For those applications that require Minor Design Review pursuant to Section 11-05-05.2.E, a separate application for a Zoning Certificate shall not be required and compliance with the applicable use standards shall be reviewed as a part of the Minor Design Review approval.

(3) Findings for Approval

The Planning Director shall approve, or approve with conditions, the application if it complies with the criteria listed in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*.

F. Floodplain Permit

(1) Applicability

- (a) A Floodplain Permit is required for all development within the Flood Protection Overlay district (FD-O) as described in Section 11-02-07.3.F(1)(c), *Applicability*.

- (b) Compliance with the standards in this Code shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state law and all other applicable rules, regulations, standards, and specifications of the City regarding development within a floodplain.

(2) Procedure

Floodplain Permit		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.F.

(b) The application shall be processed concurrently with other related development applications for the same project.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, after consultation with the Floodplain Administrator, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*, including but not limited to compliance with the standards in Section 11-02-07.3.F, *FP-O Flood Protection Overlay*.

G. Hillside Development Permit - Category 2**(1) Applicability**

(a) A Hillside Development Permit is required for any development proposal for properties when any topographical slope exceeds 15 percent or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director in consultation with the City Engineer.

(b) A Category 2 Hillside Development Permit is required for those projects defined in Section 11-02-07.3.G(3)(b).

(2) Procedure

Hillside Development Permit - Category 2		
 Concept Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
		 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 1 application apply unless specifically modified by the provisions of this Section 11-05-05.1.

(b) A Category 2 Hillside Development Permit shall be processed together with the development application to which it relates.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the following criteria:

(a) The proposed development is in compliance with the technical requirements of Section 11-02-07.3.G, *HS-O: Hillside Development Overlay* including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and

(b) The proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and

(c) The land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and

(d) The project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

(e) The proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of Section 11-02-07-G and the Floodway and Floodplain Ordinance.

H. Legal Nonconformity - Confirmation, Change, or Minor Expansion

(1) Applicability

(a) This Section applies to:

- i. All applications by a property owner to confirm the legal nonconforming status of an existing parcel, use, or building;
- ii. All applications by a property owner to expand a legal nonconforming use by less than 20 percent of the gross floor areas at the time the use became nonconforming;
- iii. All applications by a property owner to change a legal nonconforming use to a different legal nonconforming use; and
- iv. All requests by the Planning Director to have a property owner provide evidence of the legal nonconforming status and existing use.

(b) Applications for an expansion of a legal nonconforming use or building by 20 percent or more shall be subject to the standards set forth in Section 11-05-05.3.G, *Legal Nonconformity - Major Expansion*.

(2) Procedure**Legal Nonconformity – Confirmation, Change, or Minor Expansion**

 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04 *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.G.

(b) Regardless of whether the property owner or the Planning Director has requested confirmation of the legal nonconforming status of a property, the property owner shall be required to provide evidence of the date on which the parcel, structure, use, sign, or site feature was first created or established. Evidence may include but is not limited to utility records, photographs, assessor's records, rental receipts, phone directories, notarized statements, and Polk Directories.

(c) If the Planning Director determines that the legal nonconforming status has been demonstrated by the property owner, the Planning Director shall issue a Zoning Compliance Review documenting the legal nonconforming status.

(d) If the property owner does not provide evidence or the Planning Director determines that the evidence presented does not demonstrate legal nonconforming status of the parcel, structure, use, sign, or site feature, the Planning Director shall mail the property owner a notice that the property does not have legal nonconforming status. The notice may also identify what portions or aspects of the property may be violations of this Code and what is required to bring the property into compliance with this Code.

(3) Findings for Approval

(a) The Planning Director shall approve or approve with conditions the application for confirmation of a legal nonconforming use or building if the Planning Director determines that the use or building that is the subject of the application was legal when the use was begun or the building was constructed, and has become nonconforming since that time due to the actions of a government agency, including but not limited to an amendment to this Code or another government regulation, and not due to the actions of the current or prior owner of the property.

(b) The Planning Director shall approve or approve with conditions a change of a legal nonconforming use to different legal nonconforming use if the new use:

- i. Will not unduly burden transportation or service facilities in the vicinity and does not adversely impact the delivery of services by any political subdivision providing services;
- ii. Will not result in material negative impacts to surrounding properties; or that any deviation from those criteria has been mitigated to the maximum extent practicable;
- iii. Will be no greater in intensity, impacts, and demand for services than the existing legal nonconforming use; and
- iv. Will not be in conflict with the Comprehensive Plan;

(c) The Planning Director shall approve or approve with conditions an expansion of a legal nonconforming use by up to 20 percent beyond the area of the building or parcel occupied by the legal nonconforming use on the date it became legally nonconforming, if:

- i. The expansion will not unduly burden transportation or service facilities in the vicinity and does not adversely impact the delivery of services by any political subdivision providing services;
- ii. The expansion will not result in material negative impacts to surrounding properties or that any deviation from those criteria has been mitigated to the maximum extent practicable; and
- iii. The expansion will not be in conflict with the Comprehensive Plan.

I. Planned Unit Development Modification - Minor

(1) Applicability

(a) This Section applies to applications for modifications to Planned Unit Developments approved after the Effective Date that are similar to a Minor Design Review application pursuant to Section 11-05-05.2.E or a Zoning Certificate pursuant to Section 11-05-05.2.N.

(b) For Planned Unit Developments approved prior to the Effective Date, modifications shall be reviewed through the Conditional Use Minor Modification process pursuant to Section 11-05-05.2.D.

(2) Procedure

Planned Unit Development Modification - Minor		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures*, 11-05-04, *Common Procedures for a Type 2 application*, and Section 11-05-04.7.B, *Modifications of Approvals* apply unless specifically modified by the provisions of this Section 11-05-05.2.I.

(3) Findings for Approval

The Planning Director shall approve, or approve with conditions, the application if it complies with the required Findings for Approval for a Minor Design Review in Section 11-05-05.2.E(3) or for a Zoning Certificate in Section 11-05-05.2.N(3), as applicable to the proposed modification.

J. Reasonable Accommodation for Accessibility**(1) Applicability**

This procedure shall apply to each request to deviate from the standards in this Code to provide Reasonable Accommodation for a person experiencing disabilities as defined in the federal Fair Housing Amendments Act, as amended and interpreted by the courts.

(2) Procedure

Reasonable Accommodation for Accessibility		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

(a) Any ADA accommodation that is medically necessary and cannot satisfy the zoning code requirements may request additional review and approval prior to a zoning approval being issued.

(b) Any ADA accommodation that is not medically necessary and cannot satisfy the zoning code requirements shall be treated as a variance and shall file a variance application.

(c) All applicable provisions of Section 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.J.

(3) Findings for Approval

(a) No such accommodation shall encroach or be located within a public right-of-way.

(b) Such ADA accommodation for residential use shall refer to the adopted Building Code for construction guidance to ensure safe assembly, heights, distances, entry access and slope.

(c) The Planning Director shall approve the application, or approve it with conditions, after consultation with the City Attorney and other applicable parties, determines that approval of the Fair Housing Reasonable Accommodation is required to comply with the provisions of the Federal Fair Housing Amendments Act.

K. Record of Survey**(1) Applicability**

A Record of Survey is required for the following:

(a) A Property Line Adjustment that establishes or modifies the boundaries of buildable parcels with boundaries that differ from existing buildable parcels and/or buildable lot boundaries;

(b) A Parcel Consolidation that combines two or more existing, contiguous buildable parcels into one buildable parcel; and

(c) A Minor Land Division.

(2) Procedure

Record of Survey		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.K.

(b) Evidence of recordation of a notice of buildable parcel with the City Clerk and Ada County Recorder is required before a Building Permit may be issued.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*, including, but not limited to, the applicable standards set forth in Section 11-04-04.3, *Records of Survey*.

L. Residential Small Lot Approval - Minor**(1) Applicability**

This procedure applies to all applications subject to the Residential Small Lot standards in Section 11-04-03.4 that contain four or fewer dwelling units on up to four contiguous Residential Small Lots.

(2) Procedure

Residential Small Lot Approval - Minor		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.J.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner*, including but not limited to the applicable standards set forth in Section 11-04-03.4, *Residential Small Lots*.

M. River System Permit - Minor**(1) Applicability**

A Minor River System Permit is required for all lands and waters and all aquatic, wetland, riparian, and upland environments within the jurisdiction of Boise City that lie:

- (a) Within the 100 year Floodplain boundaries adjacent to the Boise River; or
- (b) Within the Setback Lands and Waters as described in Section 11-02-07.3.E(6), *Setbacks*; or
- (c) Within Class A, Class B and Class C areas as described in Section 11-02-07.3.E(5), *A, B, And C Lands and Waters Classifications*; and that
- (d) Do not affect more than 100 lineal feet of river bottom or bank, nor more than one-half acre of Class A or B lands;
- (e) Do not materially alter, fully restores, or enhances the existing surface and groundwater hydrology, soils, plant and animal communities and habitats present within or adjacent to the project; and
- (f) Provide for the maintenance of storm water detention/sedimentation basins and stabilization structures.

(2) Procedure**River System Permit - Minor**

	Concept Review	↓	
	Interdepartmental Review*	↓	
	Application Review	↓	
	Director Decision		
	Appeal to Hearing Examiner		 Public Hearing

*If required by Section 11-05-04.3.A(3)(c)

 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.M.

(b) In addition to that Interdepartmental Review that may be required by the Planning Director pursuant to Section 11-05-04.3.C prior to submittal of an application, the Planning Director may require an Interdepartmental Review of the application after the completeness of an application has been confirmed pursuant to Section 11-05-04.4.

(c) The application shall be reviewed concurrently with all other applications required for approval of the specific development proposed for the property.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner* and with the following criteria:

(a) The proposed development complies with the applicable standards for Uses in Class A, B or C lands and waters in Section 11-02-07.3.E(5), *A, B, And C Lands and Waters Classifications*.

(b) The proposed development complies with all standards in Section 11-02-07.3.F, *FP-O Flood Protection Overlay* applicable to the property.

(c) The proposed development is not in conflict with the Comprehensive Plan and complies with all the policies and standards of the Boise River Plan.

(d) The proposed development includes measures designed to ensure that natural resources functions and values are preserved or enhanced and maintained.

(e) The proposed development complies with all local, state, and federal laws and regulations.

N. Zoning Certificate**(1) Applicability**

(a) A Zoning Certificate is required for any use that:

- i. Does not require a Conditional Use Permit or Design Review approval;

- ii. Is not listed separately as a Type 2 application; and
 - iii. Only requires review by the Planning Director to confirm compliance with the applicable standards of this Code. This category includes but is not limited to applications for approval of a mural, Sidewalk Café, Accessory Dwelling Unit, a Duplex, Triplex, or Fourplex Dwelling, or an Adult or Child Daycare Facility.
- (b) A Zoning Certificate is also required prior to demolition of the following:
- i. Any primary structure containing a primary Multiple-Family Dwelling as described in Table 11-03.1: *Table of Allowed Uses*.
 - ii. Any non-accessory residential structure completed more than 50 years ago.
- (c) Any request for residential demolition addressed in Subsection (b) above that is not accompanied by an application for a replacement structure shall be reviewed for compliance with the applicable Sections of Chapter 11-04, *Development and Design Standards*.
- (d) Demolition of Public, Institutional, and Civic, Commercial, or Industrial structures (excluding uninhabited accessory structures).

(2) Procedure

Zoning Certificate		
 Concept Review	↓	
 Interdepartmental Review*	↓	
 Application Review	↓	
 Director Decision		
 Appeal to Hearing Examiner		 Public Hearing
*If required by Section 11-05-04.3.A(3)(c)		 = Input Opportunities

- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 2 application apply unless specifically modified by the provisions of this Section 11-05-05.2.N.
- (b) For those applications that require Minor Design Review pursuant to Section 11-05-05.2.E, a separate application for a Zoning Certificate shall not be required and compliance with the applicable Design Review standards shall be reviewed as a part of the Minor Design Review.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner* and that all applicable Minor Design Review criteria set forth in Section 11-05-05.2.E(3) have been met.

3. Type 3 Decisions by an Appointed Body

A. Allowed Use with Alternative Zone-Specific Standards

(1) Applicability

This procedure applies to all applications for an Allowed Use, as shown in Table 11-03.1: *Table of Allowed Uses* that comply with all Use-Specific Standards for the use, except that they do not meet one or more of Zone-Specific Standards applicable to the Allowed Use in the zoning district that they are located in and therefore are proposing an Alternative Zone-Specific Standard for approval.

(2) Procedure

Allowed Use with Alternative Zone-Specific Standards		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 PZC Decision		 Public Hearing
 Appeal to City Council		 Public Hearing

 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.A.

(b) The review of the PZC shall be limited to consideration of the proposed Alternative Zone-Specific Standards of the proposed development and shall not consider or attach conditions to the use, operation, or activities within the proposed development.

(3) Findings for Approval

The PZC shall approve the Alternative Zone-Specific Standard for the Allowed Use, or approve it with conditions, if it determines that the following criteria have been met:

(a) The Alternative Zone-Specific Standard will promote the urban design goals of the Comprehensive Plan and other approved plans, and the purpose of the zoning district applicable to the property as well or better than compliance with all Zone-Specific Standards applicable to the Allowed Use;

(b) The Alternative Zone-Specific Standard is needed because the use and design of adjacent developed properties makes it impracticable to comply with one or more of the Zone-Specific Standards; and

- (c) If the Alternative Zone-Specific Standard includes a reduction in the required minimum height of the building:
 - i. The reduced height of the building will still provide an adequate sense of street enclosure and an adequate level of residential or nonresidential activity from the building to promote the goals of the Comprehensive Plan and other applicable plans for the property; or
 - ii. The reduced height of the building, and any resulting reduction in the size of the building will not result in the underdevelopment of the site or the inefficient use of City facilities and infrastructure.

B. Certificate of Appropriateness - Major

(1) Applicability

(a) General

Within any HD-O district, the following provisions shall apply, unless an exception to these provisions is shown in Subsection (b) below.

- i. No building, site, structure, or exterior feature of any building, site, structure or object (including, but not limited to, walls, pavement or other appurtenant features), above ground utility structure, trees removed or substantially modified, or any type of sign shall be erected, altered, restored, moved or demolished within such district until after an application for a Minor or Major Certificate of Appropriateness has been approved by the Planning Director or the HPC.
- ii. A Major Certificate of Appropriateness shall be required whether or not a Building Permit is required, and before any other application under this Code may be approved for the property in question.

(b) Exceptions

- i. No Certificate of Appropriateness is required for the following items:
 - A.** Interior arrangement of any building or structure; and
 - B.** Installation of temporary structures and features that do not remain in existence for more than 45 days in any consecutive 12 month period;
 - C.** A site or building improvement that does not require a Certificate in the Certificate of Appropriateness Matrix as adopted by resolution by the HPC and on file in the Planning and Development Services Department.
- ii. An application for a Major Certificate of Appropriateness may include a request for a Variance pursuant to Section 11-05-05.3.L(1), *Applicability*.

(2) Procedure

Certificate of Appropriateness - Major		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 HPC Decision		 Public Hearing
 Appeal to City Council		 Public Hearing

 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.B.

(b) If an alteration, demolition, or relocation that requires a Certificate of Appropriateness occurs prior to the issuance of a Certificate of Appropriateness for that action, the Planning Director shall, within 180 days, prepare a premature alterations report. The report shall identify any violations of Section 11-05-05.3.A and recommends rehabilitative measures, if any. The Planning Director shall provide the premature alterations report to the applicant and the relevant Registered Neighborhood Association and applicant. Upon issuance of the report, the Planning Director shall negotiate with the applicant, relevant Registered Neighborhood Association, and other affected parties in an effort to find a means of restoring the property to its original condition. Thereafter, but in no event to exceed 180 days from the issuance of the premature alterations report, the Planning Director shall provide to the Historic Preservation Commission a final report incorporating findings, recommendations, comments, and any other information. Pursuant to its grant of power under Idaho Code Section 67-4604 and Section 11-05-03.5.A, *Duties, Jurisdiction, and Authority*, the Commission may adopt, adopt with modifications, or deny the findings and recommendations of the final premature alterations report.

- i. The premature alterations procedure, including the preparation of the report and negotiations, may be waived at the discretion of the Planning Director at any time.
- ii. During a review of a premature alteration, all work at the subject property, including further alterations, demolitions, relocations, construction, or modifications of any kind, shall cease until the final premature alterations report is adopted, or adopted with modifications. If denied by the Commission work on the property shall remain stopped until resolved either by further action of the Commission or appeal to the City Council.

(c) The HPC shall schedule a public hearing and 15 calendar days prior to the hearing, notice shall be mailed to the applicant, adjacent property owners and residents (including tenants), and to the Registered Neighborhood Association.

(d) If the HPC determines that the findings for approval in Subsection (3) have not been met, it shall place upon its records the reason for such determination and shall notify the applicant in writing of its reasons and recommendations, if any, as to what actions could be taken in order to obtain a certificate.

(e) The decision is deemed to have been made on the date that the HPC adopts written findings of fact and conclusions of law.

(3) Findings for Approval

The HPC shall approve the application, or approve it with conditions, if the following criteria have been met

(a) General Findings

i. Plans and Guidelines

The design of the project is consistent with the following plans and guidelines as applicable to the property:

- A. 1993 Downtown Boise Plan;
- B. Urban Renewal Plans;
- C. Design Guidelines for Residential Historic Districts;
- D. Boise City Historic Preservation Plan (dated July 1979);
- E. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (The Secretary of the Interior's Standards);
- F. A Field Guide to American Houses by Virginia and Lee McAlester;
- G. American Vernacular Design 1870-1940 An Illustrated Glossary by Herbert Gottfried and Jan Jennings; and
- H. Design Guidelines for Commercial Historic Districts with the Secretary of the Interior's Standards for Historic Preservation August 2009.

ii. Site Design

The application shall be reviewed by the HPC, with input from other agencies, to evaluate the site design, and to determine compatibility and impact both on and adjacent to the site as it relates to access, parking lot design, landscaping, grading and storm drainage, and other development of the site. The HPC's decision with regards to site design shall be based upon the following findings as they relate to historic preservation:

A. Traffic Impact, Pedestrian and Bicyclist Provisions

That the site provides a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, landscaping

that promotes and supports active transportation and does not adversely impact the delivery of services by any political subdivision providing services.

B. Landscaping

That the proposed landscaping enhances the Historic District and neighborhood with attributes that include but are not limited to protection of desirable existing trees, provision of street trees, and adequate screening methods where needed to buffer adjacent uses and unsightly areas or features.

C. On-Site Grading and Drainage

That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control as required by the Public Works Department, Ada County Highway District and/or other jurisdictional agencies.

D. Utility Service Systems

That utility service systems and equipment do not detract from the building design or adjacent buildings, and the size and location of all service systems are appropriate and maintainable.

iii. Structure Design

The design of all proposed buildings shall be reviewed in accordance with the Design Guidelines for Commercial Historic Districts Design Guidelines for Residential Historic Districts, on file in the Planning and Development Services Department and available on the City's website, as well as the following findings:

A. Building Mass

That the mass of the building is reviewed for its relationship and consistency to other buildings within the Historic District and area, and with the use proposed by the applicant.

B. Proportion of Building Façades

That the height to width relationship shall be compatible and consistent with the predominant architectural character of the Historic District.

C. Shadow Relief/Design Interest

That the exterior of the building provides shadow relief and design interest compatible with the architectural character of the area.

D. Relationship of Exterior Materials

That the appropriateness of materials and colors (paint colors are only reviewed in commercial Historic Districts) shall be reviewed as they relate to building mass, shadow relief and compatibility with other buildings within the Historic District and area.

E. Multiple-Family Buildings

That any Multiple-Family building is designed to include features that add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or façade modulation, planter boxes, bay windows, balconies, or porches. Specific design features have been added to enhance the physical appearance of such Multiple-Family residential structures.

F. Commercial/Industrial Buildings Adjacent to Residential Uses

That the building is designed to minimize impacts on adjacent residential uses and/or Residential zoning districts.

(b) Findings for Alterations

In addition to the general findings in Subsection (a) above, an application for the alteration of an existing building shall only be approved or approved with conditions if the HPC finds that the application:

- i.** Is consistent with the Design Guidelines for Commercial Historic Districts or Residential Historic Districts and that based on the Guidelines, the request will not be incongruous with the historical, architectural, archeological, educational, or cultural aspects of the district;
- ii.** Is consistent with the Secretary of the Interior's Standards for Rehabilitation, or other standards as applicable (preservation, restoration, or reconstruction);
- iii.** Complies with the dimensional standards and other applicable requirements of this Code including, but not limited to, setbacks, height restrictions and parking requirements unless the HPC finds that modifying those standards is necessary to protect the overall characteristics of the district and to comply with the adopted Design Guidelines; and
- iv.** Will not be in conflict with the Comprehensive Plan

(c) Findings for Signs

In addition to the general findings in Subsection (a) above, an application for a sign shall only be approved if the HPC finds that the sign will be congruous with the building in design, materials, size, and location.

(d) Findings for Demolitions or Relocations

- i.** If the application involves the demolition or relocation of a structure, in addition to the general findings in Subsection (a) above, the HPC shall find that at least three out of the five following criteria have been met:
 - A.** The building, site, structure, or object is not classified as contributing within the district as stated on the survey form on file in the Planning and Development Services Department;
 - B.** The building, site, structure, or object cannot reasonably meet national, state, or local criteria for designation as an historic property;

- C. Demolition of the building, site, structure, or object would not have an adverse impact on the character of the district and/or the adjacent properties;
 - D. The owner has reasonably demonstrated that rehabilitation of the building, site, structure, or object would not be economically practical, realistic, or viable based on review of the information required in the application provided by the applicant at the time the request for a Certificate of Appropriateness is submitted; and
 - E. Plans have been submitted to redevelop the property if the demolition proceeds and such plans will have a positive effect on the district and/or adjacent properties. The size, scale, use, materials, and/or overall design of the project may be considered as qualities for producing a positive effect.
- ii. If the HPC has approved a partial demolition and approved the replacement structure and the plans for the replacement structure remain the same, and the Building Official later determines in writing that a full demolition is necessary for life safety and there are no other cost-effective alternatives, the Planning Director may approve the full demolition.

(e) Findings for Change in Use

If the application requests a change of use, in addition to the general findings in Subsection (a) above, the HPC shall find that the following criteria have been met:

- i. That the request will not be in conflict with the Comprehensive Plan and supports the goals, objectives, and policies of the applicable neighborhood plans; and
- ii. That the request will be congruous with the historical, architectural, archeological, educational, or cultural significance of the district.

(f) Findings if a Request for Variance is Included

An application for a Certificate of Appropriateness may be combined with an application for a Variance pursuant to Section 11-05-05.3.L, and both applications may be reviewed and a decision made by the HPC after a single public hearing, provided that the decision on the Variance application shall be based on the findings for approval in Section 11-05-05.3.L(3).

C. Conditional Use Permit - Initial Approval or Major Modification
(1) Applicability

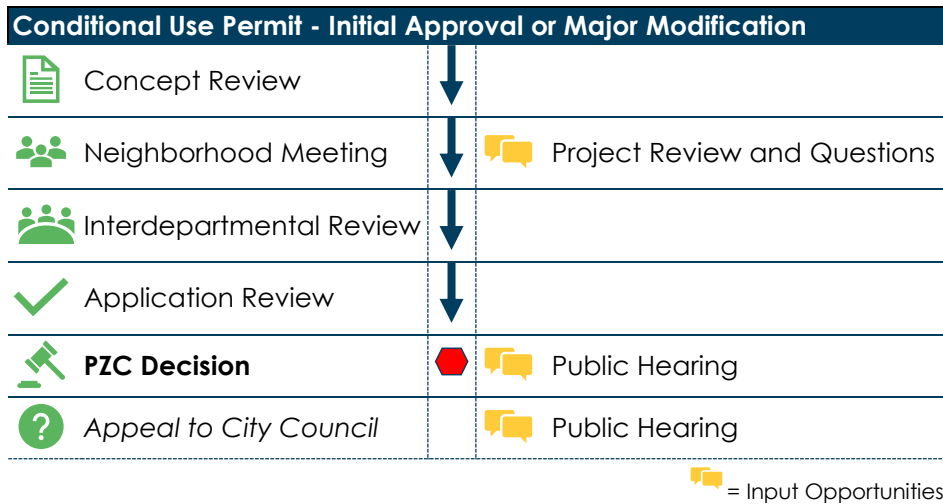
(a) A Conditional Use Permit is required for any use that is classified as a Conditional Use in Table 11-03.1: *Table of Allowed Uses* and for a Major Modification of an approved conditional use permit. A Major Modification of an approved conditional use permit includes but is not limited to:

- i. An increase in density;
- ii. A density decrease exceeding 25 percent of the total units that has been approved through a Conditional Use Permit;

- iii. Any change that will impact the neighborhood, such as a significant change in traffic generation or flow;
- iv. A change that was the subject of an appeal during the public hearing;
- v. A change that would affect some other condition such as a condition regarding pathways, streets, schools, floodplain, or foothills;
- vi. A request for a greater than 20 percent increase in building square footage;
- vii. A request to change the nature of the approved use;
- viii. A request to change or delete a condition of approval; and
- ix. A request that would increase or cause impacts to a foothill or river area, or an increase in soil erosion.

(b) No conditional use shall be conducted except in compliance with all applicable provisions of this Code and with any conditions upon such Conditional Use Permit approval.

(2) Procedure



(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.C.

(b) An application for a Conditional Use Permit may be combined with an application for a Variance pursuant to Section 11-05-05.3.L, and both applications may be reviewed and a decision made by the PZC after a single public hearing, provided that the decision on the Variance application shall be based on the findings for approval in Section 11-05-05.3.L(3).

(c) The PZC may extend the review and processing period for Conditional Use Permit applications. This extended review period is to allow for adequate staff research and analysis, agency review and comment, coordination with other City departments, and coordination with the applicant.

(d) In addition to those types of conditions listed in Section 11-05-04.6.A(4), *Conditions*, the PZC may attach additional conditions to the approval of a Conditional Use Permit, including but not limited to the following types of conditions:

- i. Requiring more restrictive standards than those generally required in an ordinance;
- ii. Conformity to approved plans and specifications;
- iii. Provision of open spaces, pathways, buffer strips, walls, fences, landscaping, and lighting;
- iv. Maximum volume of traffic generated, requirements for off-street parking, service drive design, construction standards, vehicular and pedestrian movements within the site, and points of ingress and egress;
- v. Performance characteristics related to noise, vibration, and other potentially dangerous or objectionable elements;
- vi. Limits on hours of operation;
- vii. The period of time for which a permit is issued;
- viii. The sequence and timing of the development;
- ix. Guarantees as to compliance with the terms of the permit;
- x. Number, location, color, size, height, lighting, use of outdoor areas, and landscaping of outdoor signs and structures;
- xi. Requiring the provision for on-site or off-site public facilities or services, including the installation of street lights in accordance with the requirements of the Public Works Department;
- xii. Requiring irrigation or drainage facilities to be covered or fenced for public safety.

(e) Conditions applied by the PZC shall not restrict or specify the exterior detail or design, color, or materials, except if such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings.

(f) An appeal to City Council of a PZC decision on a Conditional Use Permit shall be a de novo review. City Council may develop a new record on appeal and shall apply to the criteria in Section 11-05-05.3.C(3) without deference to the PZC's findings. On review, City Council has the same authority as given to PZC in this section 11-05-05.3.C.

(3) Findings for Approval

(a) General

Unless Subsection (b) below applies, the PZC shall approve the application or approve it with conditions if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* and the following criteria:

- i. The proposed location is uniquely suited to accommodate the proposed use or is a location for the proposed use supported by the Comprehensive plan or other adopted plan of the City;

- ii. The proposed use will not create any material negative impacts to uses in the surrounding area, or any material negative impacts will be mitigated to the maximum extent practicable, and the public benefits of the proposed use outweigh any material negative impacts of the proposed use that cannot be mitigated;
- iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and other such features as are required by this Code;
- iv. The site provides a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, landscaping that promotes and supports active transportation and does not adversely impact the delivery of services by any political subdivision providing services;
- v. The proposed use is not in conflict with the Comprehensive Plan; and
- vi. If the application is combined with an application for a Variance, the findings for approval of the requested Variance in Section 11-05-05.3.L have been met.

(b) Reduction in Required Parking Greater than 50 Percent

If the application is to reduce the minimum required vehicle parking by more than 50 percent below that required by Table 11-04.9: *Off-Street Parking Requirements*, the PZC shall approve the application or approve it with conditions if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council*, and the following criteria:

- i. The parking reductions offered in Section 11-04-08.7, *Parking Adjustments*, have been incorporated into the site design to the maximum extent practicable;
- ii. The proposed reduction is uniquely suited to accommodate the proposed use or is a location for the proposed use supported by the Comprehensive plan or other adopted plan of the City;
- iii. The proposed reduction will not create any material negative impacts to uses in the surrounding area, or any material negative impacts will be mitigated to the maximum extent practicable, and the public benefits of the proposed use outweigh any material negative impacts of the proposed use that cannot be mitigated;
- iv. The site provides a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, landscaping that promotes and supports active transportation and does not adversely impact the delivery of services by any political subdivision providing services; and
- v. The proposed reduction is not in conflict with the Comprehensive Plan.

D. Design Review - Major**(1) Applicability****(a) Compliance Required**

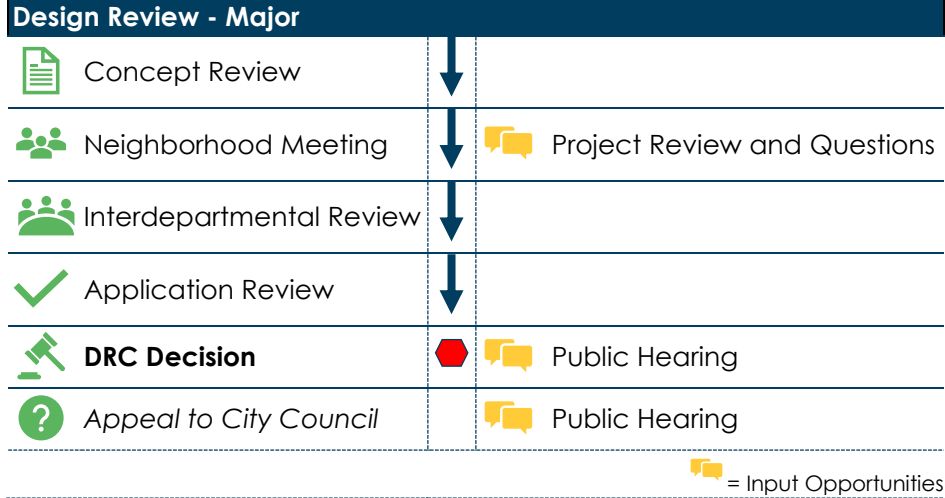
A Major Design Review application is required for each of the following, unless listed as an action that can be approved as a Minor Design Review application under Section 11-05-05.2.E or exempted by Subsection (b) below:

- i.** Any visible exterior improvement or alteration to a site, building, or structure, including demolitions;
- ii.** Any development in the CD-O district that meets the criteria set forth in Section 11-02-07.2.D(4), *Design Review Permit*; and
- iii.** Any development in the HD-O district that is also subject to the Citywide or Downtown Design Standards and Guidelines, on file in the Planning and Development Services Department and available on the City's website. If the Citywide or Downtown Design Standards and Guidelines conflict with the Historic Preservation Guidelines, the Historic Preservation Guidelines shall prevail.

(b) Exceptions

- i.** Single-Family Detached, Single-Family Attached, Duplex, Triplex, and Fourplex Dwellings are exempted from the requirements of this Section, unless they are required to comply pursuant to Sections 11-03-03.2G, *Duplex, Triplex, or Fourplex Dwelling* or 11-04-03.4, *Residential Small Lots*.
- ii.** Installation or modification of the following:
 - A.** Building additions or accessory buildings less than 200 square feet;
 - B.** Replacement of approved roof and fascia;
 - C.** Minor parking lot revisions;
 - D.** Minor repairs that do not result in discernable changes; and
 - E.** Repainting of approved parking stalls.
- iii.** Applications that are not required to complete Minor Design Review or Major Design Review are still required to comply with applicable design standards in Section 11-04-06, *Building Design*.

(2) Procedure



(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.D.

(b) The Planning Director shall determine whether the application is categorized as requiring Minor or Major Design Review.

(c) Applications that are for new buildings or building additions greater than 200 square feet shall be prepared by, or under the direct supervision of, a duly licensed architect who shall be clearly identified on such designs, unless exempted under Idaho Code, Section 54-306.

(d) If a Design Review application requires associated approvals by the PZC or City Council, such as a Conditional Use Permit or Planned Unit Development, those approvals shall be obtained before an application for Design Review approval may be processed.

(e) The Planning Director may extend the review/processing period for Major Design Review applications. This extended review period is to allow for adequate staff research and analysis, agency review and comment, coordination with other City departments, and coordination with the applicant.

(f) Except for development on Residential Small Lots, the DRC shall not require reductions in height, density, floor area ratio, or other regulations included in Table 11-04.2: *Residential District Dimensional Standards* and Table 11-04.3: *Mixed-Use, Industrial, and Open Land District Dimensional Standards*, unless required for reasons public safety, reasonable accommodation, or health.

(3) Findings for Approval

The DRC shall approve the application, or approve it with conditions, if it complies with the following criteria.

(a) Site Design

- i. The site provides a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a

network that includes sidewalks, pathways, landscaping that promotes and supports active transportation.

- ii. The landscaping promotes well-conceived and attractive landscaping that will retain and protect existing vegetation where possible, enhance environmental conditions of the Treasure Valley, reduce potential impacts between adjacent and neighboring uses, and screen and conceal utilities, mechanical units, and services areas.
- iii. The on-site grading and drainage are designed to minimize off- site impact and provide erosion control.
- iv. Signs minimize visual clutter.
- v. Utility systems do not detract from building design and their size and location are appropriate and maintainable.

(b) Structure Design

- i. The building mass is appropriately designed to address the street and create a pedestrian-friendly environment.
- ii. The design employs façade articulation techniques that add visual interest to the pedestrian realm and reduce the perceived scale of large buildings.
- iii. Openings in the building façade provide visual interest to the pedestrian and mitigate impacts of monotonous flat walls planes, blank wall areas and provide shadow relief.
- iv. Exterior materials are high-quality materials that minimize maintenance cost and provide visual interest to the street. Locally sourced and sustainable materials are strongly encouraged.
- v. The building design shall minimize impacts on adjacent Residential zoning districts and residential uses.

(c) Adopted Plans and Design Guidelines

The application complies with all adopted plans and design guidelines, including the Citywide and Downtown Design Standards and Guidelines, unless modified by conditions attached by the DRC to satisfy the required findings in Subsections (a) and (b) above.

E. Floodplain Variance

(1) Applicability

(a) A Floodplain Variance is required for all requests to vary the requirements of Section 11-02-07.3.F, *FP-O Flood Protection Overlay*.

(b) Floodplain Variances may generally be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation.

(2) Procedure

Variance		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 Hearing Examiner Decision		 Public Hearing

 = Input Opportunities

- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.E.
- (b) In reaching a decision, the Hearing Examiner shall review:
- i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community; the necessity to the facility of a waterfront location where applicable;
 - v. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - vi. The compatibility of the proposed use with existing and anticipated development;
 - vii. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - ix. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, if applicable, expected at the site; and
 - x. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities including but not limited to sewer, gas, electrical, water systems, and streets and bridges.

(c) Any applicant to whom a Floodplain Variance is issued shall be given written notice that the cost of flood insurance may be commensurate with any increased flood risk.

(d) The Floodplain Administrator shall maintain a record of all Floodplain Variance actions, including justification for their approval.

(3) Findings for Approval

(a) General

The Hearing Examiner shall approve a Floodplain Variance request, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner* and the following criteria:

- i. Floodplain Variances shall not be issued within any designated floodway if any increase in flood levels during the Base Flood discharge would result.
- ii. A Floodplain Variance shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- iii. A Floodplain Variance shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance shall not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, degradation of or victimization of the public, or conflict with existing local laws or ordinances.
- iv. The Floodplain Variance is consistent with the National Flood Insurance Program adoption of the general zoning law principles that:
 - A. They pertain to a physical piece of property;
 - B. They are not personal in nature;
 - C. They do not pertain to the uniqueness of the structure, its inhabitants, economic or financial circumstances;
 - D. They primarily address smaller lots in densely populated residential neighborhoods; and
 - E. They should be approved quite rarely.
- v. Floodplain Variances for nonresidential buildings may be approved in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, and otherwise complies with the standards in Sections 11-02-07.3.F(3)(b)i, *Uses* and 11-02-07.3.F(3)(b)ii, *Utilities*.

F. Hillside Development Permit - Category 3

(1) Applicability

- (a) A Hillside Development Permit is required for any development proposal for properties when any topographical slope exceeds 15 percent or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director or City Engineer.
- (b) A Category 3 Hillside Development Permit is required for those projects defined in Section 11-02-07.3.G(3)(c).

(2) Procedure

Hillside Development Permit Category 3		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 Public Works Department Meeting	↓	
 PZC Decision		 Public Hearing
 Appeal to City Council		 Public Hearing

 = Input Opportunities

- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.F.
- (b) A meeting with the Public Works Department shall be held after acceptance of the application.
- (c) An application for a Category 3 Hillside Development Permit may be combined with an application for a Subdivision Plat or Planned Unit Development and both applications may be reviewed, and a recommendation made by the PZC to the City Council.

(3) Findings for Approval

The PZC shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* and the following criteria:

- (a) The proposed development complies with the technical requirements of Sections 11-02-07.3.G, *HS-O: Hillside Development Overlay* and 11-04-05.6, *Foothills Development*

Standards if applicable including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features;

(b) If located in the FP-O district, the proposed development complies with all requirements of Section 11-02-07.3.F, *FP-O Flood Protection Overlay*.

(c) The land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and

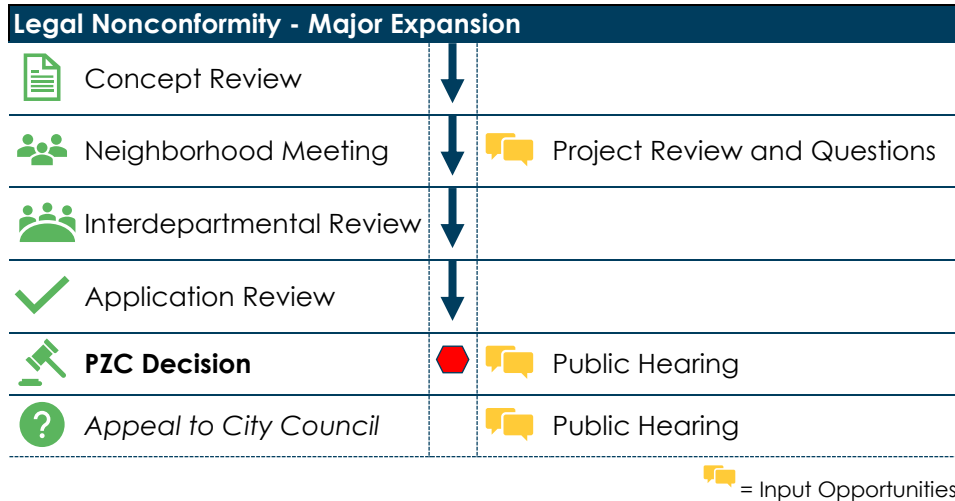
(d) The project does not create a potential hazard of flooding, soil instability, fire, and erosion.

G. Legal Nonconformity - Major Expansion

(1) Applicability

This procedure applies to all applications to expand a legal nonconforming use by 20 percent or more of the areas occupied at the time the use became legally nonconforming.

(2) Procedure



All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.G.

(3) Findings for Approval

The PZC shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* and the following criteria:

(a) The expansion will not unduly burden transportation or service facilities in the vicinity and does not adversely impact the delivery of services by any political subdivision providing services;

(b) Will not result in material negative impacts to surrounding properties; or that any deviation from those criteria has been mitigated to the maximum extent practicable and

the public benefits of the proposed expansion outweigh any material negative impacts of the proposed expansion that cannot be mitigated;

(c) Any expansion of a legal nonconforming use will not increase the degree of nonconformity of that part of the use that does not meet the provisions of this Code; and

(d) The expansion will not be in conflict with the Comprehensive Plan.

H. Planned Unit Development Modification - Major

(1)Applicability

(a) This Section applies to applications for modifications to Planned Unit Developments approved after the Effective Date that the Planning Director determines are not eligible for approval as a Planned Unit Development Minor Modification pursuant to Section 11-05-05.2.I.

(b) For Planned Unit Developments approved prior to the Effective Date, modifications shall be reviewed through the Conditional Use Major Expansion process pursuant to Section 11-05-05.3.C.

(2)Procedure

Planned Unit Development Modification - Major		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 PZC Decision		 Public Hearing
 Appeal to City Council		 Public Hearing

 = Input Opportunities

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.H.

(3)Findings for Approval

The PZC shall approve the application, or approve it with conditions, if it complies with the required findings for approval for a Zoning Map Amendment pursuant to Section 11-05-05.4.I(2)(a)ii as applicable to a Planned Unit Development.

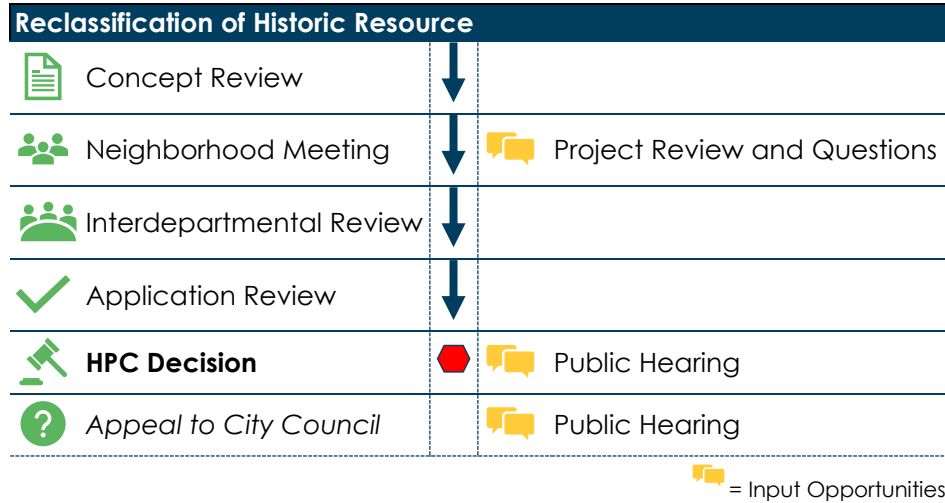
I. Reclassification of Historic Resource

(1)Applicability

This procedure applies to any application to change the classification of any building, site, structure, or object located within a designated Historic District from a non-

contributing to a contributing property, or from a contributing to a non-contributing property, which action may occur on or after the 50th anniversary of its original construction.

(2) Procedure



(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.I.

(b) The application shall be filed pursuant to a motion of the Historic Preservation Commission or at the request of the Planning Director, property owner, or an applicant with the written consent of the property owner,

(c) The HPC may reclassify a building, site, structure, or object within a designated HD-O district from non-contributing to contributing or from contributing to non-contributing.

(3) Findings for Approval

The HPC shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* and the following criteria:

(a) A building, site, structure, or object may be reclassified from non-contributing to contributing or from contributing to non-contributing if the HPC determines that an error was made on the original survey.

(b) A building, site, structure, or object may be reclassified from contributing to non-contributing or from non-contributing to contributing if alterations, additions, or restorations have been made so that the classification prior to the change no longer reflects the proper classification after the change.

(c) If the HPC determines that a reclassification is justified pursuant to Subsections (a) or (b) above, the HPC shall also make the following findings in writing.

- i. Whether or not the building, site, structure, or object is eligible for the National Register of Historic Places.

- ii. Whether or not the building, site, structure, or object contributes to the HD-O district in which it is located.

J. Residential Small Lot Approval - Major

(1)Applicability

This procedure applies to all applications subject to the Residential Small Lot standards in Section 11-04-03.4 that contain five or more dwelling units on five or more contiguous Residential Small Lots.

(2)Procedure

Residential Small Lot Approval - Major		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 DRC Decision		 Public Hearing
 Appeal to City Council		 Public Hearing

 = Input Opportunities

All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.J.

(3)Findings for Approval

The DRC shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council*, including but not limited to the applicable standards set forth in Section 11-04-03.4, *Residential Small Lots*.

K. River System Permit - Major

(1)Applicability

A Major River System Permit is required for all lands and waters and all aquatic, wetland, riparian, and upland environments within the jurisdiction of Boise City that lie:

- (a) Within the 100 year Floodplain boundaries adjacent to the Boise River;
- (b) Within the Setback Lands and Waters as described in Section 11-02-07.3.E(6), *Setbacks*; or
- (c) Within Class A, Class B and Class C areas as described in Section 11-02-07.3.E(5), *A, B, And C Lands and Waters Classifications* and that are not eligible for review as a Minor River System Permit pursuant to Section 11-05-05.3.A.

(2) Procedure

River System Permit - Major		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 PZC Decision		 Public Hearing
 Appeal to City Council		 Public Hearing

 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.K.

(b) In addition to that Interdepartmental Review that may be required by the Planning Director pursuant to Section 11-05-04.3.C prior to submittal of an application, the Planning Director may require an Interdepartmental Review of the application after the completeness of an application has been confirmed pursuant to Section 11-05-04.4.

(c) Review by the Parks Board is required when the property to which the application relates is adjacent to or includes the Greenbelt setback lands and waters.

(d) The application shall be reviewed concurrently with all other applications required for approval of the specific development proposed for the property.

(3) Findings for Approval

The PZC shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* and the following criteria:

(a) The proposed development is in compliance with the applicable standards for uses in Class A, B, or C lands and waters.

(b) The proposed development will not be in conflict with the Comprehensive Plan and complies with all the policies and standards of the Boise River Plan, Section 11-02-07.3.F, *FP-O Flood Protection Overlay*, and Section 11-02-07.3.E, *BR-O: Boise River System Overlay*.

(c) The proposed development includes measures designed to ensure that natural resources functions and values are preserved or enhanced and maintained.

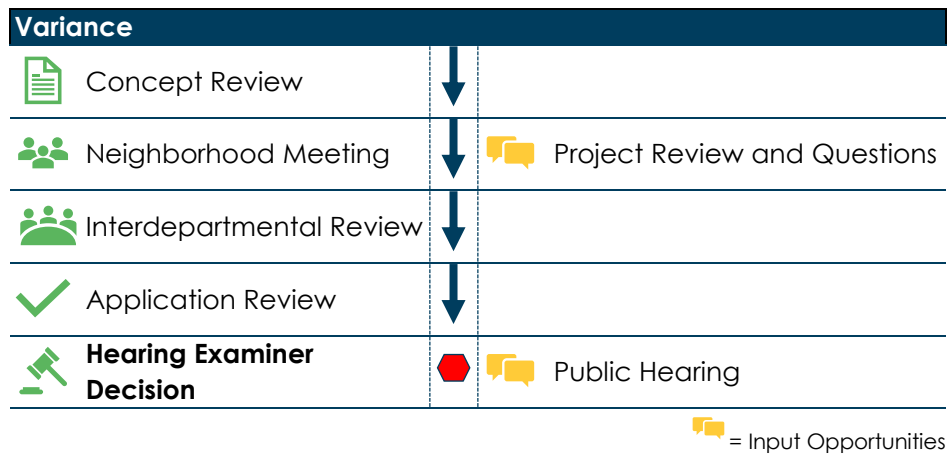
(d) The proposed development complies with or shall comply with all local, state, and federal laws and regulations.

L. Variance

(1) Applicability

- (a) This procedure applies to all applications by a property owner to deviate from the standards of this Code applicable to a proposed action or development, and that is not eligible for review and decision pursuant to Section 11-05-05.3.E, *Floodplain Variance*.
- (b) An application for a Variance shall not include a request to permit a use that is not shown as an allowed, conditional, temporary, or accessory use for that zoning district in Section 11-03-02, *Table of Allowed Uses* and shall not be used to modify Use-Specific Standards applicable to an allowed, conditional, temporary, or accessory use in Section 11-03-03, *Use-Specific Standards*.

(2) Procedure



- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 3 application apply unless specifically modified by the provisions of this Section 11-05-05.3.L.
- (b) A Neighborhood Meeting shall be held in accordance with Section 11-05-04.3.B, *Neighborhood Meeting*, except that only the property owners and residents (including tenants) adjacent to the project and the Registered Neighborhood Association need to be notified.
- (c) A public hearing before the Hearing Examiner is required pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing*, except that mailed notice for a Variance is required only to the applicant and to each property owner or tenant addresses known to the City within the subject property and adjacent to the subject property (including those properties across a street, alley, canal, or other public right-of-way).
- (d) If the application is combined with an application for a Conditional Use Permit, the Hearing Examiner shall defer a decision on the application to the PZC, which shall decide the request for Variance pursuant to the findings for approval in Subsection (3) below.

(e) As a part of a Variance approval, the Hearing Examiner may require a modification of the Code standards for lot size, lot coverage, width, depth, setbacks, parking spaces, height of buildings, or other Code provisions affecting the size or shape of a structure or the placement of the structure upon parcels in order to mitigate the impacts of the approved Variance.

(3) Findings for Approval

The Hearing Examiner shall approve the application, or approve it with conditions, if it complies with the criteria in Section 11-05-04.6.A(3)(a), *Decision by Planning Director, City Official, or Hearing Examiner* and the following criteria:

- (a) A Variance may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site;
- (b) Granting of the Variance will not conflict with the public interest;
- (c) Granting the Variance will not provide a right or special privilege to the property that is not available to other properties within the same zoning district; and
- (d) Granting of the Variance will not create material negative impacts to the public health, safety, or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment of the property, or any negative impacts have been mitigated to the maximum extent practicable.
- (e) If the requested Variance is to the standards in Section 11-04-04, *Subdivision Standards*:
 - i. The tract to be subdivided is of unusual size or shape or has unusual conditions such that the strict application of these regulations would result in substantial hardship or inequity;
 - ii. The requested Variance is necessary so that the property may be developed in a reasonable manner; and
 - iii. The quality of the development is not diminished.
- (f) If the requested Variance is to the standards in Section 11-04-012, *Signs*:
 - i. It shall not have the effect of permitting any type of sign that is prohibited in that zoning district; and
 - ii. The existence of legal nonconforming signs in the vicinity surrounding the property site shall not be cited as a hardship or used as justification for a special circumstance supporting the application.

4. Type 4 Major Decisions by City Council

A. Annexation of Land and Related Zoning Map Amendment

(1) Applicability

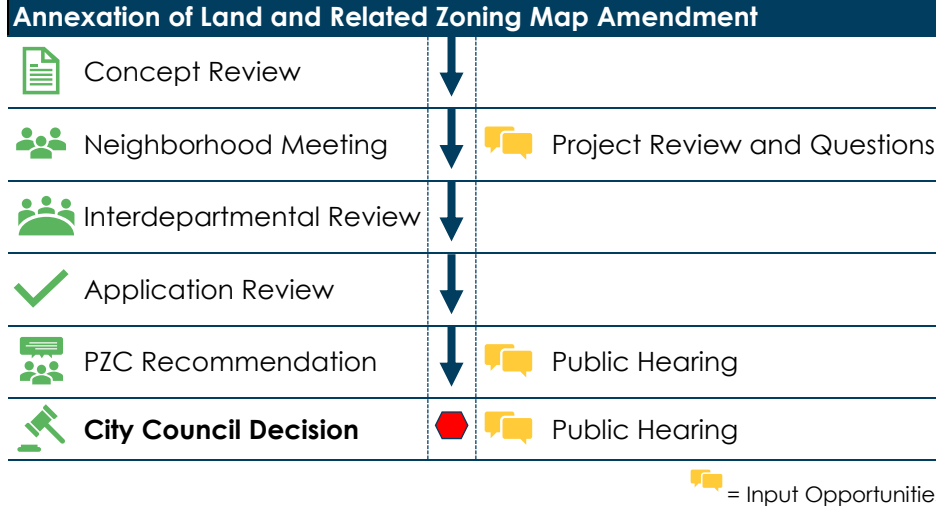
- (a) An Annexation is required to expand the corporate boundary of the City.
- (b) The City shall limit its annexation to those lands within its Area of City Impact. If Boise City wishes to annex lands outside of its Area of City Impact, it shall first renegotiate its Area of City Impact Boundary with Ada County in accord with Idaho Code

67-6526(d) unless renegotiation is not required pursuant to Idaho Code 50-222, Annexation by Cities, Category A.

(c) The Planning Director shall determine into which of the three following categories an application request falls:

- i. Category A annexations are those in which:
 - A. All private landowners raise no objection to annexations; or
 - B. Residential enclaved lands of less than 100 privately owned parcels, irrespective of surface area, that are surrounded on all sides by:
 - (i) Lands within the City;
 - (ii) Lands within the City's limits and by lands for which owner approval shall be given pursuant to Section 11-05-05.4.A(3)(b); or
 - (iii) Lands within the City and by the boundary of the city's Area of City Impact.
- ii. Category B annexations are those in which:
 - (i) The subject lands contain less than 100 separate private ownerships and platted lots of record and where not all such landowners have consented to annexation;
 - (ii) The subject lands contain more than 100 separate private ownerships and platted lots of record and where landowners owning more than 50 percent of the area have evidenced their consent to annexation at the outset of the annexation process; or
 - (iii) The lands are the subject of a development moratorium, or a water or sewer connection restriction imposed by state or local health or environmental agencies; provided such lands shall not be counted for purposes of determining the number of separate private ownerships and platted lots of record aggregated to determine the appropriate category.
- iii. Category C annexations are those in which the subject lands contain more than 100 separate private ownerships and platted lots of record and where landowners owning more than 50 percent of the area of the subject private lands have not evidenced their consent to Annexation at the outset of the Annexation process.

(2) Procedure



(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.A.

(b) A request for the Annexation of property into the City may be initiated by the City Council, the PZC, or by property owners or holders of valid purchase interest. When the Annexation request is initiated by the property owner, the PZC may expand or modify the Annexation request.

(c) A request for Annexation shall include evidence of consent to Annexation. Prior consent to annex shall be deemed given when consent is evidenced by written authorization or approval executed by the owner or the owner's authorized agent.

(d) For Category A Annexations, the City may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the Comprehensive Planning policies, where necessary, and zoning classification of the lands to be annexed.

(e) In Category B Annexations, valid consent to annex is implied for the area of lands connected to a water or wastewater collection system operated by the City if the connection was requested in writing by the owner, or the owner's authorized agent, or completed before July 1, 2008.

(f) In Category C Annexations:

- i. Valid consent to annex is implied for the area of lands connected to a water or wastewater collection system operated by the City if the connection was requested in writing by the owner, or the owner's authorized agent, or completed before July 1, 2008.
- ii. Following completion of all procedures required for consideration of a Category B Annexation, but prior to enactment of an annexation ordinance and upon an affirmative action by the City Council, the city shall mail notice to all private landowners owning lands within the area to be annexed, exclusive of the owners of lands that receive water or sewer service and

owners of lands that are subject to a recorded consent to annex. Such notice shall invite property owners to either give written consent or express written opposition to the Annexation, include a description of how that consent or opposition can be made and where it can be filed, and inform the landowner where the entire record of the subject Annexation may be examined. Such mailed notice shall also include a legal description of the lands proposed for Annexation and a simple map depicting the location of the subject lands.

- iii. Each landowner desiring to consent to or oppose the proposed Annexation shall submit the consent or opposition, in writing, to the City Clerk by a date specified in the notice, which shall not be sooner than 21 days after the date of the mailing of such notice.
 - iv. After the date specified in the notice for receipt of written consent or opposition, the City Clerk shall compile and present to the Council a report setting forth the total physical area sought to be annexed and the total physical area of the lands, as expressed in acres or square feet, whose owners have consented in writing to the Annexation, plus the area of all lands receiving water or sewer service from the city and the area of all lands subject to a recorded consent to annex.
 - v. Objections to the proposed Annexation shall be considered, except that:
 - A. Objections received after the conclusion of the 21 day period shall not be considered unless the late objection is due to the City's failure to follow the procedures provided in this Subsection (f).
 - B. Objections received from owners of lands subject to a recorded consent to annex, or from owners receiving water or sewer service from the City, shall not be considered objections for purposes of this Subsection (f).
 - C. Upon receiving the City Clerk's report, the City Council shall review the report and may thereafter confirm whether consent was received from the owners of a majority of the land areas and those providing written consent, in addition to all lands subject to the implied consent provisions set forth herein and those subject to consent of record in the office of the Ada County Recorder. The results of the report shall be reflected in the minutes of the City Council.
 - D. If the report, as accepted by the City Council, confirms that owners of more land area have consented to Annexation than oppose such Annexation, the City Council may enact an ordinance of Annexation, that shall be published and become effective according to the terms of the ordinance.
 - E. If the report confirms that owners of more land area oppose Annexation than consent to such Annexation, the Category C Annexation shall not be authorized.
- (g) Written consent to annex lands, if recorded in the Ada County Recorder's Office, shall be binding upon subsequent purchasers, heirs, or assigns of lands addressed in the

consent. Lands need not be contiguous or adjacent to the city limits at the time the landowner consents to annexation for the property to be subject to a valid consent to annex; provided however, no annexation of lands shall occur, irrespective of consent, until such land becomes contiguous or adjacent to Boise City.

(h) For all categories of Annexation, compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in Section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied to the property; provided however, the initial notice of public hearing concerning the question of Annexation and zoning shall be published in the official newspaper of the City and mailed by first class mail to every property owner with lands included in such Annexation proposal not less than 28 days prior to the initial public hearing.

(i) All public hearing notices shall establish a time and procedure by which comments concerning the proposed Annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one page summary of the contents of the City's proposed Annexation plan and shall provide information regarding where the Annexation plan may be obtained without charge by any property owner whose property would be subject to the Annexation proposal.

(j) After considering the written and oral comments of property owners whose lands would be annexed and other affected persons, the City Council may proceed with the enactment of an ordinance of Annexation and zoning.

(k) The decision to annex shall conclude with the passage of an ordinance of Annexation.

(l) In accordance with Idaho Code 67-6526(d), a renegotiation may be initiated by the City Council or the Board of Ada County Commissioners.

(3) Findings for Approval

(a) The PZC shall recommend approval of the Annexation and zoning, or approval with conditions, if it determines that the Annexation will:

- i. Incorporate the Boise sewer planning area;
- ii. Honor negotiated area of impact agreements;
- iii. Allow the efficient and economically viable provision of tax-supported and fee-supported municipal services; and
- iv. Promote other goals of population balance, contiguous development, protection of sensitive lands or environmental resources necessary for the delivery of municipal resources, and prevention of costs due to non-contiguous development.

(b) The City Council shall approve the Annexation and zoning, or approve it with conditions, if it determines that the Annexation is for the public convenience or necessity or for the general welfare and that the following criteria are met:

- i. For a Category B Annexation:

- A. The lands are contiguous or adjacent to the city limits and lie within the Area of City Impact.
- B. Land division of parcels to be annexed meets the following criteria:
 - (i) The land is laid off into lots or blocks containing not more than five acres of land each, whether the same shall have been or shall be laid off, subdivided, or platted in accordance with any statute of the State of Idaho or otherwise, or whenever the owner or proprietor or any such person by or with their authority has sold or begun to sell off such contiguous or adjacent lands by metes and bounds in tracts not exceeding five acres, or whenever the land is surrounded by the city.
 - (ii) Splits of ownership that occurred prior to January 1, 1975, and that were the result of placement of public utilities, public roads or highways, or railroad lines through the property shall not be considered as evidence of an intent to develop such land and shall not be sufficient evidence that the land has been laid off or subdivided in lots or blocks.
 - (iii) A single sale after January 1, 1975, of five acres or less to a family member of the owner for the purpose of constructing a residence shall not constitute a sale within the means of this Section. For purposes of this Section, "family member" means a natural person or the spouse of a natural person who is related to the owner by blood, adoption, or marriage within the first degree of consanguinity.
- C. A written Annexation Plan has been prepared and published that is appropriate to the scale of the Annexation contemplated and includes, at a minimum, the following elements:
 - (i) The manner of providing tax-supported municipal services to the lands proposed to be annexed;
 - (ii) The changes in taxation and other costs, using examples, that would result if the subject lands were to be annexed;
 - (iii) The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;
 - (iv) A brief analysis of the potential effects of annexation upon other units of local government that currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and
 - (v) The proposed future land use plan and zoning designations, subject to public hearing, for the lands proposed to be annexed.
- D. In addition to the criteria set forth elsewhere in this Section, Annexation of the following lands shall meet the following requirements:
 - (i) Property owned by Ada County or any entity within the County, that is used as a fairgrounds area under the provisions of chapter

8, Title 31, Idaho Code, or Chapter 2, Title 22, Idaho Code, shall have the consent of a majority of the Board of County Commissioners of Ada County; and

- (ii) Property owned by a nongovernmental entity that is used to provide outdoor recreational activities to the public and that has been designated as a planned unit development of fifty acres or more and does not require or use any city services shall have the express written permission of the nongovernmental entity owner.

- ii. If the City Council finds that the criteria in Subsection i above are met, the City Council shall find and place in the minutes of the City Council meeting at which the Annexation is approved that:

- A. The land to be annexed meets the applicable requirements of this Section and does not fall within the exceptions or conditional exceptions contained in this Section 11-05-05.4.A.
- B. The Annexation would be consistent with the public purposes addressed in the Annexation Plan prepared by the City.
- C. The Annexation is reasonably necessary for the orderly development of the City.
- D. If railroad rights-of-way property are included in the Annexation, property within the city limits adjoins or will adjoin both sides of the railroad rights-of-way.

- iii. For a Category C Annexation:

- A. The findings for approval of a Category B Annexation have been met; and
- B. Consent to the Annexation as required by Section 11-05-05.4.A(2)(f)i has been obtained.

B. Code Adoption or Amendment

(1) Applicability

This procedure applies to all applications to adopt a replacement for this Code or an amendment to this Code. A Code Adoption or Amendment is required when Council proposes the adoption of a Code or amendments to this Code to reflect trends in development or regulatory practices; expand, modify, or add requirements for development in general or to address specific development issues; or to clarify or modify procedures for processing development.

(2) Procedure

Code Adoption or Amendment		
 Concept Review	↓	
 Interdepartmental Review	↓	
 Application Review	↓	
 Review by DRC for Design Overlay other than HD-O	↓	 Public Hearing
 Review by HPC for HD-O	↓	 Public Hearing
 PZC Recommendation	↓	 Public Hearing
 City Council Decision		 Public Hearing

 = Input Opportunities

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.B.

(b) An application for a Code Adoption or Code Amendment may only be filed by a member of City Council or the Planning Director.

(c) In the case of a Code Amendment to establish a Character or Design Review Overlay District, the City may require the HPC, DRC, or other board or commission, to review the application and make a recommendation.

(d) If a Code Adoption or Code Amendment will result in a change to any zoning district or the creation of a new zoning district, the applicant will also be required to complete an application and follow all applicable procedures for 11-05-05.4.I, *Zoning Map Amendment (Rezoning, including Planned Unit Development)*. These applications may be run concurrently.

(3) Findings for Approval

The PZC shall recommend approval or approval with conditions, and the City Council shall approve the application or approve it with conditions, if the proposed Code Adoption or Code amendment:

- (a) Is required for public convenience or general welfare; and
- (b) Will not be in conflict with the Comprehensive Plan.

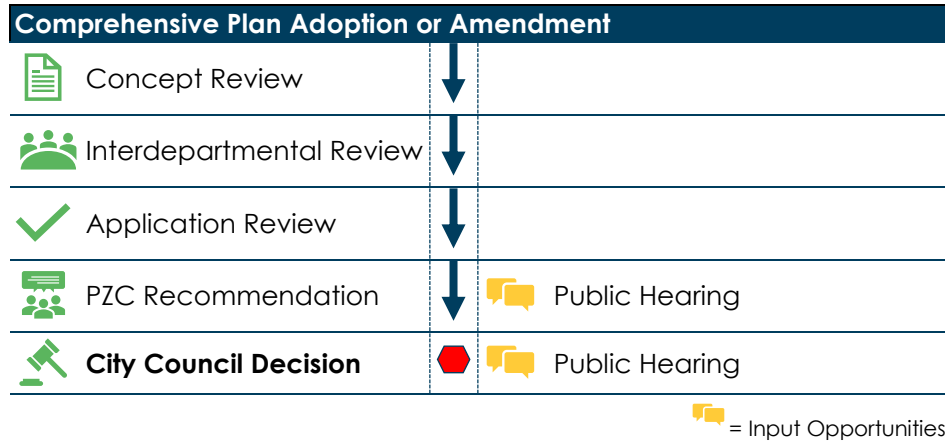
C. Comprehensive Plan Adoption or Amendment

(1) Applicability

This Section applies to all applications proposing to adopt a new Comprehensive Plan or make an amendment to the existing Comprehensive Plan, including but not limited

to applications to adopt or amend the Future Land Use Map component of the Comprehensive Plan for the City.

(2) Procedure



(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.C.

(b) Any person may file an application for a Comprehensive Plan Amendment at any time, unless City Council has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six months.

(c) The Planning Director shall prepare a report to be included with the staff report and findings indicating:

- i. The predicted effect of the proposed development on the future growth of the city and the existing goals, objectives, and policies of the Comprehensive Plan;
- ii. Listing any revisions to this Code that would be needed to implement the proposed amendment; and
- iii. Whether the proposed amendment is consistent with the other elements of the Comprehensive Plan.

(d) A Comprehensive Plan Adoption or Amendment shall become effective when enacted by resolution by the City Council.

(3) Findings for Approval

The PZC shall recommend approval or approval with conditions, and the City Council shall approve the application or approve it with conditions, if it complies with the following criteria:

(a) Comprehensive Plan Adoption

The Comprehensive Plan promotes the long term economic, social, and environmental health of the City and protects the public health, safety, and welfare of the citizens of Boise City.

(b) Comprehensive Plan Amendment

The amendment:

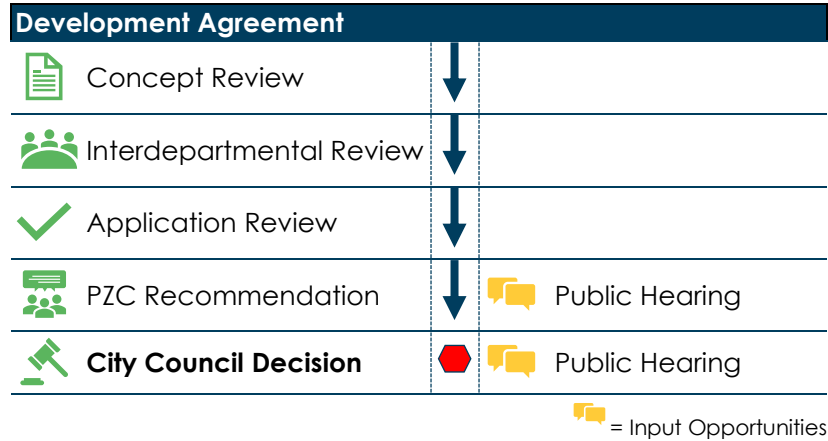
- i.** Is required for the public convenience or necessity, or for the general welfare of the community;
- ii.** Is necessary to address changes in conditions within the community that have occurred since the Comprehensive Plan was adopted or is necessary to correct one or more goal, objective, or policy that exist in the plan;
- iii.** Is consistent with and will further the goals, objectives, and policies of the Comprehensive Plan, unless it explicitly modifies those goals, objectives, and policies;
- iv.** Will not modify the goals, objectives, and policies of the Comprehensive Plan in a way that creates inconsistencies between different chapters of the Plan, or that impairs the City's ability to balance the goals, policies, and objective within or between different chapters of the Plan.
- v.** Promotes a safe, convenient, and efficient network that minimizes conflicts between pedestrians, bicyclists, and vehicular traffic by creating a network that includes sidewalks, pathways, landscaping that promotes and supports active transportation, and does not adversely impact the delivery of services by any political subdivision providing services; and
- vi.** If the amendment is to the Future Land Use Map, the amendment is consistent with the other elements of the Comprehensive Plan and the Comprehensive Plan, Future Land Use Map, or the other components of the plan are changed to create internal consistency.

D. Development Agreement or Modification**(1) Applicability**

- (a)** This procedure applies to all applications to approve a Development Agreement, or to modify an existing Development Agreement, related to this Code.
- (b)** A Development Agreement may be submitted by the applicant or may be required by PZC or City Council in connection with a Zoning Map Amendment pursuant to Section 11-05-05.4.I after a determination has been made that a Zoning Map Amendment application does not meet required findings without additional restrictions to those imposed by the proposed zoning district.
- (c)** An application to modify an Existing Development agreement may be submitted by the applicant or may be required by the PZC or City Council in connection with an application under this UDO if the PZC or City Council determines that the application does not meet required findings without a change to an existing Development Agreement related to the property.
- (d)** Restrictions contained in a Development Agreement are in addition to all the requirements of this Code.

- (e) Nothing in this Section shall be construed as relieving the property that is subject to Development Agreement restrictions from further compliance with all other permit and Code requirements applicable because of the zoning designation of the property.

(2) Procedure



- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.D.
- (b) A request to enter into a Development Agreement may be:
- Submitted by a Zoning Map Amendment applicant;
 - Required by Council at a Zoning Map Amendment hearing; or
 - Required by Council upon recommendation from the PZC.
- (c) **A request to modify a Development Agreement may be:**
- Submitted by the applicant, property owner, or other person obligated by the terms of an existing Development Agreement;
 - Required by Council at a hearing on an application required by this Code; or
 - Required by Council upon recommendation from the PZC in connection with an application for a permit or approval under this Code.
- (d) If Subsections (b)ii, (b)iii, (c)ii, or (c)iii above apply, time limits may be stayed if so directed by the City Council or PZC.
- (e) When requested by an applicant, the PZC shall conduct a hearing and forward a recommendation to the City Council.
- (f) The Development Agreement shall expire as indicated within the agreement or as described below, unless it is not recorded within one year of the date of approval, in which case the agreement shall automatically expire and Council may initiate a Zoning Map Amendment to return the property to the prior zoning district or in the case of an initial zoning district at Annexation, to a zoning district deemed appropriate in light of the purposes of this Code and the Comprehensive Plan.

(g) A Development Agreement may be amended or terminated by the City Council, after public hearing, for failure to comply. Upon termination, the City Council may rezone the property to the prior zoning district or in the case of an initial zoning district at Annexation, to a zoning district deemed appropriate and not inconsistent with the adopted Comprehensive Plan.

(h) In the case of a requested modification of a Development Agreement, the Planning Director may waive or adjust any pre-submittal requirement or common procedure related to the initial approval of a Development Agreement that the Planning Director determines is not necessary for the PZC, if applicable, or City Council to understand the impacts of the proposed modification of the Development.

(3) Findings for Approval

(a) The PZC shall recommend, and Council shall approve the application, or approve it with conditions, if the Development Agreement does not grant a land use or property right or privilege to the applicant and is necessary to:

- i. Provide infrastructure needed to support or service the proposed development;
- ii. Mitigate potential impacts of development under the proposed Zoning Map Amendment on the surrounding neighborhoods; or
- iii. Bring the Zoning Map Amendment application into compliance with the Comprehensive Plan or this Code.

E. Major Historic Preservation Actions

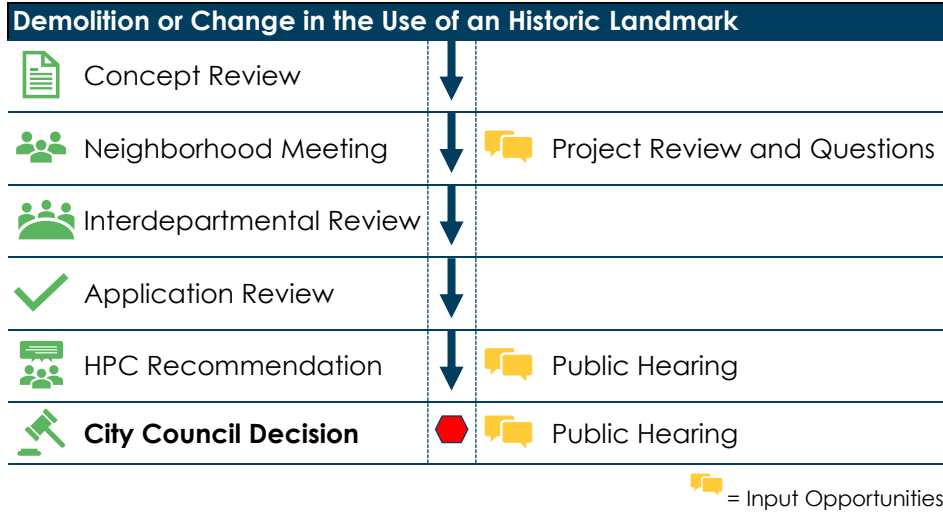
This section consolidates several procedures related to historic resources in the city, each of which requires action by the HPC and each of which may require further action by City Council.

(1) Demolition or Change in Use of an Historic Landmark

(a) Applicability

A Demolition or Change in Use of an Historic Landmark is required when an Historic Landmark designated by ordinance that is not part of an Historic District, is proposed to be demolished, materially altered, remodeled, relocated, or put to a different use.

(b) Procedure



- i. All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(1).
- ii. A request to demolish or change the use of an Historic Landmark shall be submitted to the Historic Preservation Commission (HPC).
- iii. After 180 days written notice of the owner's proposed action has been given to the HPC, the HPC may negotiate with the owner and with any other parties to try to find a means of preserving the property. The HPC may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest in the property during this 180 day period or any such action as is reasonably necessary or appropriate for the continued preservation of the property.
- iv. The HPC may reduce the waiting period required by this Subsection in any case where the owner would suffer extreme hardship unless a reduction in the required period were allowed. The HPC shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the HPC insuring the continued maintenance of the historical, architectural, archeological, or cultural integrity and character of the property.
- v. The HPC shall notify, in writing, property owners within a 300 foot radius of the Historic Landmark and the Registered Neighborhood Association of the request to demolish, alter, remodel, relocate or change the use of the Historic Landmark and may allow such owners and the Registered Neighborhood Association to provide input within the 180 day waiting period.

(c) Findings for Approval

The HPC shall recommend approval or approval with conditions, and the City Council shall approve the application or approve it with conditions if it finds that the demolition or change of use will not materially compromise the historical integrity or value of the HD-O district in which it is located, or if it determines that continuation of the current structure and use would result in unreasonable economic harm to the property owner.

(2) Designation of Historic Districts

(a) Applicability

- i. A Designation of Historic Districts review is required in order to establish an Historic District.
- ii. The HPC, either on its own initiative or upon the request of the City Council, or upon the request of one or more owners of property in the area of a proposed Historic District, may recommend the designation of one or more Historic Districts.

(b) Procedure

Designation of an Historic District		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 HPC Recommendation	↓	 Public Hearing
 PZC Recommendation	↓	 Public Hearing
 City Council Decision		 Public Hearing

 = Input Opportunities

- i. All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(2).
- ii. Prior to recommending designation the HPC shall conduct studies, research and investigations based on the relevant criteria given in Section 11-02-07.2.E(3), *Criteria for Designation*, regarding buildings, sites, structures and objects of such proposed Historic District or Districts.
- iii. The HPC shall prepare a report containing recommendations concerning the area or areas to be included in the proposed Historic District or Districts.

- iv. Copies of the report and proposed ordinance shall be transmitted for review and recommendation by the PZC at a public hearing.
- v. Notice of the time, place and purpose of such hearing shall be given at least 15 calendar days prior to the hearing by one publication in a newspaper of general circulation in the city.
- vi. Notice of the hearing shall be given to the owners of all properties to be included in the District or Districts and to the Registered Neighborhood Association at least 15 calendar days prior to the hearing.
- vii. A copy of the recommendation from PZC shall be forwarded to the HPC for consideration at a public hearing. After conducting the public hearing, the HPC may vote to proceed with the District, and shall submit a final report with its recommendations and a draft ordinance to the City Council.
- viii. If the HPC recommends approval or approval with conditions, a public hearing before City Council is required pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing*.
- ix. An application for the Designation of Historic Districts shall be accompanied by an application for a Zoning Map Amendment. Upon approval by the City Council of the ordinance establishing the Historic District, the zoning maps shall be changed to reflect the addition of the "HD-O" Historic Design Overlay zoning district.
- x. Upon passage of the ordinance, the owners of each property within the designated Historic District, and the Registered Neighborhood Association shall be given written notification of the City Council's action.
- xi. The HPC shall notify City departments and other agencies as required under Section 11-02-07.2.E(10).
- xii. One copy of the ordinance creating the District shall be filed in the office of the Ada County Recorder.
- xiii. The HPC shall maintain a register of Historic Districts as required under Section 11-02-07.2.E(11).
- xiv. Following designation, and physical changes in the District that are approved by a Minor or Major Certificate of Appropriateness pursuant to Sections 11-05-05.2.C or 11-05-05.3.A shall be added to the report/survey prepared to support the designation process. Updates are not considered amendments to the Historic District.

(c) Findings for Approval

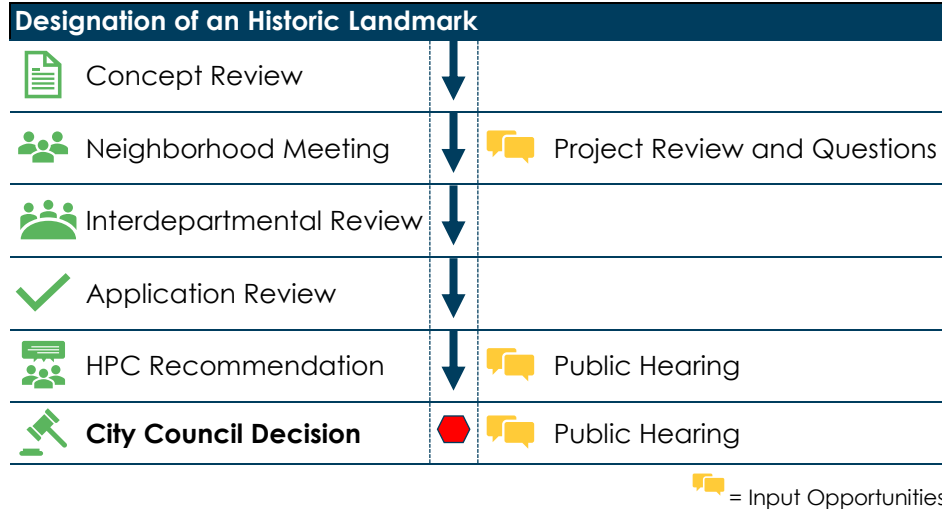
The HPC shall recommend approval or approval with conditions and the City Council shall approve the application, or approve it with conditions, if the proposed Designation of an Historic District complies with the criteria set forth in Section 11-02-07.2.E(3), *Criteria for Designation*.

(3) Designation of Historic Landmarks

(a) Applicability

- i. A Designation of Historic Landmarks review is required to officially designate an Historic Landmark.
- ii. The HPC, either on its own initiative or upon the request of the City Council, or upon the request of the owner of the property proposed to be designated, may recommend the designation of an Historic Landmark.

(b) Procedure



- i. All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(3).
- ii. Prior to recommending designation the HPC shall conduct studies, research and investigations based on the relevant criteria given in Section 11-02-07.2.E(3), *Criteria for Designation*.
- iii. The HPC shall prepare a report containing recommendations concerning the Historic Landmark proposed to be designated and a draft of the designating ordinance to the City Council. The report shall include:
 - A. Comments regarding the suitability of the Historic Landmark for preservation or restoration.
 - B. A statement regarding the appropriateness of an adaptive or alternative use of the Historic Landmark.
 - C. A statement regarding the administrative and financial responsibility of the person or organization proposing to undertake all or a portion of the cost of acquisition, restoration, maintenance, operation or repair, or the cost of adaptive or alternative use of the property to the extent that

any, such considerations apply to the property proposed for designation.

- D.** A statement regarding the appraised value of the property if the owner of the property proposed for designation has not consented to such designation.
- iv.** If the HPC recommends approval or approval with conditions, a public hearing before City Council is required pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing*.
- v.** For each designated Historic Landmark, the designating ordinance shall require the waiting period prescribed by Section s to be observed prior to its demolition, material alteration, remodeling, or removal. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the Historic Landmark indicating that the property has been so designated.
- vi.** For properties designated as an Historic Landmarks and located within a local Historic District, the portions of this ordinance pertaining to the Districts takes precedence over the 180 day waiting period for demolition of the structure.
- vii.** For state or federal properties that are designated as Historic Landmarks, the designation is an honorary effort, and the City acknowledges that the repair, maintenance, demolition, or remodel of the structure is not within its jurisdiction.
- viii.** Upon passage of the designating ordinance, the City shall provide the owners and occupants of each designated Historic Landmark written notification of the City Council's action, and one copy of the designating ordinance shall be filed in the office of the Ada County Recorder.
- ix.** The HPC shall give notice of such designation to the Ada County Tax Assessor.

(c) Findings for Approval

The HPC shall recommend approval or approval with conditions and the City Council shall approve the application, or approve it with conditions, if the proposed Designation of an Historic Landmark complies with the following:

- i.** The building, site, structure, or object proposed for designation shall meet one or more of the criteria required in Section 11-02-07.2.E(3), *Criteria for Designation*; and
- ii.** The building, site, structure, or object proposed for designation meets the criteria established for inclusion in the National Register of Historic Places, as such criteria are applied to historic properties in the State by the Idaho Historic Sites Review Board.

(4) Removal of Historic Designation

(a) Applicability

A Removal of Historic Designation review is required to rescind the designation by ordinance of all or part of a HD-O district or a property within an HD-O district.

(b) Procedure

Removal of Historic Designation		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 HPC Recommendation	↓	 Public Hearing
 PZC Recommendation	↓	 Public Hearing
 City Council Decision		 Public Hearing

 = Input Opportunities

- i. All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(4).
- ii. The property owner or owner's representative, or the HPC, shall submit an application for removal of designation that includes a detailed explanation as to why the property (or properties) does not meet the criteria under which the district was adopted as outlined under Section 11-02-07.2.E(3), *Criteria for Designation*.
- iii. Prior to approval or denial of the application for removal of designation, the HPC shall schedule a public hearing on the request and notify, in writing, each property owner within the affected District if for removal of the entire Historic District or 300 foot radius from the property boundaries for an individual property removal within the district and the Registered Neighborhood Association at least 15 calendar days prior to the hearing. Notice of the time, date, place, and purpose of such hearing shall also be published at least 15 calendar days prior to such hearing in a newspaper of general circulation within the city.
- iv. If the HPC determines the proposed removal of designation is appropriate, it shall approve such application and shall prepare a report containing such

recommendation of removal of designation and a draft of a proposed ordinance removing such designation to the City Council.

- v. If the HPC approves the application, a public hearing before City Council is required pursuant to Section 11-05-04.5, *Scheduling and Notice of Public Hearing*.
- vi. If the HPC determines that the application for removal of designation should not be recommended, it shall place upon its records the reason for such determination and shall notify the applicant of such determination and a copy of its reasons and its recommendations, if any, as appearing in the records of the HPC.
- vii. If the Removal of Historic Designation will result in a change in zoning, the application for the Removal of Historic Designation shall be accompanied by an application for a Zoning Map Amendment. Upon approval by the City Council of the ordinance, the zoning map shall be changed to reflect the removal of all or part of the HD-O district.
- viii. Upon approval of the ordinance, the City shall provide the owners and occupants of the HD-O district or property within the district for which designation was removed written notification of Council's action.
- ix. One copy of the ordinance shall be filed in the office of the Ada County Recorder.
- x. The HPC shall give notice of such removal of designation to the Ada County Tax Assessor and to the Boise office of the Internal Revenue Service.

(c) Findings for Approval

The HPC shall recommend approval or approval with conditions and the City Council shall approve the application, or approve it with conditions, if the proposed Removal of Historic Designation complies with the following:

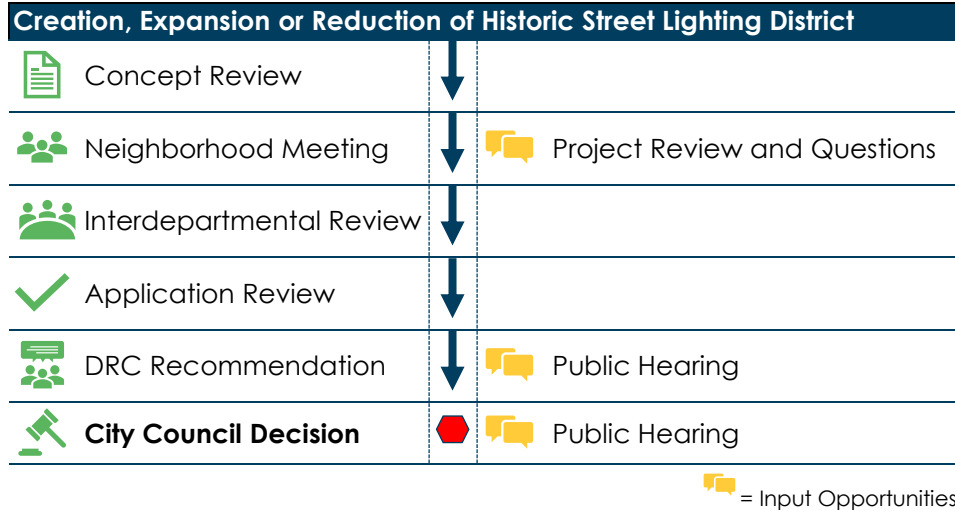
- i. For removal of the designation of a building, site, structure, or object included within a designated Historic District, or designated as an Historic Landmark:
 - A. The building, site, structure, or object has ceased to comply with the criteria for designation in Section 11-02-07.2.E(3); or
 - B. The building, site, structure, or object no longer exhibits the characteristics that qualified the property for inclusion within an Historic District.
- ii. For removal of HD-O designation, the district has ceased to comply with the criteria for designation in Section 11-02-07.2.E(3).

(5) Creation, Expansion, or Reduction of Historic Street Lighting District

(a) Applicability

This procedure applies to all requests to create a new Historic Street Lighting district, or to expand or reduce the area of an existing Historic Street Lighting district.

(b) Procedure



- i. All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.E(5).
- ii. Applications for inclusion in an Historic Street Light District shall be made in writing to the Planning Director and the Director of Public Works. The request will be forwarded to the Public Works Commission and the DRC for their recommendation to City Council.
- iii. No public hearing before the HPC or PZC is required.
- iv. City Council shall make a decision on the application following a public hearing.

(c) Findings for Approval

The Planning Director and Director of Public Works shall recommend approval or approval with conditions, and City Council shall approve the application or approve it with conditions, based on consideration of the following factors:

- i. Historic characteristics of the proposed location;
- ii. Source and availability of funding of initial installation (both city and outside funding sources); and
- iii. Source and availability of funding for continued maintenance.

F. Subdivision Plat - Preliminary

(1) Applicability

A Preliminary Plat is required for all actions resulting in the division of land into smaller parcels for development, or the revision of existing platted land into different lots for development, except those actions exempt from these regulations by this Code or by state or federal law.

(2) Procedure

Subdivision Plat - Preliminary

	Concept Review	↓	
	Interdepartmental Review*	↓	
	Application Review	↓	
	PZC Recommendation	↓	 Public Hearing
	City Council Decision		 Public Hearing

*For applications for a proposed subdivision that includes 40 or more lots or dwelling units

 = Input Opportunities

- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.F.
- (b) Interdepartmental Review shall be held in accordance with Section 11-05-04.2 when a proposed subdivision includes 40 or more lots or dwelling units.
- (c) A Neighborhood Meeting shall be held in accordance with Section 11-05-04.3.B, *Neighborhood Meeting* when a proposed subdivision includes 40 or more lots or dwelling units.
- (d) A Preliminary Plat application may be submitted with or without a Final Plat, as determined by the Planning Director.
- (e) Preliminary Plat approval shall expire if the applicant does not comply with the following:
 - i. Within two years of approval, the applicant shall obtain the City Engineer's signature on one or more Final Plats covering portions of the Preliminary Plat areas as evidence of conformance with this Code and the City Council's conditions of approval.
 - ii. Where a Preliminary Plat is approved subject to a Conditional Use Permit and the Conditional Use Permit expires, the plat shall also expire.
- (f) Preliminary Plats may be phased and do not need time extensions provided that at least one phase of the plat is approved annually. For phased developments, City Council may modify or add conditions for phases submitted after two years following Preliminary Plat approval.
- (g) The City Council may grant an extension of a Preliminary Plat for up to one year in each request, provided an application for extension is filed at least 20 days prior to the expiration of either the first two year period or a previous extension.

(3) Findings for Approval

The PZC shall recommend approval or approval with conditions and the City Council shall approve the application, or approve it with conditions, if it complies with the

criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* including but not limited to those standard in Section 11-04-04, *Subdivision Standards*.

G. Subdivision Plat - Final

(1)Applicability

(a) This procedure is required to finalize a Preliminary Plat approved pursuant to Section 11-05-05.4.F.

(b) No approved Preliminary Plat conveys to the property owner the right to install infrastructure or to sell or convey interests in lots, parcels, or tract based on descriptions of those lots, parcels, or tracts in the Preliminary Plat, until a Final Plat has been approved and recorded pursuant to this Section.

(2)Procedure

Subdivision Plat - Final		
 Interdepartmental Review*	↓	
 Application Review	↓	
 City Council Decision		

*For applications for a proposed subdivision that includes 40 or more lots or dwelling units

(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* apply unless specifically modified by the provisions of this Section 11-05-05.4.G.

(b) A Final Plat shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code and with this Code and shall be submitted within two years of approval of a Preliminary Plat.

(c) The City Engineer shall review and sign the Final Plat if it conforms to the approved Preliminary Plat and any conditions imposed by City Council.

(d) If approved by City Council, the applicant shall record the Final Plat with the Ada County Recorder within one year from the date of the City Engineer's signature. If the applicant fails to record the Final Plat within that time period, as that period may be extended by Council in the case of phased projects, the approved Preliminary Plat shall lapse and shall no longer be valid.

(e) No public hearing before the PZC is necessary before City Council approval of a Final Plat.

(f) The City Council may grant an extension of a Final Plat for up to one year in each request, provided an application for extension is filed at least 20 days prior to the expiration of either the first two year period or a previous extension. In granting a time extension, the City Council may modify or add conditions to the Final Plat to conform with adopted policies or Code changes since initial approval.

(3) Findings for Approval

The City Council shall approve the Final Plat if it conforms to the approved Preliminary Plat and any conditions imposed by City Council and has been signed by the City Engineer, a professional licensed surveyor, and all other City or governmental officials required to sign the Final Plat.

H. Subdivision Plat – Vacation

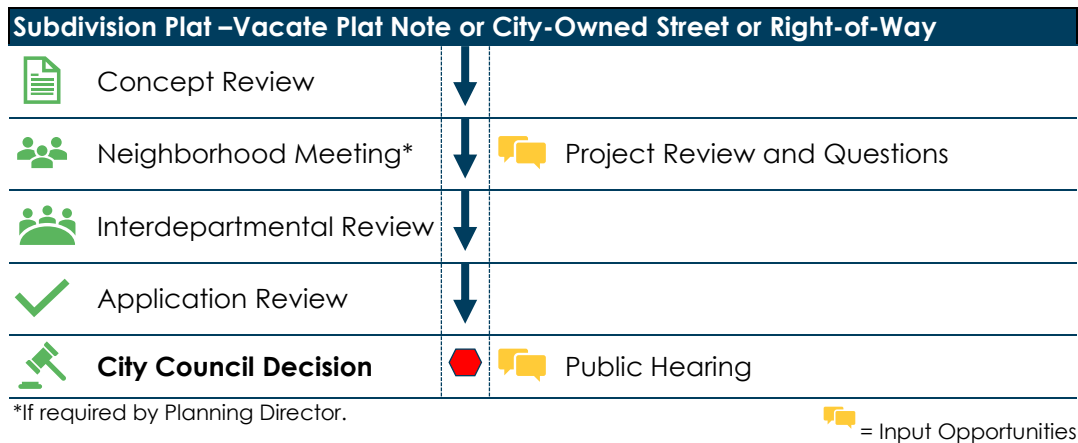
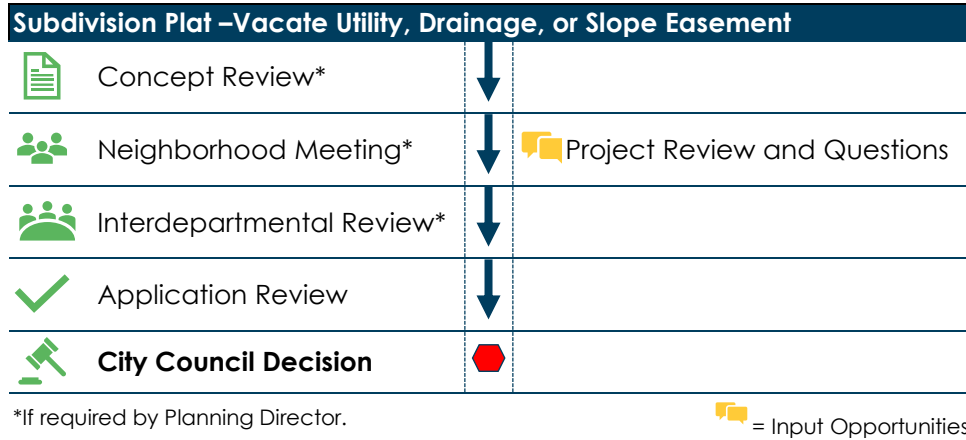
(1) Applicability

(a) This procedure shall apply to all applications to remove from a recorded Final Plat:

- i. A utility, drainage, or slope easement;
- ii. A public street or right-of-way owned by the City; or
- iii. A plat note.

(b) When a public street or public rights-of-way is located within the Ada County Highway District (ACHD), ACHD shall have the authority to vacate the public street or public rights-of-way as provided in section 40-203, Idaho Code.

(2) Procedure



- (a) All applicable provisions of Section 11-05-02, *Summary Table of Review and Decision-Making Procedures* apply unless specifically modified by the provisions of this Section 11-05-05.4.H.
- (b) Some or all of the provisions of Section 11-05-04, *Common Procedures* do not apply to specific types of Vacations.
- (c) A Plat showing the portion(s) of the recorded Final Plat shall be prepared in accordance with Title 50, Chapter 13 of the Idaho Code and with this Code, and shall indicate which lots, tracts, parcels, public streets and rights-of-way, and lands dedicated to the City or to another governmental or quasi-governmental agency, if any, are to be vacated.
- (d) The approval of a Vacation shall not, by itself, result in the transfer of any lands dedicated to the City any governmental or quasi-governmental agency, to any other party. Transfer of any such lands to an owner other than the City shall require the adoption of an ordinance by City Council transferring such property or a separate action by the governing body of the governmental or quasi-governmental agency to which the Final Plat dedicated such lands.
- (e) If approved by City Council, the applicant shall record any Plat with the Ada County Recorder within one year from date of the City Council action. If the applicant fails to record the Plat within that time period, as that period may be extended by Council, the approved Plat shall lapse and shall no longer be valid.

(3) Findings for Approval

The City Council shall approve the application if it complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council*, and the following criteria:

- (a) Approval of the Vacation involving removal of all, or part of a public street will not deprive any property owner within or abutting the streets or rights-of-way of convenient access to their property, unless alternative access has been provided;
- (b) Approval of the Vacation will not result in fragmenting open spaces, drainage facilities, essential public services (such as trash pickup), bicycle or pedestrian facilities, or trails that the Comprehensive Plan or other adopted plans of the City recommend for connection or contiguity, unless an alternative way of providing the connection or connection has been provided; and
- (c) Approval of the Vacation will not materially increase the costs to the City or other political subdivisions of providing services to lands remaining in the Final Plat or surrounding areas.

I. Zoning Map Amendment (Rezoning, including Planned Unit Development)

(1) Applicability

- (a) A Zoning Map Amendment is required to change zoning district boundaries, establish or eliminate zoning districts, change the zoning designation of a parcel, or to amend a Development Plan for a Planned Unit Development zoning district.
- (b) Any application for a Zoning Map Amendment to establish, amend, or remove a Character or Design Overlay District (excluding an Historic Overlay), or a Sensitive Lands

Overlay District shall also submit an application for a text amendment pursuant to Section 11-05-05.4.B, *Code Adoption or Amendment*.

(c) Any application for a Zoning Map Amendment to establish, amend, or remove an Historic Overlay shall also submit an application pursuant to Section 11-05-05.4.E, *Major Historic Preservation Actions*.

(d) If a Development Agreement is required pursuant to Section 11-05-05.4.D, *Development Agreement* or Modification, final action on the Zoning Map Amendment shall not occur before the Development Agreement has been approved by Council.

(2) Procedure

Zoning Map Amendment		
 Concept Review	↓	
 Neighborhood Meeting	↓	 Project Review and Questions
 Interdepartmental Review	↓	
 Application Review	↓	
 Review by DRC for Design Overlay other than HD-O	↓	
 Review by HPC for HD-O	↓	
 PZC Recommendation	↓	 Public Hearing
 City Council Decision		 Public Hearing

 = Input Opportunities

(a) Standard Base and Overlay Zoning Districts

- i. All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 4 application apply unless specifically modified by the provisions of this Section 11-05-05.4.l.
- ii. A Zoning Map Amendment, including the establishment of a new overlay district, shall become effective on the date stated in the ordinance amending the zoning classification adopted by the City Council.
- iii. Following the approval of each Zoning Map Amendment, all development permitted in the new zoning designation shall be required to obtain all other permits and approval required for that type of development in this Code before applying for a Building Permit, unless the ordinance documenting Council's action waives one or more of those requirements.

(b) Planned Unit Development Districts (PUDs)

- i. All property included in the proposed PUD shall be under common ownership or control or shall be the subject of an application filed jointly by the property owners of all the property to be included.
- ii. An application for a Zoning Map Amendment to a PUD zoning district will only be accepted if the proposed PUD could not be developed using a combination of the base and overlay zoning districts listed in Chapter 11-02, *Zoning Districts*.
- iii. An application for a Zoning Map Amendment to a Planned Unit Development zoning district shall include a Development Plan. The Development Plan shall identify one of the base zoning districts listed in Chapter 11-02, *Zoning Districts* as the reference base district for each portion of the PUD and shall list the standards, variations, and requirements for the development that may diverge from the standards of this Code for that reference base district, as permitted by Section 11-02-06, *PUD: Planned Unit Development*.
- iv. Following approval of a Zoning Map Amendment for a Planned Unit Development district that includes design standards requirements that differ from those otherwise applicable under this Code, the new design requirements will be reviewed through Minor Design Review unless Council's action requires a different review process.

(c) Specific Plan Districts

- i. The PZC shall consider an application for a Zoning Map Amendment to a Specific Plan District and shall at the same time consider the proposed Specific Plan accompanying the application in accordance with Section 11-02-08, *Specific Plan Districts*.
- ii. A Specific Plan District shall be noted on the zoning map by the designation "SP," followed by the number of the Specific Plan District based on order of adoption. The Specific Plan District may be either appended to the base zoning district as an overlay or may be the primary zoning with no other base zoning district.
- iii. A Specific Plan adopted by ordinance of the City Council shall be administered as prescribed by the City Council and as established by the provisions of the Specific Plan for review, approval, and amendment. Adopted Specific Plans shall be listed by name and number in Chapter 11-07, *Adopted Specific Plans* and shall be maintained on file with the Planning Director.

(3) Findings for Approval**(a) General**

If the application is for a Zoning Map Amendment to a district other than a PUD district or a Specific Plan District, the PZC shall recommend approval or approval with conditions and the City Council shall approve the application or approve it

with conditions if the application complies with the criteria in Section 11-05-04.6.A(3)(b), *Decision by Appointed Body or City Council* and the following criteria:

- i. One of the following criteria is met:
 - A. The Amendment is needed to correct a technical error in the current map (a change in the character of surrounding areas does not constitute an error in the map); or
 - B. The Amendment is needed because of changed conditions or circumstances in the surrounding area;
- ii. The proposed Amendment is in the best interests of the public convenience and general welfare, with particular consideration given to the effects of the proposed Amendment upon the ability of the political subdivisions providing public services to the property to deliver those services effectively and efficiently;
- iii. The size, scale, height, density, and mobility network of the proposed initial zoning or rezoning are compatible with surrounding development or has been made compatible with surrounding development through a Development Agreement or conditions on the approval; and
- iv. The proposed Amendment is not in conflict with the Comprehensive Plan.

(b) Rezoning to an Overlay District

In addition to the criteria in Subsection (a) above, an application for a Zoning Map Amendment for an overlay district shall meet the following additional criteria:

- i. The area proposed for rezoning meets the criteria in Section 11-02-07.1, *Character Overlay Districts*, Section 11-02-07.2, *Design Review Overlay Districts*, or Section 11-02-07.3, *Sensitive Lands Overlay Districts*, as applicable to the type of overlay district proposed;

(c) Rezoning to a PUD District

In addition to the criteria in Subsection (a) above, an application for a Zoning Map Amendment for a Planned Unit Development district shall meet the following additional criteria:

- i. The proposed development meets the standards in Section 11-02-06, *PUD: Planned Unit Development*.

(d) Rezoning to a Specific Plan District

In addition to the criteria in Subsection (a) above, an application for a Zoning Map Amendments for a Zoning Map Amendments to a Specific Plan District shall comply with the following criteria:

- i. The Specific Plan is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
- ii. The Specific Plan includes adequate provisions for utilities, services, roadway networks and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems;

- iii. The Specific Plan will enhance the potential for superior urban design and land use in comparison with development under the base zoning district provisions that would apply if the Specific Plan were not approved; and
- iv. The Specific Plan will not be in conflict with the Comprehensive Plan.

11-05-06. Nonconformities

1. Legal Nonconforming Uses, Parcels, and Structures

A legal nonconforming use, parcel, structure, sign, or site feature is one that was legally established but that is not in compliance with this Code due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain, or similar action, and not due to the actions of the property owner.

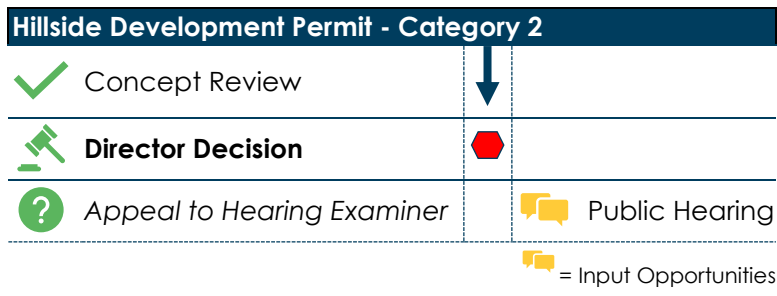
2. Determination of Legal Nonconforming Status

An application by a property owner to confirm the legal nonconforming status of a property shall be reviewed pursuant to Section 11-05-05.2.G, *Hillside Development Permit - Category 2 Applicability*

A *Hillside Development Permit* is required for any development proposal for properties when any topographical slope exceeds 15 percent or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director in consultation with the City Engineer.

- (a) A Category 2 *Hillside Development Permit* is required for those projects defined in Section 11-02-07.3.G(3)(b).

(2) Procedure



- (a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 1 application apply unless specifically modified by the provisions of this Section 11-05-05.1.

- (b) A Category 2 *Hillside Development Permit* shall be processed together with the development application to which it relates.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the following criteria:

- (a) The proposed development is in compliance with the technical requirements of Section 11-02-07.3.G, *HS-O: Hillside Development Overlay* including those related to

grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and

(b) The proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and

(c) The land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and

(d) The project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

(e) The proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of Section 11-02-07-G and the Floodway and Floodplain Ordinance.

Legal Nonconformity - Confirmation, Change, or Minor Expansion.

3. Legal Nonconforming Parcels

Notwithstanding the minimum requirements for parcel size within the various zoning districts, structures may be built, expanded, reconstructed, occupied, or used on a legal nonconforming parcel that existed prior to the enactment of this Code provided that such structures and uses meet all other applicable requirements of this Code including but not limited to the provisions of Section 11-04-03.4, *Residential Small Lots*.

4. Legal Nonconforming Structures

A. A legal nonconforming structure occupied by a conforming use may be maintained and repaired and may be expanded provided the expansion does not increase the degree of nonconformity. For example, a building that is legally nonconforming due to an inadequate front setback may be extended towards the side or rear provided they do not encroach into required side or rear setbacks, because such expansions do not increase the degree of nonconformity of the front setback.

B. A legal nonconforming structure may be expanded, and its degree of nonconformity increased, with the approval of a variance, [Section 11-05-05-03.L, Variance](#). For example, a second story addition onto an existing single story structure that has a legal nonconforming setback encroachment shall require a variance as it is expanding the degree of nonconformity.

C. A legal nonconforming structure occupied by a legal nonconforming use may be maintained and repaired but may only be expanded as needed to occupy any expansion of the legal nonconforming use permitted pursuant to Subsection 5 below.

D. A legal nonconforming structure shall not be replaced except in compliance with this Code, but may be maintained, repaired, or internally altered provided that there is no increase in the degree of noncompliance with this Code.

E. When a structure housing a legal nonconforming use is illegally modified or expanded, the legal nonconforming status of the use shall be lost.

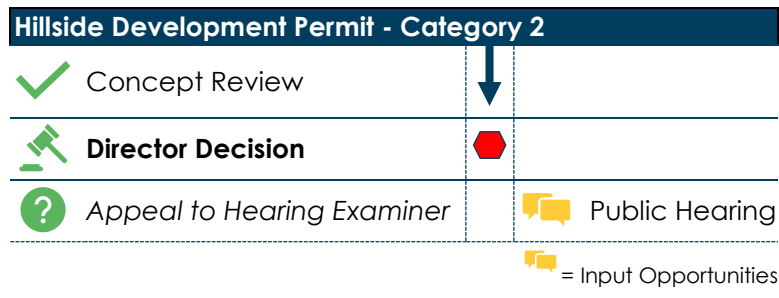
5. Legal Nonconforming Uses

A legal nonconforming use of a conforming or legal nonconforming structure or parcel may continue, and may be sold, leased, or otherwise conveyed to a new owner, tenant, or user, without loss of legal nonconforming status, provided the continued use of the property complies with the following provisions:

- A.** The area of the parcel or building occupied by a legal nonconforming use may be expanded as provided in Table 11-05.1: *Summary of Review and Decision-Making Procedures*.
- B.** An expansion of less than 20 percent beyond the area of the building or parcel occupied by the legal nonconforming use on the Effective Date may be approved pursuant to Section 11-05-05.2.G, *Hillside Development Permit - Category 2*
- C.** *Applicability*
- D.** A Hillside Development Permit is required for any development proposal for properties when any topographical slope exceeds 15 percent or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director in consultation with the City Engineer.

- (a)** A Category 2 Hillside Development Permit is required for those projects defined in Section 11-02-07.3.G(3)(b).

(2) Procedure



- (a)** All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 1 application apply unless specifically modified by the provisions of this Section 11-05-05.1.
- (b)** A Category 2 Hillside Development Permit shall be processed together with the development application to which it relates.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the following criteria:

- (a)** The proposed development is in compliance with the technical requirements of Section 11-02-07.3.G, *HS-O: Hillside Development Overlay* including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and
- (b)** The proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and

- (c) The land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and
- (d) The project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.
- (e) The proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of Section 11-02-07-G and the Floodway and Floodplain Ordinance.

E. Legal Nonconformity - Confirmation, Change, or Minor Expansion.

F. An expansion of 20 percent or more beyond the area of the building or parcel occupied by the legal nonconforming use on the Effective Date may be approved pursuant to Section 11-05-05.3.G, *Legal Nonconformity - Major Expansion*.

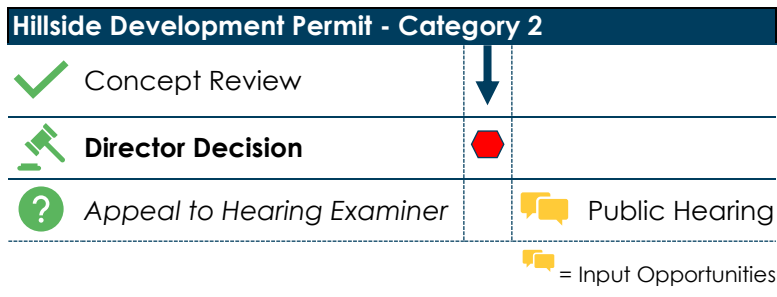
G. Legal nonconforming uses may be converted to another legal nonconforming use pursuant to Section 11-05-05.2.G, *Hillside Development Permit - Category 2*

H. *Applicability*

I. A Hillside Development Permit is required for any development proposal for properties when any topographical slope exceeds 15 percent or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director in consultation with the City Engineer.

(a) A Category 2 Hillside Development Permit is required for those projects defined in Section 11-02-07.3.G(3)(b).

(2) Procedure



(a) All applicable provisions of Sections 11-05-02, *Summary Table of Review and Decision-Making Procedures* and 11-05-04, *Common Procedures* for a Type 1 application apply unless specifically modified by the provisions of this Section 11-05-05.1.

(b) A Category 2 Hillside Development Permit shall be processed together with the development application to which it relates.

(3) Findings for Approval

The Planning Director shall approve the application, or approve it with conditions, if it complies with the following criteria:

(a) The proposed development is in compliance with the technical requirements of Section 11-02-07.3.G, *HS-O: Hillside Development Overlay* including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and

(b) The proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and

(c) The land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and

(d) The project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

(e) The proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of Section 11-02-07-G and the Floodway and Floodplain Ordinance.

J. Legal Nonconformity - Confirmation, Change, or Minor Expansion.

K. If a legal nonconforming use is expanded in violation of this Code, the legal nonconforming status shall be lost.

L. These regulations shall not be used to deprive the use of improvements on private property based solely on nonuse of the improvements for their designed purposes for a period of 10 years or less.

6. Legal Nonconforming Signs

Any non-temporary sign legally existing on the Effective Date that does not conform in use, location, height, or size to the requirements of this Code shall be considered a legal nonconforming sign. A legal nonconforming sign may remain in use subject to the following provisions:

A. Legal nonconforming signs may be maintained and repaired and copy changes and sign face changes that use similar materials are permitted.

B. Legal nonconforming signs shall not be structurally altered, moved, or replaced without being brought into conformance with the provisions of this Code.

C. If the sign is abandoned, the sign shall lose its legal nonconforming status and shall be removed or brought into compliance with this Code.

D. Any use or modification of the sign in violation of Subsections B or C above shall result in the sign losing its legal nonconforming status.

7. Legal Nonconforming Site Features

Nonconforming site features include any aspect of a property other than its use, structures, or signs, including but not limited to amounts, types, and locations of parking, landscaping, buffering, or lighting, that were legally created but that no longer comply with this Code. Legal nonconforming site features may continue in use subject to the following provisions:

- A.** The site features may remain in use until one of the primary structures on the site is redeveloped or replaced.
- B.** If one or more of the primary structures on the site is expanded by more than 50 percent, and the expansion disturbs any of the legal nonconforming site features, the Planning Director may require that the legal nonconforming site feature be brought into compliance with this Code to the maximum extent practicable.

8. Discontinuance of Use, Building, or Sign

Except as stated in Subsection B below, a nonconforming use, building, or sign that is discontinued for a period of one year shall be deemed to have been purposely discontinued, and the parcel and use, building, or sign shall thereafter be required to comply with all applicable provisions of this Code.

9. Destruction by Calamity

- A.** Except as stated in Subsections B or C below, the legal nonconforming status of a structure, use, sign, or lot feature shall be lost when it is destroyed by fire or other calamity to the extent that the cost of restoration is 50 percent or more of the assessed value.
- B.** Upon application by the property owner, the PZC shall approve, approve with conditions, or deny a Conditional Use Permit pursuant to Section 11-05-05.3.A allowing the reconstruction or reestablishment of the structure, use, sign, or site feature. Any approval by the PZC may include conditions designed to bring the property closer to conformity to this Code or to mitigate any negative impacts on the surrounding neighborhood caused by the reconstruction or reestablishment of the nonconformity.
- C.** Detached Single-Family Dwellings permitted before the Effective Date of this ordinance shall be eligible to rebuild when destroyed by fire or other calamity.

11-05-07. Violations, Enforcement, and Penalties

1. Authority

- A.** The Planning Director and their designees, including Code Compliance Officers, are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this Code.
- B.** All departments, officials, and public employees of the City that are vested with the duty or authority to review and/or issue permits, certificates, approvals, or licenses shall conform to the provisions of this Code and shall issue no permit, certificate, approval, or license for any use, building, activity or purpose that would conflict with the provisions of this Code.

2. Violation

A. General

(1) Any violation of the provisions of this Code or any conditions of approval required under an issued permit, certificate, approval, or license or any work in excess of the authority granted by the issuance of a permit, certificate, approval, or license, shall constitute a misdemeanor pursuant to Section 1-4-1 of the Boise City Code. A separate offense occurs for each day or portion of a day during which a violation is committed, continued, or permitted.

(2) Violations of this Code include but are not limited to:

- (a) Engaging in the division of land for sale or development in any way that does not comply with the standards, criteria, and procedures for approval of a Subdivision Plat, as applicable, under this Code;
- (b) Transferring title to land by reference to a lot, tract, or parcel of land shown on a map or plat before the Record of Survey or Subdivision Plat creating those lots, tracts, or parcels has been approved by the City and recorded with the Ada County Recorder;
- (c) Submitting for recording with Ada County Recorder any Record of Survey or Subdivision Plat that has not been approved under this Code;
- (d) Obtaining a permit or approval under this Code through submittal of inaccurate or misleading information, or through making inaccurate or misleading statements at a public hearing, regarding the proposed development, the conditions of the land on which the proposed development is located, or conditions on adjacent parcels;
- (e) Obstructing or removing any public notice required to be posted or otherwise given under this Code;
- (f) Failing to operate and maintain property or to properly secure sites where construction has been abandoned, as required by Section 11-04-013, *Operations and Maintenance*;
- (g) Creating or maintaining a public nuisance, as defined in this Code; and/or
- (h) Failing to meet all requirements of the development approval.

B. Housing Affordability Incentives

The following shall apply to all development earning one or more of the housing affordability incentives set forth in Section 11-04-03.7, *Housing Housing Incentives*:

- (1) Projects that earn housing affordability incentives under Section 11-04-03.7, and are approved for construction or reuse by the City, but that are not constructed, operated, or managed to maintain the affordability levels required by Section 11-04-03.7, shall be in violation of this Code and shall be subject to all enforcement actions and penalties applicable to other violations of this Code.
- (2) The owner of each rental dwelling unit for which a housing affordability incentive has been approved pursuant to Section 11-04-03.7, that are rented above the required levels of affordability shall be in violation of this Code.
- (3) The seller of an owner-occupied dwelling unit for which a housing affordability incentive has been approved pursuant to Section 11-04-03.7, that are sold at prices above the required levels of affordability shall be in violation of this Code.

3. Inspection And Enforcement

A. General

- (1) The Planning Director shall maintain a program to enforce all aspects of the Code for which the Building Official does not have enforcement authority pursuant to Subsection (2), to abate public nuisances as defined in this Code, and to provide assistance in the prosecution of violations.

(2) When the Planning Director determines that a violation of this Code has occurred, the Planning Director may select one or more of the powers listed in Section 11-05-07, individually or in combination, and in any order, that the Planning Director determines is best suited to bring the property into compliance with this Code within a reasonable period of time.

(3) The Building Official and their designees, including Code Compliance Officers, shall enforce the provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, alteration, addition, location, or razing of a building or structure.

B. Inspections

Upon presentation of proper credentials, including a warrant, an authorized employee or agent of the City may enter at reasonable times any building, structure, or premises in the City to perform inspections of potential violations of this Code.

C. Withholding of Permits and Approvals

(1) No Building Permit or final Certificate of Occupancy shall be issued for any building or structure that does not fully comply with the provisions of this Code. Nothing in this Code shall be waived or superseded by the wrongful or erroneous issuance of a Building Permit, business license, or Certificate of Occupancy.

(2) If the City has issued some permits or approvals for a development or subdivision, but additional permits or approvals are needed for completion of the project, and the City determines that there have been violations of this Code related to those permits or approvals already granted, the City may withhold later permits or approvals for the development until the violations have been corrected.

(3) As an alternative to withholding of permits or approvals, the City may issue later permits or approvals subject to conditions that the existing violations be cured within a stated period of time.

D. Abatement

(1) Following a determination by the Planning Director that a public nuisance as defined in this Code is being maintained, notice shall be given to the owner or owner's representative either in person, by property posting, or by regular or certified mail to abate the nuisance or violation within a time specified in the notice.

(2) If the owner or owner's representative fails to comply with the requirements of the notice within the period specified, the Planning Director may take action including abatement or cleanup.

(3) The City may recover the cost of abatement as allowed under Idaho State Code 50-1008 as a lien upon the property or as a City tax for costs incurred in the abatement or cleanup.

(4) Proceeding under this Code will not preclude the City from proceeding under other sections of the Boise City Code or under any other applicable provisions of state or federal statutes.

4. Remedies And Penalties

A. General Penalties

(1) A permit, certificate, or approval issued in conflict with the provisions of this Code shall be null and void.

(2) Any violation or noncompliance with the provisions of this Code shall be subject to all remedies, penalties, and enforcement available under Title 1, Chapter 4, of the Boise City Code and Title 67, Chapter 65, of the Idaho Code, including but not limited to criminal misdemeanor and civil injunction action.

(3) Any person who violates any provision of this Code shall be punished by a fine of not more than \$1,000.00.

(4) Any person who files an application who willfully makes any false statement in such application, or who, upon demand, willfully furnishes false information, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00.

B. Housing Affordability Incentive Penalties

The following shall apply to all development earning one or more of the housing affordability incentives set forth in Section 11-04-03.7, *Housing Housing Incentives*.

(1) The owner of each rental dwelling unit for which a housing affordability incentive has been approved pursuant to Section 11-04-03.7, that is not rented in compliance with the required levels of affordability shall be subject to an additional penalty equal to 125 percent of the difference between the maximum rent required by Section 11-04-03.7 and the rent actually charged to the renter, calculated cumulatively for each day of violation.

(2) The seller of an owner-occupied dwelling unit for which a housing affordability incentive has been approved pursuant to Section 11-04-03.7, that is not sold in compliance with the required levels of affordability shall in addition be subject to an additional penalty equal to 125 percent of the difference between the maximum sales price required by Section 11-04-03.7, and the sales price at which the unit was sold.

C. Revocation of Permits and Certificates

The Planning Director or a review body shall have the authority to revoke any permit, certificate, or approval that has been granted under this Code when it has been determined that the structure or use authorized by the permit, certificate, approval, or license has been constructed or is being maintained in violation of this Code or of the conditions and limitations of an issued permit, certificate, or approval. In order to revoke the permit, certificate, or approval, the Planning Director shall follow the following procedures:

(1) A notice of intent to revoke a permit, certificate, or approval shall be sent to the holder of the permit, or to one of their representatives, or, if this is not possible, the notice shall be posted in a conspicuous position at the entrance to the premises and by the certified mailing of another copy of the notice to the last known address of the permit, certificate, or approval holder.

(2) The permit, certificate, or approval shall be revoked within 15 days of the posting of the notice of intent to revoke unless the cause of the violation has been removed and evidence of the same has been present to the Planning Director within that period.

(3) Any action of permit, certificate, approval, or license revocation may be appealed pursuant to Section 11-05-04.7.A, *Appeals*.

5. Required Property Maintenance

A. Purpose

This Section is intended to help prevent urban blight by establishing minimal property maintenance standards.

B. General

Damaged, dilapidated, or unfinished buildings shall be removed, restored, or finished to eliminate detrimental visual impacts. A property owner shall take steps to restore or finish the building per approved plans. No building or premise shall detrimentally impact the surrounding neighborhood due to dilapidation, deterioration, decay, abandonment, or unfinished construction.

C. Restoration of a Damaged or Dilapidated Building or Completion of an Unfinished Building

Restoration of a damaged or dilapidated building or work toward completion of an unfinished building shall begin within six months of the building becoming damaged or dilapidated or being deemed unfinished. The City shall require that such buildings that are also unoccupied be secured (fenced or boarded up) during the six month period. This deadline may be extended by the Planning Director upon submission of documentation of insurance settlement delays or similar complications beyond the owner's control.

Restoration of a damaged or dilapidated building or work on an unfinished building shall be completed within one year from commencement.

D. Due Process Hearing

If the City determines that either of the two events in Subsections (1) or (2) below have occurred, the City shall advertise and the Hearing Examiner shall conduct a public hearing pursuant to Section 0 as to why the building has not been restored or completed as required.

(1) It has not been maintained at a minimal property maintenance standard as required by applicable City, state, or federal regulations, or as necessary to protect public health and safety for six months, or as necessary to avoid the creation of a private or public nuisance; or

(2) Efforts to restore or finish the building have not been completed within one year after restoration or construction work has begun.

E. Notice

At least 15 days prior to the date of the public hearing, notice shall be sent via certified mail to the property owner and by first class mail to residents and property owners within

300 feet of the property, and a public notice of the hearing shall be advertised in the official newspaper of the City.

F. Required Findings

(1) Removal or restoration of the building shall be ordered if the following findings are made:

(a) The building meets the definition of a damaged, dilapidated, or unfinished building;

(b) The building has existed in a damaged, dilapidated, or unfinished state for a period of at least six months or has not been maintained at the minimal property standards for a period of six months; and

(c) The property owner has previously received written notice as required in paragraph E, above.

(2) If removal or restoration is ordered, the City shall obtain bids to restore the building or clear the site of the offending building.

(3) The fact that a building is not a danger or attractive visual nuisance shall not be a defense for failing to restore or finish it.

G. Restoration and Demolition

(1) Fund

The City shall establish a revolving fund to be designated for building restoration and demolition pursuant to this Code. Payments shall be made out of this fund upon the demand of the Planning Director to defray the costs and expenses associated with restoration or demolition.

(2) Recovery of Cost of Restoration or Demolition

The property owner shall be billed for the costs of restoration or demolition. If the property owner does not respond within 60 days, the City may recover costs of the abatement in a civil action or by filing an assessment with the Ada County Recorder on or before the first day of August of the year. Assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of 10 percent per annum, or the current interest rate if higher, from and after the date. All money recovered from the sale of the property at a foreclosure sale shall be returned to the restoration and demolition fund.

Chapter 11-06 Definitions

11-06-01. Meanings of Words Generally

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 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.

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 Boise City 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 and Plurals

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 usage clearly indicates otherwise.

2. Interpretations

The Planning Director has final authority to determine the interpretation or usage of terms used in this Code.

11-06-02. Rules of Measurement

1. Density

Density shall be calculated as the number of dwelling units per acre.

2. Fractions

A. Off-Street Parking, Loading, or Vehicle Stacking

Any fractional requirement of a parking space shall be rounded up to require one additional parking space.

B. Landscaping

Where a calculation of a landscaping requirement results in a fractional number, the requirement shall be considered the next greatest whole number.

3. Lot and Building Standards

A. Backup Space

(1) Backup space is measured from the back of the parking stall or the face of the garage to the far side of the driveway, service drive, or alley.

B. Buildable Area

(1) For the purpose of Section 11-04-05.6, *Foothills Planned Development Standards*, the space within the setback lines that remains on a lot after compliance with the minimum open space requirements of this Code. Lands with a slope of 25 percent or less are buildable, if outside of floodways or geologic hazards. Buildable areas shall be designated in the conditional use site plan as either development pockets or permanent open space in the ratio chosen under the density bonus formula. Buildable area is determined by natural topography, not by post-construction graded contours.

(2) For all other purposes, the buildable area of the lot excluding the required building setbacks.

C. Effective Lot Area

The gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or road easement.

D. Floor Area, Gross

The sum of the square footage of all floors, including lofts and basements, and the exterior walls of a building or portion of a building. For detached accessory structures covered parking spaces, covered exterior stairs, and covered decks are included in the total. Uncovered exterior stairs, uncovered first story decks, and uncovered parking spaces are not included in gross floor area.

E. Floor Area, Net Leasable

The entire square foot area of floor space of a building that is enclosed and subject to heating or air conditioning, less any of the following:

(1) Any space used and occupied by central mechanical or electrical equipment, elevators, escalators, conveyors, dumbwaiters, lifts, chutes, trash disposal units, and fuel storage spaces; and

(2) Public rights-of-way and other similar enclosed spaces open to the public, such as public washrooms, corridors, stairwells, or elevator lobbies.

F. Floor Area Ratio (FAR)

The gross floor area divided by the lot area.

G. Grade

The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm or retaining wall, grade will be considered the lowest point of the berm or wall.

H. Grade, Established

The curb line grade at the lot line/property lines established by the City Engineer or otherwise established by law.

I. Lot Area

The square footage within the boundary of a lot or parcel. Lot area shall be determined exclusive of land that is used for public or private streets, highways, alleys, roads, and rights-of-way. The flagpole or stem portion of a flag lot shall not be considered as part of the lot area.

J. Lot Coverage

The area of a lot occupied by the primary building(s) and any accessory building(s).

K. Lot Depth

The distance between front and rear lot line/property lines measured in the mean direction of the side lot line/property lines.

L. Lot Width (Average)

The distance between the side lot line/property lines, measured in one of the following manners, whichever is applicable as determined by the Planning Director:

- (1) In the case of a regular-shaped lot, the width shall be measured along the front lot line/property line;
- (2) In the case of an irregular-shaped lot, the width shall be the average distance between the side lot line/property lines, with the average distance to be measured at 10 foot intervals for the first 100 feet of the lot depth beginning at the front lot line/property line;

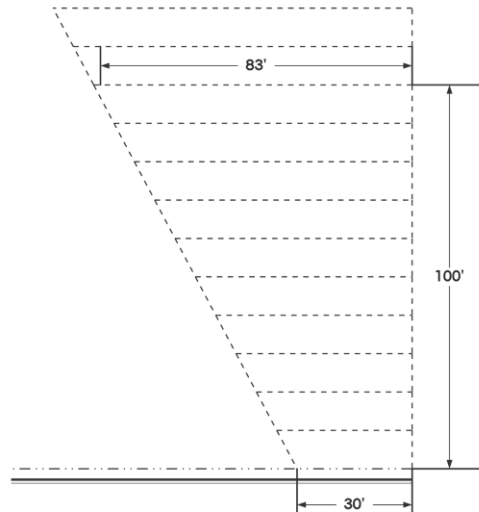


Figure 6.1. Irregular-Shaped Lot Width Measurement

- (3) In the case of a regular-shaped flag lot, the width shall be measured at a distance of 20 feet from the inside end of the flag pole; or

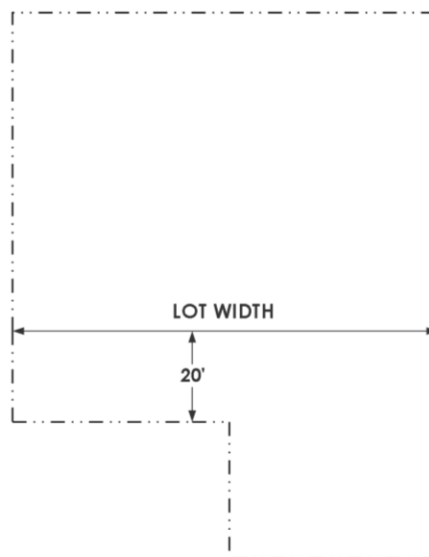


Figure 6.2. Regular-Shaped Flag Lot Measurement

- (4) In the case of an irregular-shaped flag lot, the width shall be the average distance between the side lot line/property lines, with the average distance to be measured at 10 foot intervals for the first 100 feet of the lot depth beginning at the front lot line/property line.

(5) The dimension of a lot at its front setback line shall not be less than the minimum average lot width required for the zoning district in question.

M. Non-buildable Area

Lands with a slope greater than 25 percent are non-buildable areas and do not qualify as a development pocket, nor are they eligible to be calculated as open space for establishing a density bonus, unless classified as priority open space.

N. Open Space

When this Code requires that a percentage of open space be provided on a lot or within a development, that requirement is in addition to any required front or side building setbacks and/or street, or property edge buffers otherwise required by this Code. Unobstructed at grade rear yard areas provided on site, whether or not required by this Code, shall count towards required open space.

O. Percent Slope

The vertical rise divided by the horizontal distance within which the vertical rise takes place.

P. Story

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Q. Story Above Grade Plane

Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

(1) More than six feet (1829 mm) above grade plane; or

(2) More than 12 feet (3658 mm) above the finished ground level at any point.

4. Height

A. Building Height

(1) The vertical distance from the grade to the highest point of the roof or structure that is not listed as an exception to the maximum building height limits in Section 11-04-03.3.C.

(2) Towers, steeples, spires, belfries, cupolas, and domes on primary nonresidential structures, provided they are not used for human occupancy, are exempt from building height limits if their largest horizontal cross-section does not exceed 20 percent of the horizontal cross-section of the top floor ceiling plate of the building.

B. Fence Height

The height of fences shall be measured from the finished grade adjacent to the lowest section of the fence, and attached lattice, privacy screens, and similar features shall also be included in the total height.

C. Retaining Wall Height

The height of retaining walls shall be measured from wall footings, and attached fences, retaining walls, railings, and privacy screens shall also be included in the total height.

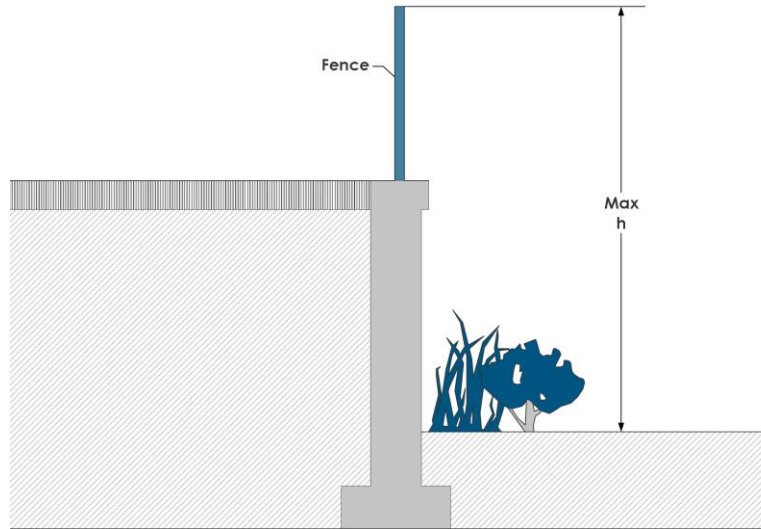


Figure 6.3. Heights and Dimensions for Retaining Walls

5. Setbacks

A. Definitions

(1)Setback

The three dimensional 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.

(2)Yard, Front

An area that extends across the full width of the lot adjacent to the front street line. Building design shall match respective yard types. For corner lots, either street may be designated as the front. For flag lots, the front yard shall be that facing the primary street frontage or the "pole", as determined by the Planning Director. Once chosen, the front yard designation and associated rear and side yards shall be identified on the plat and not be changed.

(3)Yard, Interior Side

A side yard that does not abut a street.

(4)Yard, Rear

An area that extends across the full width of the lot between the rear line of the lot and the nearest line of the primary building.

(5)Yard, Side

An area between the wall of the principal and accessory buildings, and side lot line/property line, and between the front and rear lot line/property line.

(6)Yard, Street Side

On a corner lot, a side yard that abuts a street.

B. Measurement

(1)Front and street side setbacks are measured from the property line, or the back of sidewalk, or the location of the future sidewalk, whichever is greater, unless

otherwise indicated in a specific zoning district. If there is an existing attached sidewalk, the setbacks shall be measured from the location of a future detached sidewalk as determined by the City. When the Planning Director allows attached sidewalks on local streets due to unusual terrain, site conditions, utility conditions, or other extenuating circumstances, the setback shall be measured from the back of the existing sidewalk.

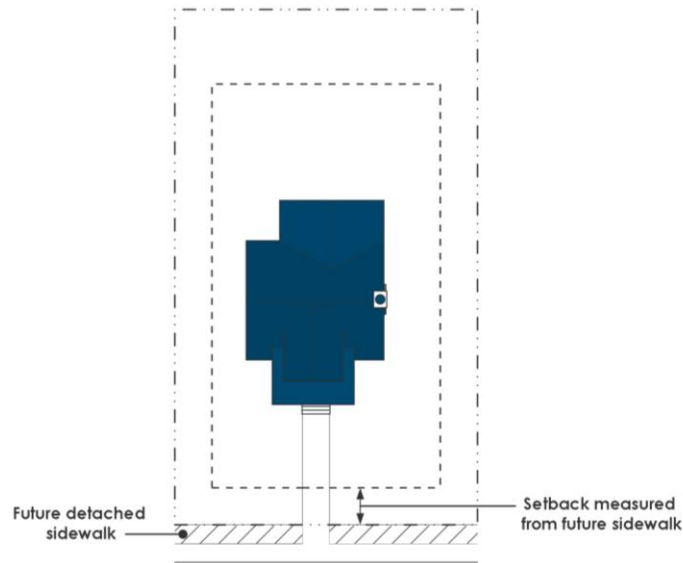


Figure 6.4. Setback from Future Sidewalk

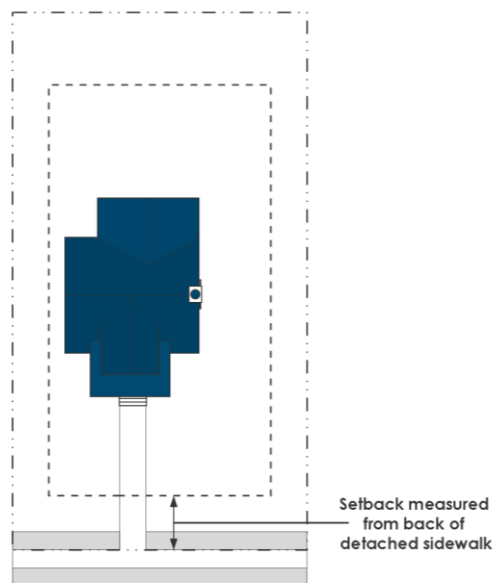


Figure 6.5. Setback from Back of Detached Sidewalk

(2) When side or rear setbacks are required by building story, the setback is measured to each individual story wall.

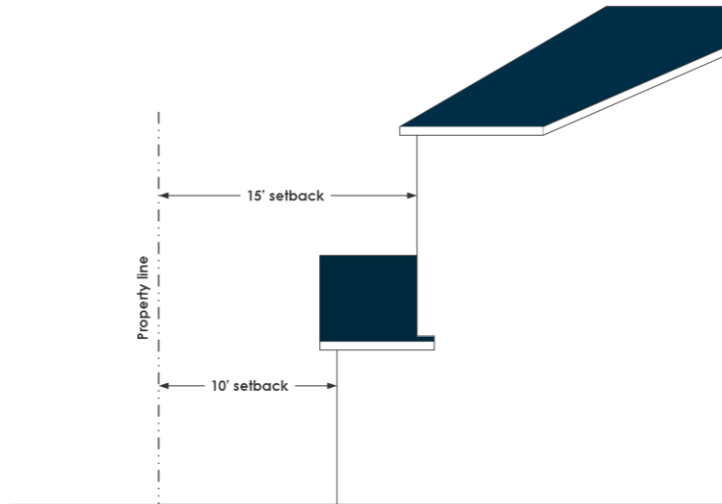


Figure 6.6. Building Story Setback

- (3) When a building setback line is indicated on any plat, the setback indicated on the plat shall apply.
- (4) Front and street side setbacks for living space and side entry garages may be reduced to 15 feet provided that the distance along the inside edge of the driveway is no less than 20 feet.

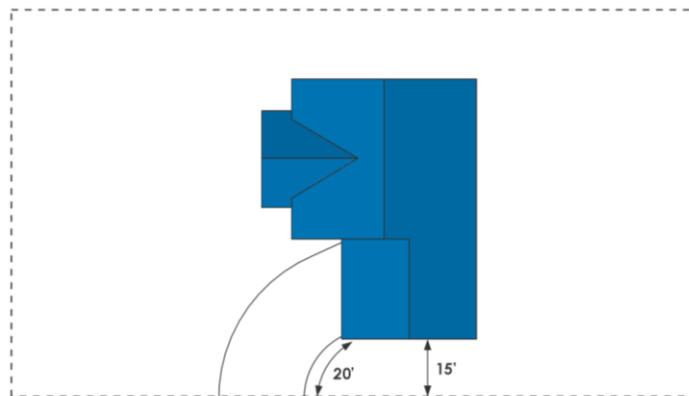


Figure 6.7. Side Entry Garage Setbacks

11-06-03. Definitions

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.

Abutting

Bordering or touching, such as sharing a common lot line/property line. Lots or parcels that are separated by a street, public right-of-way, or platted alley are not abutting.

Access

The location or means by which pedestrians, bicycles, or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

Access, Emergency

An additional route of access to a development for emergency vehicles. Use of emergency access is restricted to emergency vehicles by means of bollards, gates, or some other device to prohibit general use by the public. Emergency access shall meet the requirements of the Uniform Fire Code as adopted by the City.

Accessible

Describes a site, building, facility, or a portion of a site, building, or facility, that can be approached, entered, and used by people with disabilities.

Accessory Dwelling Unit

Except as may be further restricted, an Accessory Dwelling Unit is a dwelling unit that contains a kitchen, a full bathroom (including a shower or tub), 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 or parcel as a principal dwelling unit, and that does not alter the essential characteristic of the principal use of the property.

Accessory Structure

A structure greater than 12 inches in height as measured from grade, detached from a primary structure located on the same lot or parcel, and customarily incidental and subordinate to the primary structure, or principal use.

Accessory Use

A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

ACHD

Ada County Highway District.

Active Use

A land use that tends to have or encourage interaction between the use and pedestrians on a street, including entering and exiting the use, and viewing activity and/or merchandise inside the use from a street. This does not include ground floor parking areas, storage areas, utility facilities, or stairwells that are not accessible from the street.

Adaptive Reuse

The modification of an existing building for new use(s), while maintaining the architectural integrity of the original structure.

Adjacent

The condition where two lots, parcels, structures, or uses touch or share one or more common property line, or where two lots, parcels, structures, or uses are separated only by an alley, easement, roadway, street, canal, or other public right of way.

Adult or Child Daycare

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 daycare center that provides daycare 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 Daycare."

Adult or Child Daycare Center, Large

An Adult or Child Daycare providing for 26 or more persons.

Adult or Child Daycare Center, Small

An Adult or Child Daycare providing for 13 to 25 persons.

Adult or Child Daycare Facility

An Adult or Child Daycare providing for seven to 12 persons.

Affected Person

A person having a bona fide interest in real property that may be adversely affected by the approval, denial, or failure to act upon an application required or authorized under this Code.

Affordable Housing

A residential dwelling for which the household pays no more than 30 percent of their gross income for housing costs (including utilities) and where the annual household income does not exceed 80 percent of the Area Median Income.

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.

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 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.

Allowed Use, Allowed/Alternative Zone-Specific Standard

Allowed Zone-Specific Standard

An allowed use where the site and building design significantly impacts the future anticipated build out of the City, and proposed development complies with the additional conditions on the design and form of the building in which the use is located.

Alternative Zone-Specific Standard

An allowed use where the site and building design significantly impacts the future anticipated build out of the City, and the proposed development does not meet the additional conditions on the design and form of the building in which the use is located.

Alterations

Any change, other than incidental repairs, to the supporting members of a building or structure, such as bearing walls, columns, beams, and girders.

Animals, 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. 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 small animals.

Animal Daycare or Kennel

Any place or premise used in whole or in part to provide care and service for pet animals, including grooming, training, daycare, and any use that meets the definition of Kennel.

Animal Hospital or Clinic

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.

Animal Unit

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, turkeys, or game birds shall represent one animal unit.
- D. 10 mature rabbits shall represent one animal unit.
- E. 12 mature chickens or ducks shall 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.

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.

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 an application under this Code, or who represents an applicant under this Code. If the applicant is not the property owner, the property owner's written permission to submit the application shall be included with submittal materials.

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 a city and county as provided for by Idaho Code §67-6526 and §50-1306.

Area, Buildable

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.

Area, Non-Buildable

An area with a natural (pre-grading) slope greater than 25 percent, mapped to a minimum resolution of 6,000 square feet in area.

Art Gallery, Museum, or Library

A facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of books, paintings, sculptures, or other works of original art; or a building that has significance for its architecture or former use or occupancy or that serves as a repository for a collection of natural, scientific, literary, artistic, or objects of interests; or a place that contains print or non-print materials, manuscripts, books, periodicals, computers, recordings and other material for viewing, listening, study or reference. Accessory uses can include meeting rooms, classrooms, gift shops or cafes.

Assisted Living Facility

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

An establishment devoted to showing motion pictures or dramatic, dance, musical, or other live performances.

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.

B

Back-of-Sidewalk

The side of a sidewalk furthest from the street to which that sidewalk is roughly parallel.

Backup Area/Space

An area generally located between a parking garage or parking space and an alley whose purpose is to provide sufficient room to safely maneuver out of the parking garage or parking space. An area, generally located between a parking garage or parking space and a street or alley whose purpose is to provide sufficient room to safely maneuver out of the parking garage or parking space. Note: See Backup Space in [Section 11-06-02.3, Rules of Measurement](#).

Balcony

A platform enclosed by a parapet or a railing that projects from an exterior wall of a building. Balconies do not include stairs for exterior exiting.

Basement

The story or level of a building that is partially or totally below ground level. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

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

A lodging establishment, generally in a Single-Family Detached Dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public, accompanied by food service. The bed and breakfast establishment is the owner's personal residence and is occupied by the owner or employee at the time of the guests' stay.

Bee

Any stage of the life cycle of the common domestic honey bee.

Beekeeping, Accessory

The management and maintenance of beehives, colonies, combs, and other associated appliances as an accessory use to an allowed or conditional principal use.

Best-in-Class Transit Route

A transit route that runs every 30 minutes throughout the day, runs every 15 minutes during high usage hours, has increased hours of operation Monday through Friday (5:30 am to 9:30 pm) and Saturday (8:00 a.m. to 9:00 p.m.) and may include amenities such as a shelter structure and real-time route and tracking information.

Bicyclist

For the purpose of this Code, the term "bicyclist" includes, but is not limited to users of bicycles and other non-motorized modes of transportation (such as skates, skateboards, push scooters, hand carts, or wheelchairs) as well as electric power-assisted bicycles and scooters as defined and regulated by Title 6, Chapter 13 of the Boise City Code.

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 public right-of-way, waterway, or other similar barrier.

Boarding House

An establishment within a residential structure that is the operator's personal primary residence (not including a Hotel or Motel) where lodging is provided for a minimum occupancy term of 28 days or longer, and where meals may be provided, for compensation, to six to 12 guests who are not members of the householder's family.

Boise River System-Related Definitions

Buildable Site

For the purpose of Section 11-02-07.3.E, 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.

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.

Class A, B, and C Lands and Waters

As used in Section 11-02-07.3.E, BR-O: *Boise River System Overlay*, lands and waters that provide habitats for fish, birds, and other wildlife.

Compensation

As used in Section 11-02-07.3.E, 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 11-02-07.3.E, 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.

Enhancement

As used in Section 11-02-07.3.E, BR-O: *Boise River System Overlay*, improvement of natural resource functions and values beyond the minimum required for mitigation and compensation.

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 City Council to be retained in perpetuity for public use for purposes compatible with the aesthetic, wildlife, educational, and recreational values of the Boise River;
- 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.

Mitigation

As used in Section 11-02-07.3.E, 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 11-02-07.3.E, 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.

Natural Resources

As used in Section 11-02-07.3.E, 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 11-02-07.3.E, BR-O: *Boise River System Overlay*, environmental, ecological, recreational, historic, and cultural benefits attributable to natural resources that occur in aquatic, wetland, 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*.

No Net Loss

As used in Section 11-02-07.3.E, 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

Paths, Bicycle and Pedestrian

As used in Section 11-02-07.3.E, BR-O: *Boise River System Overlay*, paved bicycle paths or unpaved pedestrian paths built within the Boise River System. Paved bicycle paths shall meet the requirements of the Boise City Pathways Master Plan (and other appropriate and relative design manuals).

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.

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.

Wetland

An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and 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 11-02-07.3.E, 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, desynchronization, groundwater recharge and discharge, active, and passive recreation, aesthetics, and cultural resources. See also, Natural Resource Functions and Values.

Wetland, Scrub-Shrub

Wetland areas that are dominated by woody vegetation less than 20 feet tall. The species include true shrubs, young trees, trees, and shrubs that are stunted because of environmental conditions. Includes types such as alder, willows, dogwood, and red maple.

Bottling and Distribution Plant

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

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 Lot/Parcel

A recorded lot or parcel, or tract of land that is eligible for a building permit based on compliance with this code, and that is not encumbered by an easement, plat note, or other restriction that prohibits building on the lot, parcel, or tract.

Building

- A. For purposes of historic preservation regulations, a resource created principally to shelter any form of human activity.
- B. For all other purposes, 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, or personal property of any kind.

Building, Accessory

A building that is subordinate and incidental to the primary 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 Envelope

The designated area on a lot within which a building or other structure (including footings) shall be contained, as defined by the setbacks of the underlying zoning district, the Subdivision Plat, or a development approval document issued pursuant to this Code.

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.

Building Materials

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.

Building Official

The official or other designated authority charged with the administration and enforcement of adopted building, electrical, mechanical, or plumbing codes, or any combination of these codes.

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 line/property 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. This term is also referred to as "massing."

Bulk Storage of Flammable or Dangerous Materials

Any 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 Stop

An area abutting the curbside where passengers board or exit transit.

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.

C

Calamity

An earthquake, flood, fire, landslide, volcano eruption, or an air or water disaster.

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.

Carport

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 primary 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, or waterways.

Cemetery

Land used or designated for the interment of human or animal remains and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

Circular Driveway

A driveway with two points of access to a street that may serve a structure, a garage, or other approved parking surfaces.

City Council

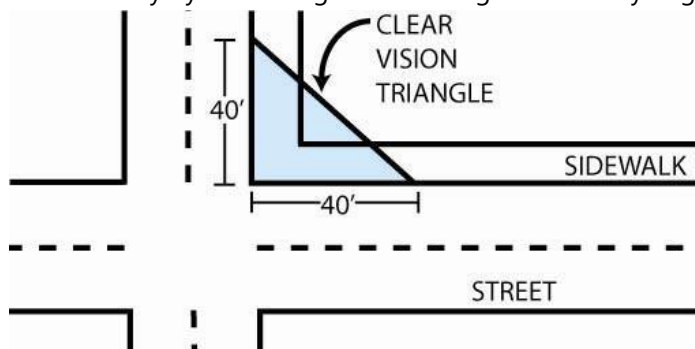
The City Council of the City of Boise, Idaho, including the term "Council" as referenced in this Code.

City Official

A duly appointed member of a Board or Commission of the City of Boise or an employee of the City of Boise charged with carrying out specific duties related to this Code.

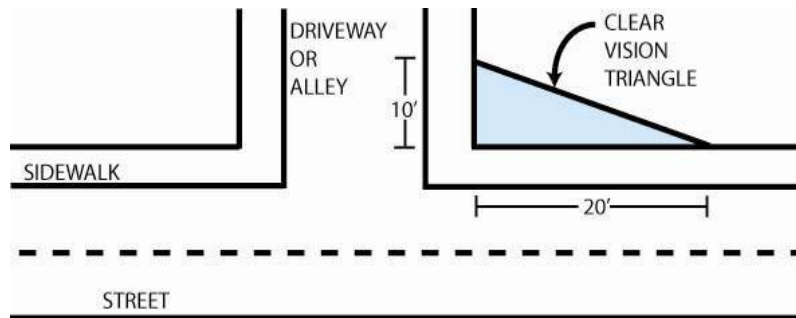
Clear Vision Triangle

- A. At a street intersection or street and railroad intersection, a clear vision triangle shall be formed horizontally by measuring 40 feet along the roadway edges or roadway and railroad



track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points, and vertically by measuring between three feet and 10 feet above grade, unless a different dimension or design is required by ACHD.

- B. Where a driveway or alley enters the public right-of-way, a clear vision triangle shall be formed horizontally, by measuring 10 feet into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and 20 feet along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between three feet and 10 feet above grade.



- C. The clear vision triangle shall be kept free of visual barriers including vegetation, except deciduous trees pruned at least eight feet in height above the sidewalk and 14 feet above the roadway, and walls, signs, vehicles, solid fences, or other sight obstructions exceeding three feet in height.

Club, Lodge, or Social Hall

A building that contains the 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.

College or Other Institution of Higher Education

An institution that provides full-time or part-time education beyond high school and does not meet the definition of a Trade or Vocational School. This use includes Boise State University.

Colony

As used in Section 11-03-03.4.B, *Beekeeping, Accessory*, 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

A lot or parcel on which hogs or cattle 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 designed and intended for the common use or enjoyment of the residents of the development and their guests and is not individually owned. It may include complementary structures and improvements such as a recreation area, parking, or landscaping.

Common Party Wall

A wall common to but dividing contiguous buildings; such a wall contains no openings and extends from its footing below the finished ground grade to the height of the exterior surface of the roof.

Compatible (With Surrounding Development)

Characteristics of uses, activities, designs, or facilities that allow them to be located near each other without creating significant negative visual, functional, or operational impacts on each other.

Compatibility is determined based on comparing the height, scale, and bulk of structures; levels of activity discernible outside a structure; levels of pedestrian, bicycle, or vehicle traffic; levels of site circulation, site access, or parking activity; levels of landscaping, lighting, noise, odor, architectural features, and building materials for the proposed development with those on existing adjacent developed parcels. Compatibility does not require that two uses, activities, or designs be identical or substantially the same.

Community Center

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.

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, and curing.

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 zoning district or vicinity. Conditional uses are issued for uses of land and are transferable from one owner of the land to another.

Conference or Event Center

A facility 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, New

A structure designed, intended, constructed, erected, or moved for the first user. "First user" means the person, firm, or corporation who initially installs factory-built or otherwise newly constructed structures within the city. A person who subsequently purchases a structure that is wholly or partially factory-built or otherwise newly constructed is not a first user within the meaning of this definition.

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

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

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

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.

Critical Root Zone

The area of soil around a tree where the minimum amount of roots considered critical to the structural stability or health of the tree are located. The critical root zone radius is $\frac{1}{4}$ of one foot per caliper inch measured diameter at breast height of the tree. For example, a tree with a 20 inch diameter will have a critical root zone radius of five feet.

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.

D

Damaged or Dilapidated Building

A primary or accessory building or structure that by reason of inadequate maintenance, damage by fire, flood, vandalism, obsolescence, or abandonment, is unsafe, unsanitary, constitutes a fire hazard, or that no longer complies with the applicable Building Code requirements for a building of its type, or is otherwise dangerous to human life.

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 resolution.

Design Review Commission (DRC)

The City of Boise Design Review Commission that reviews all development proposals within the Design Review Overlay Districts or subject to the adopted Citywide Design Standards and Guidelines and the Downtown Design Standards and Guidelines, and as indicated in Table 11-05.1: *Summary of Review and Decision-Making Procedures*, Sections 11-05-04, *Common Procedures* and 11-05-05, *Specific Procedures*.

Design Standards and Guidelines, Citywide

The adopted document containing the building location and orientation, internal circulation, site design elements, building design, and landscaping standards for Multiple-Family and nonresidential development outside of the Boise Downtown Planning Area.

Design Standards and Guidelines, Downtown

The adopted document containing the building location and orientation, internal circulation, site design elements, and building design standards for Multiple-Family and nonresidential development in the Boise Downtown Planning Area, as amended.

Designated Water Provider

A municipal water provider that has prepared the requisite Assured Water Supply Examination of its water supply resources and obtained approval from the designated water resource official for a specific amount of assured water supply for future development.

Development, New

Any development for which a planning 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.

Diameter at Breast Height

The measure of tree trunk diameter measured at 54 inches above the ground.

Director, Planning

The person appointed by the Mayor to be generally responsible for planning and zoning activities in the city and for the administration of this Code, also referred to as the "Planning Director."

Display, Outdoor

Placement of items out-of-doors (i.e., not within a building) for show and sale to the general public. Examples include garden supplies or outdoor furniture placed in commercial parking lots in 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).

Downtown Planning Area

The distinct planning area identified in the Comprehensive Plan bounded on its southwest side by the Boise River, the Boise Bench and Beacon Avenue, and generally by Broadway/Avenue A on the southeast, Fort Street on the northeast and 16th, 19th Street and Idaho Streets on the northwest.

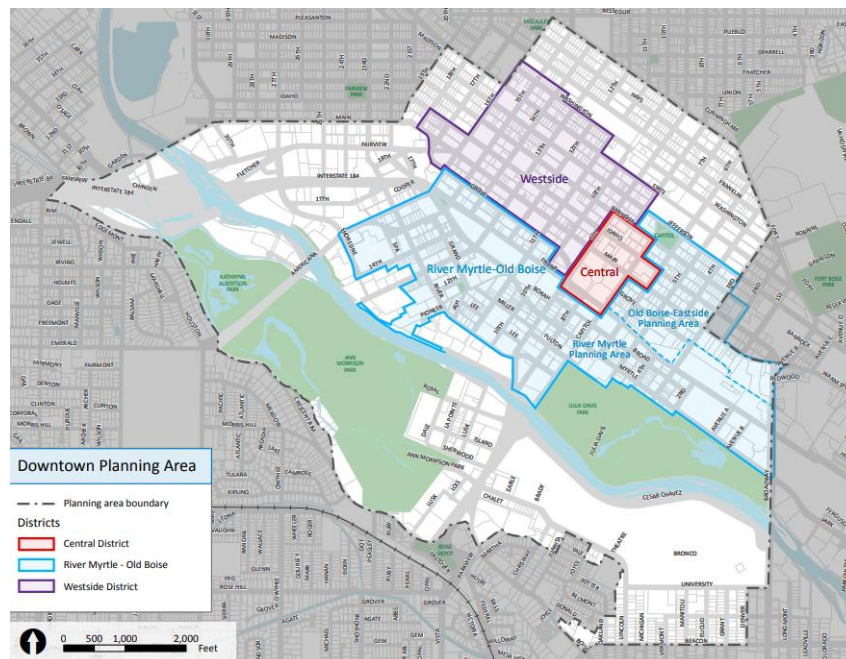


Figure 6.8. Downtown Planning Area Boundary Map

Drive, Service

A privately owned and maintained driveway that is internal to the site and provides access to commercial, industrial or Multiple-Family Dwelling parking lots and spaces, loading spaces, drive-up windows, or other areas that need provision of access. This term is also referred to as "drive aisle."

Drive-Through Facility

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.

Driveway

A private access connecting a building such as a house or garage, with a street.

Driveway, Common

A shared access that provides public or private street frontage and serves for ingress and egress for up to a maximum of six residential parcels or lots.

Driveway, Shared

A shared access that serves two or more commercial, industrial, or residential parcels or lots for ingress and egress, each having individual public or private street frontage. The ownership of the driveway isn't necessarily shared, but rather, all eligible properties use it for access.

Dwelling

A building or portion of 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

A residential building that contains four or more individual bedrooms where each bedroom is designed for occupancy by one or two individuals, and in which residents are required to sign individual occupancy agreements or leases for a period of at least 28 consecutive days. Each bedroom may, but need not, contain food preparation, sanitary facilities, or both. The building may contain some combination of shared bath or toilet facilities and/or shared cooking or eating facilities for occupants. This use includes but is not limited to single-room occupancy facilities, student housing, and both non-profit and for-profit housing cooperatives, but does not include any facility meeting the definition of Recovery Residence or Boarding House use.

Dwelling, Cottage Village

A residential development that combines a group of small individual single-family dwelling units, oriented around an open space for communal use of the residents of the development. This definition shall not include any use meeting the definition of a Manufactured Home Community.

Dwelling, Duplex

A single building containing two dwellings on a single lot where each dwelling includes a separate bathroom and kitchen. The two units shall 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.

Dwelling, Fourplex

A single building on a single lot containing four dwelling units under one roof, each of which is designed for use and occupancy by one household.

Dwelling, Live/Work

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. For purposes of flood protection regulations, a structure, transportable in one or more sections, that 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."
- B. For all other purposes, 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 July 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 in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 are not Manufactured Homes and are prohibited within the city.

Dwelling, Multiple-Family

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 household regardless of whether the dwelling units are owned or rented or condominium units. This definition includes Permanent Supportive Housing and shall not include "Dwelling, Single-family Attached," "Dwelling, Duplex," "Dwelling, Triplex," "Dwelling, Fourplex," or "Accessory Dwelling Unit."

Dwelling, Single-Family Attached

Two or more attached single-family dwelling units attached side by side under one roof, or 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;
- 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 designed for use and occupancy for one household.

Dwelling, Single-Family Detached

A residential building containing one unit that is not attached to any other residential building containing dwelling units.

Dwelling, Tiny House

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 egress roof access windows as noted in Appendix Q adopted in the International Residential Code.

Dwelling, Triplex

A single building on a single lot containing three dwelling units under one roof, each of which is designed for use and occupancy by one household.

Dwelling Unit

A building designed for or used as a residence for not more than one household, constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. A dwelling unit may be occupied by a family related by blood or marriage, or by up to five unrelated individuals, or by elderly persons. The term does not imply or include types of occupancy such as lodging or boarding house, club, sorority, fraternity, or hotel. Note: For the purposes of this code, the common vernacular "group home" refers to a dwelling unit that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. It also refers to persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Fair Housing Act. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes may be operated by individuals or by organizations, both for-profit and not-for-profit. The Fair Housing Act requires that persons with disabilities who reside in such homes are treated no differently than persons with disabilities who reside in other types of homes.

E

Easement

A grant by the landowner of the right to use the owner's land for specific purposes.

Electric Substation

A structure that is part of an electric generation, transmission, and distribution system that:

- A. Converts electric energy to a lesser voltage for the purpose of subregional or localized distribution;
- B. Functions as a transition point from overhead to underground electric transmission lines; or
- C. Acts as the point of convergence for two or more transmission lines.

Electric Vehicle (EV)

A vehicle that is either powered fully or partially by electric power.

Electric Vehicle (EV) Capable

The installation of electrical and wiring infrastructure to support electric vehicle charging infrastructure to include electrical panel capacity with a dedicated branch circuit(s) and continuous raceway to parking spaces where future electric vehicle charging will be located.

Electric Vehicle Charging Facility

A facility or area at which electric vehicles can obtain electrical current to recharge batteries.

Electric Vehicle Charging Facility, Level 2

Electric vehicle charging equipment that supplies electrical power for charging an electric vehicle using a 240 volt power source.

Electric Vehicle Charging Facility, DC Fast Charger

Electric vehicle charging equipment, also referred to as a Level 3 charging facility, supplies electrical power for charging an electrical vehicle using a 480 volt power source.

Electric Vehicle (EV) Installed

A parking space that includes the requirements of Electric Vehicle Capable and Electric Vehicle Ready with the addition of an operable electric vehicle charger.

Electric Vehicle (EV) Ready

A parking space that includes the requirements of Electric Vehicle Capable with the addition of conduit with wiring terminating in a junction box or 240 volt charging outlet at parking spaces where future electric vehicle charging will be located.

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.

F

Façade

The outer wall of a building, regardless of whether it faces a street, alley, public area, natural feature, or other developed or undeveloped property.

Façade Modulation

Stepping back or extending forward a portion of a building façade.

Family

A group of individuals functioning as a single and independent housekeeping unit or persons occupying a 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. Also referred to as Household.

Fill

A deposit of earth material placed by mechanical means.

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.

Fire, Police, or Public Safety Facility

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

Accessory or Appurtenant Use or Structure

A use or structure that is subordinate to the principal use structure on the same parcel and that serves a purpose customarily incidental to the principal use or structure. The accessory use or structure shall not include a dwelling unit or be used for human habitation.

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 that is 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 includes 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.

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.

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 that does not exceed 10 feet in height or impound more than fifty acre feet of water. For the purposes of Section 11-02-07.3.F, energy dissipating devices shall be considered 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 that 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 that has its lowest elevated floor raised above ground level by foundation walls, slabs, shear walls, post, piers, pilings, or columns.

Elevation Certificate

The Elevation Certificate is an administrative tool of the National Flood Insurance Program (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 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 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

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e., mudflows) that 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.
- B. 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 that 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 shown 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 floodplain management regulations.

Floodplain Management Regulations

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain 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 that 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.

- A. 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
- B. 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 shall 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.

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.

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 11-02-07.3.F.

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 Manufactured Housing Construction and Safety Standards Act of 1974, which became effective July 15, 1976. Mobile Homes are not permitted within the City.

Mobile Home Community 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 11-02-07.3.F.

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.

Nonresidential Structure

A building other than a residential structure. The term includes but is not limited to: buildings used for places of assembly, education, child daycare, business, maintenance, storage, manufacturing, government, hospitals, sanitariums, and nursing homes.

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."

Ordinary High Water Mark (OHWM)

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.

Recreational Vehicle

For floodplain management purposes, a recreational vehicle is a vehicle that 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 shall 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 floodplain 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

- A. 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.
- B. 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

For the purpose of floodplain regulations, a structure is 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 assessed 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 assessed value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. 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.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain 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 at mealtimes to people with limited financial resources, including people who are homeless.

Food Truck, Mobile

A motor vehicle or trailer with a current vehicle registration designed and equipped for the preparation and sale of food and/or beverages.

Food Truck Court

An area of land on which one or more Food Trucks sell food and/or beverages to the public, and on which the public may consume food and/or beverages.

Foothills Planning Area

The planning area within Boise City's Area of City Impact characterized by critical wildlife and plant habitat, watershed and riparian environments, agricultural uses, and abundant recreational opportunities.

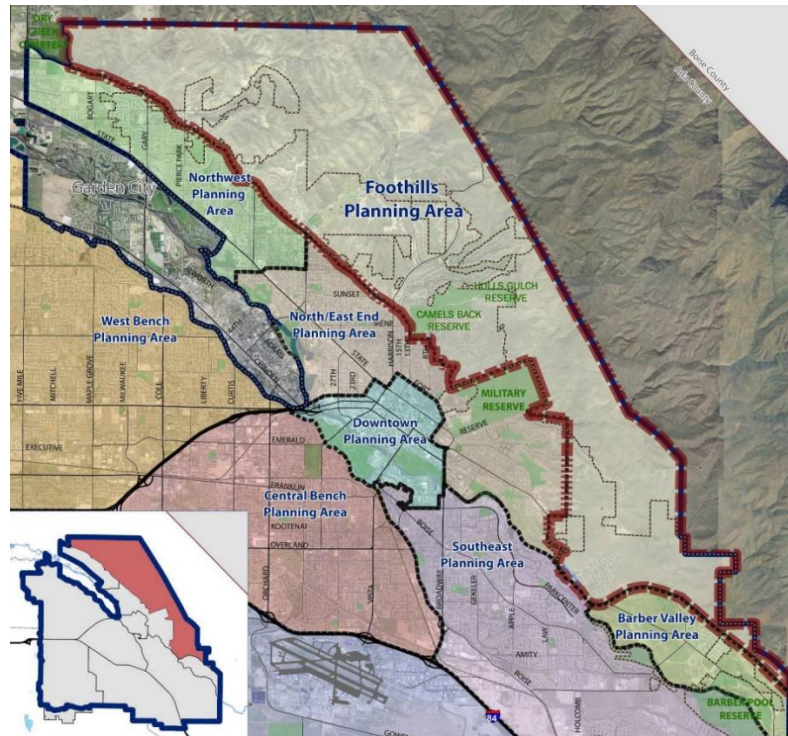


Figure 6.9. Foothills Planning Area Map

Forest Reserve or Recreation Area

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.

Fraternity or Sorority House

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.

Fulfilment Center

A facility that is used for the receipt of bulk products and the storage, separation, and distribution of those products on an individual basis to individual end-user consumers. A fulfilment center's primary function is moving a shipment from one mode of transport to vehicles with rated capacities less than 10,000 pounds, for delivery directly to consumers or end-users. This includes e-commerce activities.

G

Golf Course

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.

H

Hazardous Materials

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.

Hearing Examiner

A City employee, or a person or firm on contract with the City, who reviews specific types of applications under authority delegated by a City decision-making body and/or makes decisions on some or all of those types of decisions pursuant to criteria established by City Council.

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 Design Overlay Definitions

For the purposes of this Code, the following terms, phrases, and words shall have the meanings shown below. Additional definitions may be found in the Design Guidelines for Residential Historic Districts available in the Boise City Planning and Development Services Department. In the event of a conflict, the definitions in this Section shall apply.

Acquisition

The act or process of acquiring fee title or interest other than fee title of real property (including acquisition of development rights or remainder interest).

Addition

Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

Alterations

Any act or process that changes one or more exterior features of a building or site. Construction, replacement, or erection of new buildings, structures, objects, or improvements.

Certificate of Appropriateness

The document issued by the Historic Preservation Commission or staff for any and all alterations (not including ordinary repairs per Sections 11-05-05.2.C and 11-05-05.3.B within a designated Historic District.

Change in Zoning Classification

A change of zoning classification refers to any application for property located within a designated Historic District for a rezoning.

Contributing

A contributing building, site, structure, or object adds to the historic architectural qualities, historic associations, or archeological values for which a property is significant because (a) it was present during the period of significance and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or (b) it individually meets the National Register eligibility criteria.

Demolition

Any act or process that permanently, substantially destroys or razes any building, site, structure, or object in whole or in part.

Demolition by Neglect

Any act or omission that destroys or contributes to the destruction of a building.

Exterior Features

The architecture, color, size, location, type, style, kind, texture, design, general arrangement, and material of a building, site, structure, or object, including but not limited to, windows, doors, light fixtures, signs, appurtenant fixtures, streets, streetscapes, sidewalks, and landscaping.

Historic Design District (Referred to as "HD-O" Overlay)

Any area designated as such by ordinance that includes or encompasses such historic buildings, sites, structures, or objects as the Commission may determine to be appropriate for historic preservation. Such designated district or districts need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district. A district may include contributing, non-contributing, or undeveloped properties. Historic Districts may be residential, non-residential (commercial), or a combination of the two. The type of building within a combined district will determine if the commercial or residential guidelines apply.

Historic Easement

Any easement, restriction, covenant, or condition running with the land designed and designated to preserve, maintain, and enhance all or part of the existing state of places of historical, architectural, archeological, educational, or cultural significance.

Historic Institutional Use

Any school (public or private), church, or other place of religious worship, commercial service use, or office use within a Character Overlay District that is significant to the history, architecture, or culture of the district.

Historic Landmark

A district, site, building, structure, or object that possesses exceptional significance in history, architecture, engineering, archeology, or culture at the national, state, or local level and has been designated as an Historic Landmark through the public hearing process.

Historic Preservation

The research, protection, restoration, and rehabilitation of buildings, sites, structures, objects, or districts significant in the history, architecture, archeology, or culture of the state, its communities, or the nation.

Historic Structure

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. 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.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.

Improvement

A valuable addition made to property (usually real estate) or an amelioration in its condition, amounting to more than mere repairs or replacement, costing labor or capital, and intended to enhance its value, beauty, or utility or to adapt it for new or further purposes. Generally, buildings, but may also include any permanent structure or other development, such as a street, sidewalks, sewers, or utilities.

Integrity

The ability of a property to convey its significance; includes the concepts of location, design, setting, materials, workmanship, feeling, and association.

Inventory

A list of historic properties determined to meet specified criteria of significance.

National Register

The National Register of Historic Places. A list established by the National Historic Preservation Act of 1966 (as amended) and codified in 36CFR60 (as amended) of buildings, sites, structures, objects, and districts having local, state, or national historical, architectural, or cultural significance and considered worthy of preservation.

National Register Criteria

The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places. For further information on the criteria refer to the National Park Service website, National Register of Historic Places.

New Construction

Construction of an entire structure.

Noncontributing

A noncontributing building, site, structure, or object may possess characteristics that make it important to the overall historic character of the district such as, but not limited to, mass, scale, streetscape features, setbacks, or proximity to contributing structures. A building, site, structure, or object within a district may be noncontributing because (a) it was not present during the period of significance, (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or (c) it does not individually meet the National Register eligibility criteria. A noncontributing building, site, structure, or object that is within an Historic District remains subject to the Historic Preservation Ordinance. This classification has been designated through a survey and a formal hearing process.

Object (For Purposes of Historic Designation)

A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.

Period of Significance

The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for National Register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often a date of construction. The period of significance for each Historic District is described in each district's Statement of Significance, which is available for review at the Boise City Planning and Development Services Department.

Person in Charge

The person or persons possessed of the freehold, or a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any person directly or indirectly in control of an historic property.

Preservation

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work to make properties functional is appropriate within a preservation project.

Primary Façade

The elevation that most characterizes a structure's significance, usually the front elevation.

Property

Land and that which is erected or affixed to the land. Real property extends to rights issuing out of, annexed to, and exercisable within or about land.

Reconstruction

The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving building, site, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction shall be based only on documentation that clearly conveys the appearance.

Rehabilitation

The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

Restoration

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work to make properties functional is appropriate within a restoration project.

Secretary of the Interior's Standards for Rehabilitation

Standards that were written pursuant to federal law to ensure that work on historic buildings is done in such a manner that preserves the historical integrity of the building. For further information, refer to the Secretary of the Interior's standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and the Boise Residential and Commercial Design Guidelines.

Site (For Purposes of Historic Designation)

Location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structures.

Site Improvements

A modification to the grounds of a property not including the buildings or other significant structures, such as garages. Such improvements may include, but are not limited to fences, walls, greenhouses, storage sheds, light fixtures, hot tubs, swimming pools, fountains, barbeques, outdoor fireplaces, playground equipment, steps, or pavement.

Structure (For Purposes of Designation)

A functional construction made for purposes other than creating shelter, such as, but not limited to, a bridge, canal, or dam.

Structure (For All Other Historic Preservation Purposes)

Anything constructed or erected that requires permanent location on the ground or is attached to something having location on the ground. Structures may include, but are not limited to, buildings, platforms, framework, antennas, and prefabricated metal sheds.

Survey Form

A form that catalogues the age, style, contributing or noncontributing classification, address, location, photograph, date of inventory, name of surveyor, building permit history, and other relevant information as may be required by the Planning Director or Historic Preservation Commission for a building, site, structure, or object.

Temporary Features

Items that are erected or displayed for a limited amount of time, not to exceed 180 days at any one time unless otherwise approved by the Planning Director, which may include, but are not limited to: sidewalk cafe tables, chairs, fences, planters, umbrellas, and bicycle racks.

Temporary Structures

A structure with or without a foundation that is erected for a limited amount of time, not to exceed 180 days at any one time unless otherwise approved by the Planning Director, which may include, but is not limited to, playhouses and play equipment.

Hive

A structure intended for the housing of a bee colony.

Home Occupation, Adult or Child Daycare

A residential dwelling unit used as the primary residence of the daycare provider where one 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

An activity or occupation carried on within a dwelling by members of the household 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, that is not listed as a separate use in this Code.

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 does not include Medical Clinics, Convalescent or Nursing Homes, Boarding Homes, or any institution operating solely for the treatment of people with mental illnesses, people with substance abuse disorders, or other types of cases necessitating forcible confinement of patients.

Hotel or Motel

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 House," "Bed and Breakfast," "Shelter Home," except where separately permitted.

Household

A group of individuals functioning as a single and independent housekeeping unit or persons occupying a 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, Also referred to as Family.

I

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

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

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 also 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

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 also 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, brewing and distillation of liquor and spirits, 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.

J

Jail or Detention Facility

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.

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

That portion of a dwelling unit devoted to the preparation or cooking of food for the purpose of consumption by residents of the dwelling unit. Any food preparation area with cooking facilities (i.e., stove, oven, hot plate, and/or microwave oven, refrigerator, or sink) or with a natural gas stub or supply or a 220 volt electrical outlet/wiring is a kitchen for purposes of this Code.

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.

Legal Nonconforming Parcel, Structure, Use, Sign, or Site Feature

A nonconforming parcel, structure, use, sign, or site feature is one that was legally established but that is not in compliance with this Code due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain, or similar action, and not due to the actions of the property owner.

Lighting-Related Definitions

When used in the context of lighting regulations, the following terms shall have the following definitions.

Fixture

The assembly that houses the lamp(s) and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a ballast, a lamp, a reflector, or mirror and/or a refractor lens.

Floodlight or Spotlight

A light fixture or lamp that incorporates a reflector to concentrate the light output into a directed beam in a particular direction.

Footcandle

A unit of light or density when the foot is the unit of measure. One footcandle (fc) equals one lumen per square foot of area. When metric units are used, lux is the unit of light quantity. One lux equals one lumen per square meter of area. One footcandle equals 10 and seventy-six hundredths (10.76) lux. For the purpose of establishing consistent measurements, both footcandles and lux are measured at finished grade and at property lines when applicable.

Full-cutoff or Fully-shielded

A luminaire that allows no light emission above a horizontal plane through its lower light-emitting part.

Glare

Light emitted without a lens or through a clear lens from a luminaire with an intensity great enough to reduce a person's ability to see, and in extreme cases, to cause momentary blindness.

Kelvin

Designating or of a scale of thermodynamic temperature measured from absolute zero.

Lamp

A generic term for a source of optical radiation (i.e., "light"), often called a "bulb" or "tube". Examples include incandescent, fluorescent, high intensity discharge (HID) lamps, halide, and halogen, as well as light-emitting diode (LED) modules and arrays.

Light Trespass

The shining of more than one footcandle of light produced by a luminaire that shines beyond the boundaries of the property on which the fixture is located.

Lumen

A unit of luminous flux. One footcandle is one lumen per square foot.

Luminaire

The complete lighting system, that includes the lamp(s) and fixtures.

Nit

The amount of light output equal to one candela per square meter.

Livable Space

The area of any building used for living including but not limited to bedrooms, bathrooms, kitchens, living rooms, dining rooms, stairs, porches, breezeways, and recreation rooms. Enclosed storage, utility, and parking areas are not considered livable space.

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, Accessory

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.

Lot Buffer

The portion of a given lot, not covered by buildings, pavement, parking, access and service areas, or established as landscaped space for the purposes of screening and separating properties.

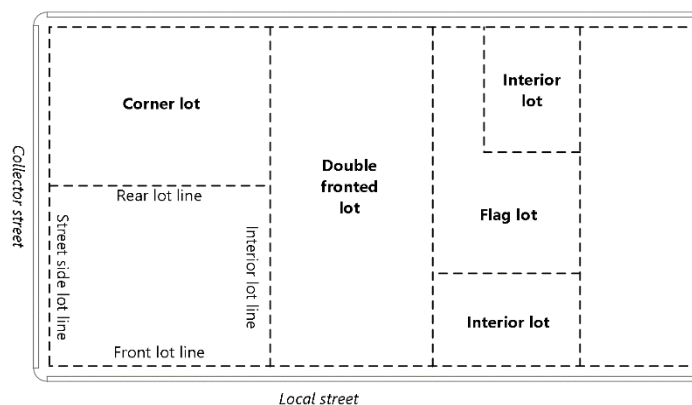


Figure 6.10. Lot Types

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, Double Fronted

A lot having frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, Flag

A lot that has access to a public right-of-way by means of a narrow strip of land.

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.

Lot Line/Property Line

The boundary property line encompassing a lot.

Lot, Nonconforming

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.

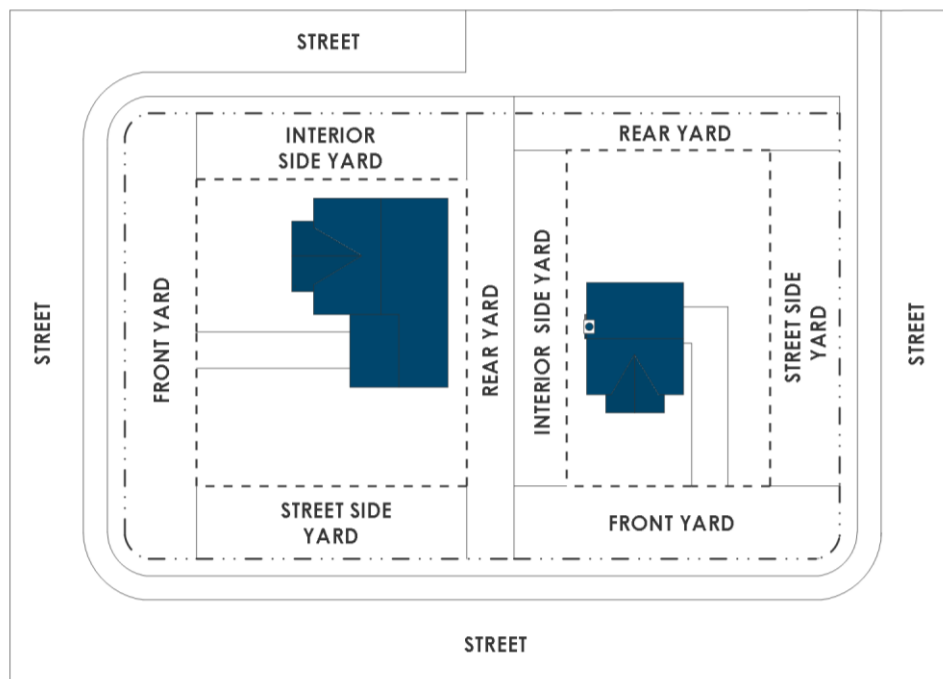


Figure 6.11. Reversed Corner Lot

Lot Line/Property Line, Front

The front lot line/property line for a regular-shaped interior lot is the property boundary that abuts a public or private street; the front lot line/property 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/property 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 abutting properties.

Lot Line/Property Line, Rear

The boundary line of a lot that is opposite and most distant from the front lot line/property line. For the purpose of establishing the rear lot line/property 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/property line, such rear boundary is the rear lot line/property line.
- B. In the case of a lot with a rear boundary formed by two or more lines, the rear lot line/property line shall be a line at least 10 feet in length within the lot that is furthest removed from and most parallel to the front lot line/property line.

Lot Line/Property Line, Side

Any property line that is not a front or rear lot line/property line.

M

Manufactured Home Community

Any site, lot, tract, plot, or parcel of land, designed for the placement of two or more Manufactured Homes or Tiny Houses, located and maintained for dwelling purposes on a permanent or semi-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

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, given the conditions of the site and pre-existing constraints. 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. The applicant's failure to request or receive comments from other governmental agencies or from other owners of interests in or under the property, or an applicant's unwillingness to address or resolve issues raised in comments from such parties, or the applicant's desire to obtain approvals more than would be required to address or resolve comments received from such parties, 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 providing, 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.

Mining and Extraction

Mining and extractive uses include the extraction of minerals, sand, gravel, and ores, and distribution of extracted materials, including but not limited to the excavation, processing, and distribution of clay, gravel, stone, and soils.

Mobile Home, Rehabilitated

Any mobile home constructed prior to July 15, 1976 (the Effective Date of the National Manufactured Housing and Safety Standards Act of 1974), that is 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.

Mortuary or Mausoleum

A facility in which deceased 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:

- 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.

Multiple-Family

Any household living use that contains more than four dwelling units.

N

National Association of City Transportation Officials (NACTO)

An association formed to exchange transportation ideas, insights, and practices and cooperatively approach national transportation issues.

Neighborhood Cafe

An establishment that serves a limited menu of food items and does not contain more than 2,000 square feet of gross floor area. Accessory uses to the service of food may include retail sales and the sale of non-alcoholic or alcoholic beverages.

Neighborhood Associations, Registered

Groups formed by residents and property owners within a specific geographic location who meet regularly. Registration is achieved by providing the City with organizational and contact information and

complying with the policy standards specified in the Boise City Policy Statement on Registered Neighborhood Associations.

Nonresidential Structure

A building other than a residential structure. The term includes, but is not limited to, buildings used for places of assembly, education, adult or child daycare, commercial, industry, maintenance, storage, manufacturing, government, hospitals, sanitariums, nursing homes, hotels, and motels.

Nucleus Colony

A smaller colony of bees 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

In addition to any provision of Boise City Code defining a nuisance, the following shall be defined as a public nuisance:

- A. Any condition or use of the property caused or permitted to exist which can be observed from the public right-of-way or other legal vantage point; and, considered detrimental or a threat to the environment, public health, safety, or general welfare.
- B. Abandoned, dismantled, wrecked, inoperable*, unlicensed, and discarded objects, equipment, or appliances such as, but not limited to, automobiles, motorcycles, off-road vehicles, recreational vehicles, trailers, boats, automobile parts, water heaters, furniture not designed for outdoor use, household fixtures, machinery, electronics, recyclables, 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; (*Inoperable, as it applies to automobiles, motorcycles, off-road vehicles, boats, recreational vehicles, and trailers means; (1) vehicle is mechanically inoperable; or (2) does not display current plates or tags.)
- C. Keeping unsanitary matter on the premises which may include septic material, including but not limited to discarded putrescibles, garbage, rubbish, refuse, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or other animals.
- D. Openly stored recyclable items that have not been recycled within 15 days of being deposited on the property unless they are retained in bags, boxes or similar containers which prevent scattering and denies access to rodents or other animals.
- E. Improperly stored 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;
- F. Prohibited waste, including fats, oils and grease; and (1) hazardous waste, including but not limited to, materials that contain corrosive, flammable, reactive explosive or toxic chemicals and compounds; and (2) medical wastes generated from any residential or business source, including, but not limited to hospitals, clinics, medical offices, surgical offices, dental offices,

- veterinarian offices, nursing homes and laboratories; and (3) dead animal remains in excess of 25 pounds;
- G. Open storage of solid wastes from construction activities when not contained in a manner that prevents it from being blown, washed or carried off the premises; and (1) not collected and properly disposed of or recycled prior to the end of the construction project;
 - H. Lumber (excluding lumber for the construction project on the property with any required Building Permits), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of 30 calendar days and visible from a public street, walkway, alley, or other public property;
 - I. Receptacles for trash, discarded materials, and recyclables that are:
 - a. Left in the front yard or on public rights-of-ways;
 - b. Placed at curbside prior to normal collection days;
 - c. Remain at the curbside for a period greater than 24 hours.
 - J. inches or more in height; and (3) could become a fire hazard; and weeds, grasses, and vines that are capable of being ignited and endangering habitable spaces, or immediate and adjoining properties; (1) cover 50 percent or more of any parcel; (2) average 12 inches or more in height
 - K. Piles of cuttings and discarded vegetation; and dead trees and shrubs that are capable of being ignited and endangering habitable spaces or immediate and adjoining properties.

Nuisance, Special

1. Attractive Nuisances: Any attractive nuisance dangerous to members of the public including, but not limited to, abandoned, broken, or neglected household appliances, equipment, and machinery, abandoned foundations or excavations deeper than 3 feet, or improperly maintained or secured pools and hot tubs.
2. Buildings; Illegal or Abandoned: Any buildings which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An "unreasonable state of partial construction" is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable city ordinances or building codes. The building or structure shall not be a nuisance if it is under active construction.
3. Buildings; Maintenance and Upkeep: Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including which is unfit for human habitation, or which is an unreasonable hazard to the health members of the public, or which presents an unreasonable fire hazard in the vicinity where it is located. Buildings with open and accessible entrances such as missing or unsecured doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass.

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 may include trade and vocational schools that are incorporated within an office development.

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.

Open Space

Natural areas, including, but not limited to, large areas consisting mostly of vegetative landscaping, or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include, but are not limited to forest reserves, recreation areas, golf courses, parks, playgrounds, and public plazas.

Open Space, Private or Common

An Open Space development amenity designed for passive or active recreation developed, designated, and protected for the benefit and private use of the employees or residents within a development.

Open Space, Public

An Open Space development amenity designed for passive or active recreation dedicated to the City or an entity approved by the City for the benefit and use of the public, which may include but is not limited to parks or trails required to be dedicated by this Code or otherwise offered to and accepted by the City for these purposes.

Other Communications Towers

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/Sales

Storage of materials, merchandise, stock, supplies, machines, equipment, vehicles (but not wrecked or inoperable vehicles), manufacturing materials, or personal property of any nature that are not kept in an enclosed structure regardless of how long such materials are kept on the premises.

Owner

The fee owner of the real property subject to this regulation. The owner may assign, in writing, application submittal 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.

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 using Sections, Townships and Ranges, or government lots.

Park or Playground

A parcel of land available to the public for passive and/or active recreation. Accessory uses can include community centers, museums, meeting rooms, classrooms, gift shops or cafes.

Park and Ride Facility

A parking lot or structure 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. Also referred to as surface parking.

Parking Lot, Temporary

A temporary parking lot for non-required parking such as where new building construction is planned.

Parking, Covered

A carport that provides full overhead protection from the elements with ordinary roof coverings.

Parking, Off-site

Any required parking space that is located on a different parcel as the principal use that the parking is intended to serve.

Parking, On-site

Any required parking space that is located on the same parcel as the principal use that the parking is intended to serve. Also referred to as parking off-street.

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.

Parking Space, Tandem

A parking space designed to accommodate two vehicles parked in tandem (one behind the other).

Partial Two-Story Structure

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 zoning district. It may also contain the second story within a pitched roofline located within a front gable and a maximum building height 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 up to two dormers with a maximum width of eight feet located on each side of the structure. It may also contain the second story within a pitched roofline within a side gable and a maximum building height 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.

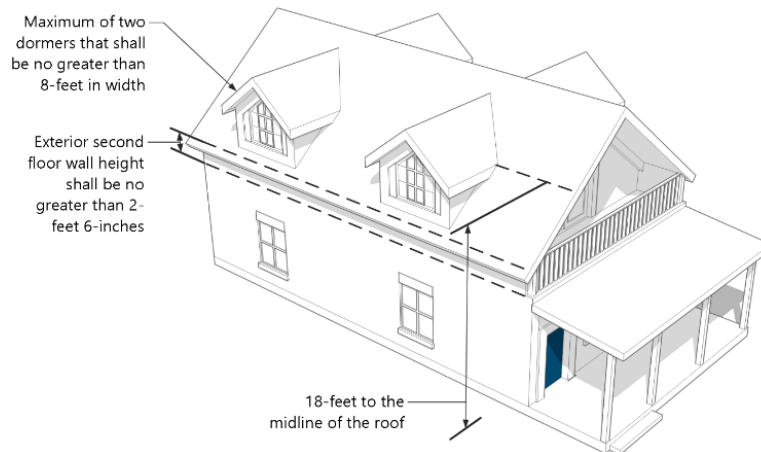


Figure 6.12. Example of a Second Story Contained Within a Pitched Roofline with Two Side Dormers



Figure 6.13. Example of Setbacks Increased by a Minimum of Three Feet

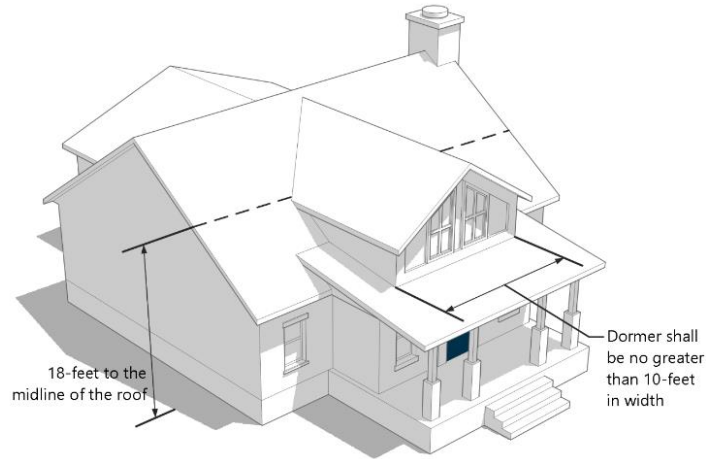


Figure 6.14. Example of a Second Story Contained Within a Pitched Roofline with Front and/or Rear Dormers

Party of Record

The applicant for a permit, approval, or decision under this Code, or an individual appearing on their own behalf, or an individual with written authority to speak on behalf of an organization, whose name appears in the list of persons attending a public hearing or who filed written comments or testimony that was entered into the record of a public hearing.

Pathway

Any sidewalk, multiuse path, route, lane, path, corridor, open space, or trail designated to move people by non-vehicular means for transportation or recreation, including micro-pathways.

Person

- A. For purposes of historic preservation regulations, an individual, firm, corporation, association, municipal corporation, or any other governmental or quasi-governmental agency, or group or combination thereof acting as a unit, except that nothing in Section 11-02-07.2.E 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.
- B. For all other purposes, a natural person, heirs, executors, administrators, or assigns, including a firm, partnership, or corporation, and its or their successors or assigns, or the agent of any of those listed.

Personal or Business Service

A facility that provides individualized services generally related to personal or business needs. Personal services 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/sewing shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, tattoo parlors and similar uses. Business services include but are not limited to architects, landscape architects and other design services; graphic designers; consultants; lawyers; media advisors; photography studios; and general offices.

Pet

Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to two goats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director. The keeping of any Rooster is prohibited unless allowed per the provisions of an established overlay zone or other approval by the city.

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.

Planning Director

The person appointed by the Mayor to be generally responsible for planning and zoning activities in the city and for the administration of this Code.

Planning and Zoning Commission (PZC)

The City of Boise Planning and Zoning Commission.

Plat, Condominium

A drawing or set of drawings showing the division of land and/or airspace in a building or that divides land into individual, common, or other forms of ownership and responsibility, as required by applicable Idaho law.

Plat, Subdivision 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 and the State of Idaho, 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.

Plat, Subdivision Preliminary

A preliminary plan of a proposed subdivision or a proposed condominium project that contains all elements required by this Code and provides sufficient information to allow for public review and evaluation.

Plat, Subdivision Vacation

A plat document that serves to modify all or part of an existing Final Plat, including, without limitation, changes to recorded streets, rights-of-way, easements, non-buildable parcels, and/or plat notes.

Power Plant

Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity for the production of power.

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.

Property Line Adjustment

A property line adjustment that establishes buildable parcels with boundaries that differ from existing buildable parcel and/or buildable lot boundaries.

Public Right-of-Way

All roads, streets, and alleys and all other dedicated rights-of-way, access, and utility easements of the City, the state, or any district, utility, or roadway.

Public Right-of-Way Accessibility Guidelines (PROWAG and ADAGA)

Federally approved accessibility guidelines for the design, construction, and alteration of pedestrian facilities in the public right-of-way, including both the Public Right-of-Way Accessibility Guidelines and the Americans with Disabilities Act Accessibility Guidelines.

Q

Quorum

A majority of the authorized members of a commission.

R

Recovery Residence

A dwelling where 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.

Recreation, Indoor

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

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 parks, batting cages, miniature golf, go-cart tracks, amusement parks, golf driving ranges, swimming pools, and other similar uses. Outdoor recreation includes establishments for weddings, birthdays, dances, celebrations, and other similar special events.

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. RVs include but are not limited to motor homes, converted buses, campers, 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. RVs are for the sole purpose of recreational use and shall 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 recreational stay.

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.

Redevelopment

The replacement, rehabilitation, or repurposing of existing improvements on an already developed site.

Religious Institution

A building or property that is used primarily for religious worship and related social, service, care, or educational activities.

Religious Institution, Uses Related to and Operated by

A use, including but not limited to a thrift store, homeless shelter, rectory, or similar use, that is operated by a religious institution and located on the same parcel or an adjacent parcel to the religious institution.

Renewable Energy Facility, Accessory

The use of land for:

- A. Solar collectors or other devices or structural designs that rely upon sunshine as an energy source and are 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 a beneficial use; or
- C. Wind energy systems that convert energy into a beneficial use.

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 Structure

A building used as a dwelling for one or more persons. The term also includes accessory use areas that are used in conjunction with and form an integral part of a residential structure.

Restaurant

An establishment primarily engaged in the preparation and retail sale of food. This definition does not include a Neighborhood Café, Tavern or Lounge or a Brewpub, Micro-distillery, or Micro-Winery.

Retail Sales

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: *Table of Allowed Uses*.

Retail Sales, Neighborhood

A facility or establishment with up to 2,000 square feet of gross floor area.

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 of 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, 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.

Roof

The outside top covering of a building or structure.

Runnel

A straight and usually grooved guide next to a stairway that allows individuals to use the without having to lift and carry their bicycle.

S

Safety Facility, Temporary

A facility that is designed to protect public safety on a temporary basis following the annexation of land, or in times of natural disaster or emergency circumstances, which may include but is not limited to a temporary station for fire protection and police protection, or a temporary facility to provide relief or

assistance services to the public or to a facility to provide services related to the administration or management of such relief or assistance services.

Sales and Leasing Office

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 of or buried in layers, compacted by earth or other approved methods, 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, preschool, 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

Any business or use 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 on a season basis.

Self-Service Storage

An outdoor area or a building(s) designed or used exclusively for storage of excess property of an individual, family, or business. Buildings are divided into individually accessed units and are not used for used for the day-to-day operations of any kind of businesses.

Service Station

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 restaurants, 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.

Sexually Oriented Business

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

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 experiencing homelessness.

Sidewalk Café

An area of the public right-of-way that is designed as a public sidewalk and on which the City permits private dining activities to occur, subject to limitations on design, facilities, and operations designed to protect public safety on remaining portions of the sidewalk area.

Sign-Related Definitions

Animated Sign

Any sign that uses movement or change of lighting to depict action or to create a special effect, scene, or the illusion of movement. A sign utilizing static message displays as allowed in Section 11-04-012.7.A(5) shall not be considered animated.

Awning Sign

The copy areas or separate background area attached to any shelter or decorative dimensional shape extending from the exterior surface of a building constructed of a supporting framework and covered with fabric or other non-rigid materials that may be raised or retracted to a flat position against the building, and that does not meet the definition of a Canopy Sign or Marquee Sign.



Banner

A flexible substrate on which copy, or graphics may be displayed.



Billboard

A sign, generally known as outdoor advertising, mounted on a permanent or semi-permanent structure and depicting information not directly related to the property on which it is placed. Except

where a specific distinction is drawn, the term “billboard” includes “poster panel” and “bulletin panel.”

Canopy Sign

The copy areas or separate background area attached to a permanent structure made of plastic, metal, or other substance and providing a roof-like shelter over a public or quasi-public right-of-way, and that does not meet the definition of an Awning Sign or Marquee Sign.



Center Sign

A freestanding sign on the site of a property with multiple tenants or occupants, and which is sized or designed to reflect the number of tenants or occupants on the property.



Construction Sign

Any sign that warns of construction or demolition, or that describes a construction project and indicates the builder, architect, or others involved.



Directional Sign

A sign that is designed and erected for the purpose of providing direction for pedestrian or vehicular traffic and that does not contain advertising.



Electronic Message Display

A sign or portion thereof capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means.



Freestanding Sign

A sign supported by a column, pole, foundation, pedestal, or other structure in or upon the ground.



Frame

A complete, static display screen on an electronic message display.

Frame Effect

A visual effect on an electronic message display applied to a single frame.

Height of Sign

The distance from the ground supporting the sign to the highest point of the sign. A landscape berm or other structure erected to support the sign shall be measured as part of the height. If the street to which the sign is oriented is higher than the grade at the base of the sign, then the street elevation shall be used in determining the permitted height.

Mansard

A sloped roof-like projection that is attached to an exterior building wall or façade.



Marquee Sign

The copy areas or separate background area attached to a structure over an entrance to a theater and similar entertainment use, that provides changeable copy that relates to the principal use in the building, and that does not meet the definition of an Awning Sign or Canopy Sign.

Monument Sign

A freestanding sign in which the sign face is supported by a continuous and solid base that extends the full length of the sign face or is supported by posts not more than six inches above the ground on which the sign face is mounted.



Nit

A luminance unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.

Projecting Sign

A sign other than a wall sign, which projects from and is supported by a wall of building or other structure.



Roof Sign

A sign erected on the roof of a building. Signs mounted on mansard façades, eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs.



Sign

Any device visible from a public right-of-way that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered signs.

Sign Area

The area comprising the message portion of a sign, not including the supporting structure or background. When computing sign area, only the face or faces, which may be seen from one direction at one time, shall be considered. It is computed by measuring the area enclosed by straight lines drawn around the extremities of the text or graphics.

Sign Background

The surface located within the sign frame perimeters, and behind the main object(s) of the messaging, to which the sign area portion is affixed. In instances of awning or canopy signs, the background is the framed flat portion of the structure facing the street.

Sign Structure

Any structure that supports a sign, including any decorative cover.

Temporary Sign

A sign that is used only temporarily and is not permanently mounted or embedded in the ground.

Wall Sign

A sign that is affixed to or painted on an exterior wall of a building or structure.



Window Sign

A sign affixed to the surface of a window that is intended to be viewed from the public right-of-way or from adjacent property.



Site Plan

A "to scale" drawing of a lot or lots showing the actual measurements, the size and location of any existing building(s) and new buildings to be erected, the location of the lot in relation to abutting streets, use and development of the land, and other such information.

Slaughterhouse, Rendering Plant

A facility for the slaughtering and processing of animals and refining of animal byproducts.

Small Lot or Residential Small Lot

For the purpose of Section 11-04-03.4, *Residential Small Lots*, a newly created lot less than 3,500 square feet in the Residential zoning districts or a Substandard Original Lot of Record in the Residential zoning districts.

Solid Waste Transfer Facility

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.

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

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 or 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. The issuance of a Conditional Use Permit shall not be considered an affirmative defense or consent by Boise City for any activity that is prohibited by federal or state law, or any other prohibition not a part of this Section of the Code.

Street

The public right-of-way or private property and related improvements that provides individuals utilizing vehicles, non-motorized vehicles, and pedestrian walkways to adjacent properties. The term "street" also includes the terms highway, thoroughfare, thruway, road, roadway, and other such terms.

Street, Arterial

Any street as designated by the ACHD, the Idaho Transportation Department and/or Community Planning Association of Southwest Idaho (COMPASS), whether existing or proposed, with a primary purpose of carrying individuals using vehicles, non-motorized vehicles and pedestrian walkways through an area and designed with limited access to abutting property.

Street, Collector

Any street, as designated by the ACHD, existing or proposed, with a primary purpose and design to intercept individuals using vehicles, non-motorized vehicles, and pedestrian walkways to travel from the local street system and carry it to the nearest arterial street, while provided limited access to abutting property.

Street Frontage

Distance measured along the property line that fronts upon a street. To constitute frontage, the subject street shall provide access to abutting property.

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 a collector or arterial street (as determined by the current Ada County Highway District Master Street Map), designed to provide access to abutting property and principally serves local people traveling from one place to another using vehicles, non-motorized vehicles, and pedestrian walkways.

Street, Private

A street approved by the City Council in conformance with the subdivision regulations of this Code that provides individuals using vehicles, non-motorized vehicles and pedestrian walkways for 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 public right-of-way that provides individuals using vehicles, non-motorized vehicles and pedestrian walkways to adjacent properties, the dedication of which has been officially accepted by the Ada County Highway District or the Idaho Transportation Department (ITD).

Structure

For purposes of applying the regulations in this Code, excluding those related to floodplain, wireless communication facilities, and historic preservation, anything constructed or erected, that requires location on the ground or is attached to something having location on the ground including, but not limited to buildings, platforms, framework, antennas, portable carport or cover, prefabricated metal, or plastic sheds, tents and fences and walls requiring a building permit.

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.

Substandard Original Lot of Record

Any single recorded platted lot held in one ownership that was of record and a legal buildable lot or parcel before August 16, 1966, or at annexation, whichever occurred first, and that has not had subsequent boundary changes but that does not meet a minimum width and minimum area permitted by this Code.

T

Tavern or Lounge

An establishment primarily engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that may or may not serve food.

Tiny Home on Wheels

A transportable accessory structure built on a chassis with hitch and wheels with a footprint of less than four hundred (400) square feet in size that provides independent living facilities, including provisions for living, sleeping, eating, cooking, and/or sanitation, and has been certified to meet the required NOAH+ building standards or other approved standards adopted by the City of Boise. This use does not include Recreational Vehicles.

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, 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.

Trade or Vocational School

An institution or facility conducting instruction in the technical or trade skills including, but not limited to, 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 Facility

The property, equipment, and improvements to provide mass transportation for passengers or to provide for the movement of people, including Park and Ride Facility stations, transfer stations, parking lots, and skyways.

Transit Terminal

A passenger terminal or loading facility for a privately or publicly owned transit system, including a private shuttle service.

Tree, Class I

Small trees that do not generally reach over 25 to 30 feet in height and width. Class I trees are suitable for under power lines or smaller planting areas. Refer to the *Treasure Valley Tree Selection Guide* for more information.

Tree, Class II

Trees usually considered medium sized that do not generally reach over 30 to 40 feet in height and width. Class II trees are planted for their shade and used in site landscape and landscape buffer plantings. Refer to the *Treasure Valley Tree Selection Guide* for more information.

Tree, Class III

Trees that are long lived and attain a large height and trunk diameter of up to 70 or more feet in height and width. Refer to the *Treasure Valley Tree Selection Guide* for more information.

Tree Protection Zone

An area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees. The tree protection zone shall be a minimum of one foot per caliper inch measured of diameter at breast height. For example, a tree with a 20 inch diameter will have a tree protection zone radius of 20 feet.

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.

U

Undeveloped Land

Vacant land with no improvements or infrastructure, or with improvements and/or infrastructure use only for irrigation purposes.

Unimproved Property

Land that is vacant or has not been developed or modified and lacks basic services and infrastructure, such as potable water, electricity, roads, and/or buildings.

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.

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 regulated by the Idaho Public Utilities Commission including major water storage reservoirs, principal use renewable energy facilities, and similar uses that are larger than those 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 regulated by the Idaho Public Utilities Commission including minor wells, pump houses, principal use renewable energy facilities, 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.

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 used for commercial use or constructive equipment.

Vehicle Fleet Operations Center

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

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, auto body repairs, framework, welding, and major painting.

Vehicle Repair, Minor

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

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 8,000 pounds, semi-trucks and/or trailers, boats, recreational vehicles, and other large equipment.

Vehicle Sales, Rental, and Leasing, Light

An establishment that specializes in the sale, display, lease, rental, or indoor storage 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.

Vehicle Wash

A facility for the cleaning of automobiles, providing either self-serve facilities, automated machines, or employees to perform washing operations.

W

Wholesale or Warehouse, Small

A facility 100,000 square feet or smaller in building and/or use area 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, or selling merchandise to such individuals or companies; or the storage of merchandise, stock, vehicles, furnishings, supplies, and other trade or business material.

Wholesale or Warehouse, Large

A facility greater than 100,000 square feet in building and/or use area 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, or selling merchandise to such individuals or companies; or the storage of merchandise, stock, vehicles, furnishings, supplies, and other trade or business material.

Wildland-Urban Interface (WUI-O)-Related Definitions

Defensible Space

A natural or manmade area, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

Fire-Resistant Vegetation

Vegetation that is resistant to the spread of fire, which generally includes but is not limited to, plants with a high-water content and supple, moist leaves, and plants with water-like sap such as birch and spruce trees. This definition generally does not include resinous plants such as spruce, pine, juniper, and fir; plants with leaves and wood containing waxes, terpenes, or oils; plants with stiff and leathery leaves, and plants with fine lacy leaves.

Flame Spread Index

A comparative measure, expressed as a dimensionless number, derived from visual measurements of the spread of flame versus time for a material tested in accordance with ASTM E 84 or UL 723. Flame spread index ratings and ranges are:

- A. Class A - (0 - 25);
- B. Class B - (26 - 75); and
- C. Class C - (76 - 200).

Ignition-Resistant Building Material

A building material that resists ignition or sustained flaming combustion sufficiently so as to reduce losses from wildland-urban interface conflagrations under worst-case weather and fuel conditions with wildfire exposure of burning embers and small flames.

Non-Combustible Building Material

A building material, other than a surface building material, that in the form in which it is used, is either: material of which no part will ignite and burn when subjected to fire, including but not limited to any material conforming to ASTM E 136; or a material having a structural base of non-combustible material with a surfacing material not over 1/8 inch thick, and with a flame spread index of 50 or less.

Wind Energy System

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.

Wireless Communication Facility-Related Definitions

Antenna

An apparatus designed for the purpose of emitting radiofrequency (RF) signals, to be operated or operating from a fixed location for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.

Antenna Equipment

The equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when co-located on a structure, is added to a structure at the same time as such antenna.

Broadcasting or Recording Studio

A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

Eligible Facilities Request

An application for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station pursuant to Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, as interpreted by the Federal Communications Commission.

Lattice Tower

A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

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 no 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.

Monopole

A support structure that consists of a single pole sunk into the ground and/or attached to a foundation.

Structure

For purposes of Section 11-03-03.4.D, *Wireless Communication Facilities*, a pole, tower, base station, or structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless services (whether on its own or comingled with other types of service).

Strand-Mounted Facility

An attached wireless communication facility installed upon a cable strand in coordination with a utility provider.

Transmission Tower

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.

Wireless Communications Facility (WCF)

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications or providing 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. A WCF is composed of two or more of the following components:

- A. Antenna;
- B. Support structure;
- C. Equipment enclosure;
- D. Security barrier.

Wireless Communication Facility, Attached (Attached WCF)

An antenna array attached to an existing or replaced structure without exceeding the base height of the zoning district. Such structures shall include but are not limited to utility poles, signs, steeples, cupolas, water towers, and antennas attached to the exterior façade of a building.

Wireless Communication Facility, Freestanding (Freestanding WCF)

A WCF that includes a new support structure or otherwise is not an Attached WCF as defined above.

X

Xeriscaping

Xeriscaping incorporates water-conserving designs that take into account soil and drainage factors, microclimates, grouping of plants with similar water requirements, efficient irrigation systems, native vegetation, paving permeability, and low-water-using and drought tolerant vegetation. Xeriscape landscaping is not boulders, rocks, gravel, or any artificial plants nor shall "xeri" be interpreted to mean zero.

Y

Yard

An open space on the same lot with a primary 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/property line and at right angles to the lot line/property line to the nearest building façade of a primary or accessory building regardless of whether the distance between the lot line/property line and building façade is larger than the required setback.

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

An administrative review for a Type 2 Planning and Zoning application, that is issued separately by the City, certifying that the building, structure, use, or occupancy specified is in compliance with this Code and prior development approvals.

Zoning Code

The latest version of that ordinance adopted by City Council including a consolidated set of zoning and subdivision controls for the city, as amended from time to time by City Council, also referred to as "this Code."

Zoning Compliance Review

An administrative review for Type 1 Planning and Zoning applications that certifies that the building, structure, use, or occupancy specified is in compliance with this Code and prior development approvals.

Chapter 11-07 Adopted Specific Plans

11-07-01. Harris Ranch

1. Interpretation of District

A. Specific Plan District Established

The area of the city commonly known as Harris Ranch is identified as the Harris Ranch Specific Plan District, as shown on the map hereinafter included by reference. The legal description of the Harris Ranch Specific Plan District is attached to Boise Ordinance No. 6626, adopted December 11, 2007 (the "Effective Date"), and hereinafter included by reference.

B. Boundary of Specific Plan District Established

The location and boundaries of the Specific Plan District established for Harris Ranch is shown on the map entitled "Specific Plan District - Harris Ranch, Boise City, Idaho," which is hereby incorporated into and made a part of this Section by reference. The original copy of the Harris Ranch Specific Plan Map shall be filed with the City Clerk and the Planning and Development Services Department. The Harris Ranch Specific Plan Map, together with all notations, references and other information shown thereon, and all amendments thereto, are a part of this Chapter and shall have the same force and effect as if the Harris Ranch Specific Plan Map were fully set forth herein.

C. Interpretation of District Boundaries

Wherever uncertainty exists as to the boundary of any portion of Harris Ranch, the following rules shall apply:

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

(2) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Harris Ranch Specific Plan Map.

(3) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Harris Ranch Specific Plan Map.

2. Purpose

The purpose of this Chapter is to define general procedures for review of land use proposals within the Harris Ranch Specific Plan District. All proposed uses and development within the District will require review for compliance of the use or development with the Harris Ranch Specific Plan, to be known as a "Notice of Specific Plan Compliance."

3. Conformity Required

Except as otherwise provided herein, land, buildings, structures and uses in the Harris Ranch Specific Plan District shall hereafter be used and developed in accordance with the Harris Ranch Specific Plan 2007, Volumes I and II (the "Harris Ranch Specific Plan"), the regulations herein established for the Harris Ranch Specific Plan District known as the Harris Ranch Specific Plan

Code (hereinafter sometimes referred to as the "Code") and, as applicable, Section 11-04-05.4, *Hillside Development Standards*, and Section 11-02-07.3.G, *HS-O: Hillside Development Overlay*, in force and effect on the effective date of the Harris Ranch Specific Plan Amendment 7, as may be amended by applicable state and/or federal laws or regulations (collectively, the "Ancillary Ordinances"), which Ancillary Ordinances are reprinted in their entirety below. The Harris Ranch Specific Plan and the Ancillary Ordinances are hereby incorporated into and made a part of this Chapter by reference. The Ancillary Ordinances, as the same shall apply to Harris Ranch, shall not be amended, except as may be required by applicable state or federal laws or regulations, for a period of eighteen years from the Effective Date.

4. Administration

A. Harris Ranch Review Board

(1) The Harris Ranch Review Board (hereinafter sometimes referred to as the "Board") is comprised of members and/or representatives of Harris Family Limited Partnership and private owners within the Harris Ranch Specific Plan District. Restrictive use covenants and design guidelines will be prepared by Harris Family Limited Partnership, its successors and/or assigns, to control, without limitation, architecture, landscape, walls, parking, signage, and lighting. The restrictive use covenants and design guidelines meet at least the minimum standards for, without limitation, architecture, landscape, walls, parking, signage, and lighting contained in the Code. The Board administers and enforces the restrictive use covenants and design guidelines.

(2) All proposed development within the Harris Ranch Specific Plan District shall be subject to review by the Harris Ranch Review Board prior to an applicant's submission for City approval. The Board shall provide the City with a synopsis of that review and a recommendation. A list of the information required by the Board prior to the Board's review is contained in the Board's restrictive use covenants and design guidelines, a copy of which can be obtained from the Board, or the Board's designee.

B. Planning Director

The Planning Director, or designee, shall perform the duties and functions as provided in the Code. These duties and functions include the day-to-day and long-range administration of the Code, the acceptance and processing of all permit applications, and confirmation of compliance with the Harris Ranch Specific Plan and Code.

C. Design Review Commission

The Design Review Commission is authorized to review and hear appeals of decisions made by the Planning Director in connection with design review within the Harris Ranch Specific Plan District. The Design Review Commission shall review information provided by the Planning Director and other available sources.

D. Planning and Zoning Commission

The Planning and Zoning Commission is authorized to hear appeals of decisions made by the Planning Director or the Design Review Commission, as applicable, in connection with

the Harris Ranch Specific Plan District. The Planning and Zoning Commission shall review information provided by the Planning Director and other available sources.

E. City Council

The City Council is authorized to hear appeals of decisions made by the Planning and Zoning Commission in connection with the Harris Ranch Specific Plan District. The City Council shall review information provided by the Planning Director and other available sources.

F. Annual Review

The Applicant is required to attend and document meetings with Planning Director on a yearly basis to analyze: 1) administration of plan; 2) trip generation and traffic service levels on surrounding roads; 3) the relative mix of land uses; and 4) infrastructure related improvements. Specific issues to be addressed are the Boise School District elementary school site and agreement; development and installation of the Greenbelt and other public trails included in the Harris Ranch Specific Plan; and the implementation and performance of the Transit Management Plan. The meeting will require other commenting agency involvement as needed. If amendments to the Specific Plan are deemed necessary through this periodic review, then the Harris Ranch Applicant or Boise City may request revisions to the Specific Plan through an amendment process.

(1) Phasing Plan Modifications

The phasing plan described in Section (A)(2)(d)(vi) of Volume I of the Harris Ranch Specific Plan (2010) (the "Phasing Plan") is the current best estimate of the expected orderly progression of development and infrastructure improvements throughout the life of the project. Because infrastructure availability may impact public-service facilities, substantial consistency with the Phasing Plan is an element of the findings for ongoing permit approval. Future on-the-ground conditions and considerations may dictate modifications to the Phasing Plan. The Planning Director may make staff-level allowances to the Phasing Plan upon application by the Harris Ranch Applicant, contingent upon the following findings:

- (a)** That all affected public service providers have been notified of the proposed Phasing Plan modification and the proposed Phasing Plan modification will not adversely affect public service providers. Additional affected property owners may be noticed at the Planning Director's discretion;
- (b)** That an alternative schedule has been presented to the Planning Director for when the infrastructure will be provided; and
- (c)** That the proposed modification complies with and supports the goals and objectives of the Harris Ranch Specific Plan.

5. Administrative Review - Use

A. Uses Specified Within the Harris Ranch Specific Plan

(1) The City Council, having reviewed and approved the Harris Ranch Specific Plan, has delegated to the Planning Director the authority to administratively review every application for a Notice of Specific Plan Compliance or modification to a Notice of Specific Plan Compliance. Every application seeking confirmation of conformity with

the Code and/or a permit affecting the use of land or of a structure and/or a request for a variance shall be deemed to be also an application for a Notice of Specific Plan Compliance. The Planning Director shall ensure that the proposed use complies with the Harris Ranch Specific Plan and the standards described in the Code. The determination of the Planning Director shall be a final decision. The findings to be made by the Planning Director are as follows:

- (a) The land use is consistent with the land use matrix, prototypical block plans and special use standards.
- (b) The land use, supporting infrastructure and other elements are consistent with the improvements and timelines identified within the phasing plan.
- (c) The land use and related transportation improvements are consistent with the circulation plan and Ada County Highway District (ACHD) recommendations.
- (d) The land use includes all public facilities required in the Community Services Plan.
- (e) Harris Ranch has maintained an annual monitoring review as required by Section 11-07-01.4.F, *Annual Review*.

(2) Upon such determination that the proposed use is in compliance with the Harris Ranch Specific Plan, the Planning Director shall issue a Notice of Specific Plan Compliance.

B. Uses Not Specified Within the Harris Ranch Specific Plan

(1) Uses not specified in the Harris Ranch Allowed Uses, pages 51 to 62 of the Harris Ranch Specific Plan, are prohibited unless determined by the Planning Director to be similar in nature to those specified as allowed uses herein. The Planning Director shall give due consideration and deference to the decision of the Harris Ranch Review Board, for the purpose of determining whether a use complies with the Harris Ranch Specific Plan. Upon such determination the Planning Director shall issue a Notice of Specific Plan Compliance. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code. The findings to be made by the Planning Director in determining compliance of such proposed uses with the Harris Ranch Specific Plan are as follows:

- (a) That the location of the proposed use is compatible to other uses in the general neighborhood.
- (b) That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity.
- (c) That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping, and such other features as are required by the Harris Ranch Specific Plan and Harris Ranch Specific Plan Code.
- (d) That the proposed use will not adversely affect other property in the vicinity.

(e) That the proposed use is in compliance with and supports the goals and objectives of the Harris Ranch Specific Plan.

(2) Whenever there is doubt as to the classification of a use not specifically referenced in the Harris Ranch Allowed Uses, the determination shall be made by the Planning Director. Such determination shall be based upon a recommendation by the Harris Ranch Review Board, a detailed description of the proposed use and such other information as may be required by the Planning Director. The Planning Director shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the Harris Ranch Specific Plan District, and shall determine whether the use is, in all essentials, pertinent to the objectives of the Code and of the same character as a use listed as allowed in the Harris Ranch Specific Plan District. Upon such determination and the findings provided above, the Planning Director shall issue a Notice of Specific Plan Compliance. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code.

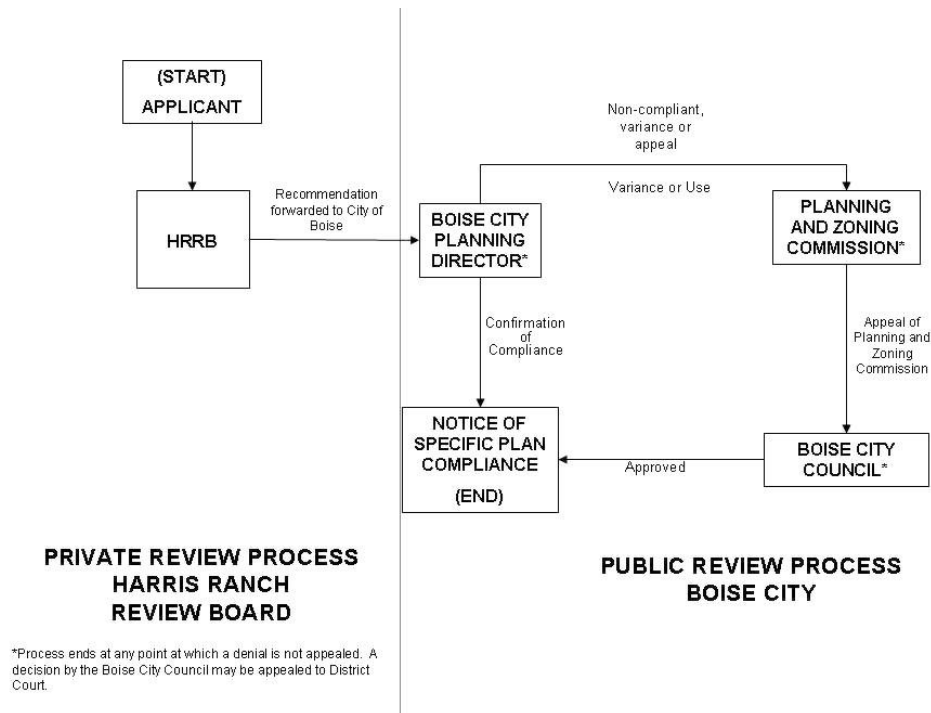


Figure 7.1: Harris Ranch Specific Plan Code Process

C. Application

The Planning Director is authorized to review an application against all required approval standards and/or criteria for allowed uses and designs, and issue final approval or withhold final approval. Every person seeking a Notice of Specific Plan Compliance as herein defined shall submit an application to the Planning Director on a prescribed form, accompanied by the appropriate filing fee as approved by the City Council. Application forms shall be

accompanied by supporting information as defined by the application form and as required by the Code and will include the recommendation of the Harris Ranch Review Board.

D. Fees

The Planning Director shall maintain a current list of fees for all applications. The fees for zoning applications may be revised only by the City Council. Current fee schedules may be obtained from the Planning Director.

E. Review Period

The Planning Director shall approve or deny any application requested within 30 calendar days of receipt and acceptance of a complete application and shall submit the findings, conclusions, and any required conditions in writing to the applicant. The Planning Director's decision shall be based upon the findings required within the applicable Sections of the Code. For good cause, such as, for example, receipt of review from other applicable governmental entities, the Planning Director may extend the time period for review to 45 days.

F. Term

Unless otherwise stated, the term of a Notice of Specific Plan Compliance shall not exceed 18 months, unless, upon request of the holder, the Planning Director grants successive extensions or renewals for such term or period not to exceed one year for each such extension or renewal. The Planning Director may also fix the time or period within which the permit shall be exercised or perfected, otherwise the approval shall lapse. A maximum of three such extensions may be granted by the Planning Director. Within this period, the holder of the permit shall:

- (1) Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets, or building foundations; or
- (2) Commence the use permitted by the administrative approval in accordance with the conditions of approval.

G. Revocation

Upon violation of the Notice of Specific Plan Compliance issued pursuant to Section 11-07-01.5.A of the Code, the Planning Director may cause the certificate to be revoked. Upon violation of any of the conditions or terms of the Notice of Specific Plan Compliance issued pursuant to Section 11-07-01.5.A of the Code, the Planning Director may cause the certificate to be revoked.

6. Administrative Review-Design

A. All structural and open space improvements except single family detached homes will be subject to design review approval. The Planning Director, while giving due consideration and deference to the decision of the Harris Ranch Review Board, shall make such investigations as are necessary to compare the nature and characteristics of the proposed design with the design guidelines of the Harris Ranch Specific Plan and Code, and shall determine whether the design is, in all essentials, pertinent to the objectives of the Plan and Code for the Harris Ranch Specific Plan District. The Planning Director may allow up to a twenty percent variation from the design

guidelines if it has been approved by the Harris Ranch Review Board and if the Planning Director Agrees. Upon such determination the Planning Director shall issue a Notice of Specific Plan Design Review Compliance. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code. The findings, as applicable, to be made by the Planning Director in this regard are as follows:

- B.** That the site plan minimizes impact of traffic on adjacent streets and that the pedestrian and bicyclist have been provided for by requiring sidewalks, paths, micro-pathways, landscape, and safe parking lot design as appropriate.
- C.** That the proposed site's landscape screens are adequate to protect adjacent uses, provide sound and sight buffers and can be adequately maintained; slope and soil stabilization have been provided for; and, that unsightly areas are reasonably concealed or screened.
- D.** That on-site grading and drainage have been designed to minimize off-site impact and provide for erosion control.
- E.** That signage for any proposed project provides for business identification and minimizes clutter and confusion on and off the site and is in compliance with Harris Ranch Specific Plan Code.
- F.** That utility service systems do not detract from building design and that size and location of all service systems are appropriate and maintainable.
- G.** The mass of the building(s) or structure(s) is consistent with existing development in the immediate surrounding area and with the allowed use proposed by the applicant.
- H.** The height to width relationship of new structures is compatible and consistent with the architectural character of the area and the proposed use.
- I.** Openings in the façade are consistent with the architectural character of the area (for example, balconies, bays, and porches are encouraged with a minimum of monotonous flat planes), to provide shadow relief.
- J.** Exterior materials are appropriate as they relate to building mass, shadow relief and existing area development; color is used to provide natural blending of materials with the surrounding area, shadow relief and building use; there is functional appropriateness of the proposed building design as it relates to the proposed use.
- K.** Multiple-family building(s) are designed to include features that add to the visual and aesthetic appearance of the structure and prevent a sterile, box- like appearance; specific design features have been added to enhance the physical appearance of such multifamily residential buildings.
- L.** Commercial buildings adjacent to residential uses are designed to minimize impacts on adjacent (including across a street or alley) properties.
- M.** Design is compatible with design guidelines of the Harris Ranch Specific Plan.

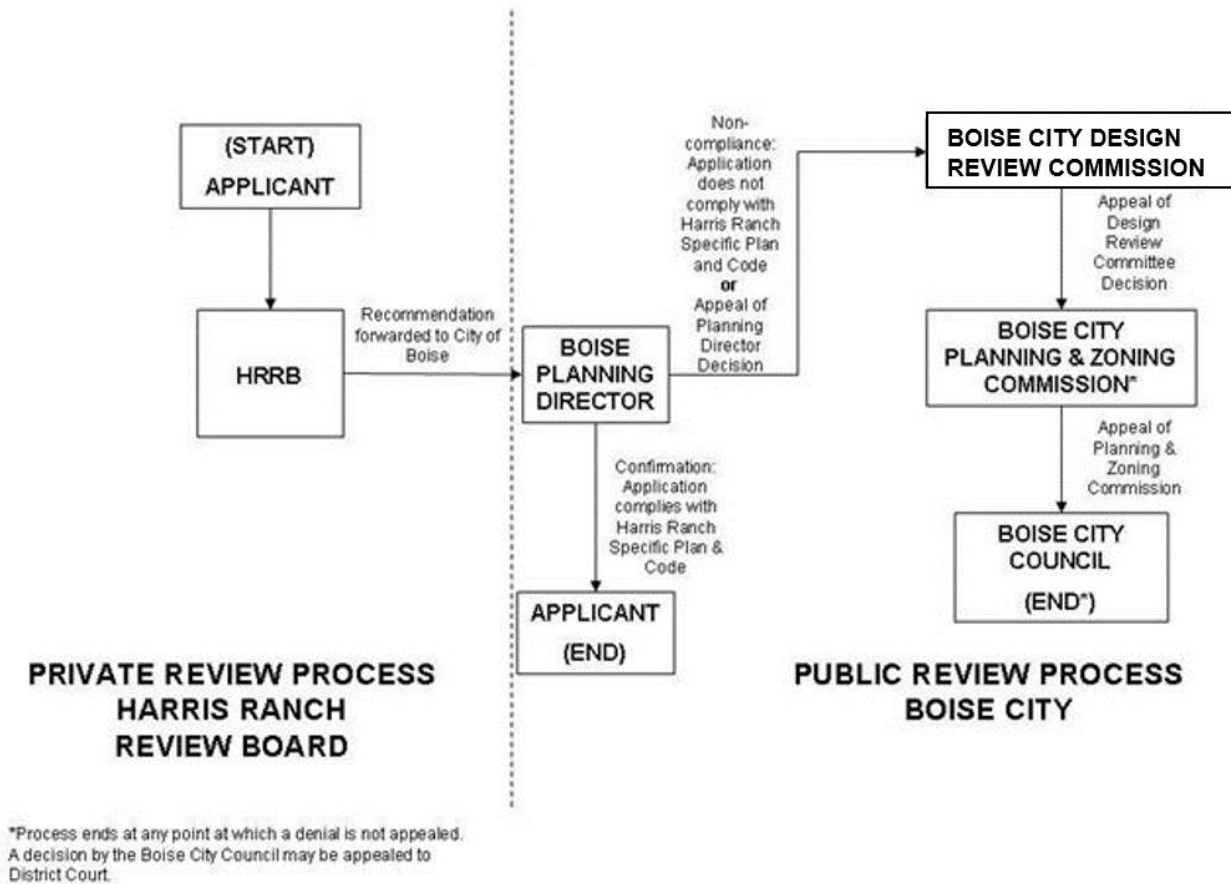


Figure 7.2: Design Review Process

7. Hearing Process

A. Procedure Before the Review Body

For purposes of this Section, the Design Review Commission, the Planning and Zoning Commission, and the City Council, as applicable, are referred to as the "Review Body." The Planning Director shall provide the Review Body with information and technical assistance. The Review Body shall prepare and conduct public hearings as required by the terms of the Code according to a schedule determined and approved by the Planning Director. The timing of all hearings and the public notice in connection with such hearings shall be in conformity with the Boise City Code and with the Local Land Use Planning Act.

8. General and Specific Use Standards

A. Purpose

These standards are designed to ensure that development within the Harris Ranch Specific Plan District will produce an environment of stable, desirable character that is harmonious with existing and future development and is consistent with the intent and purpose of the Harris Ranch Specific Plan and Harris Ranch Specific Plan Code. Provided that the Planning

Director may allow up to a twenty percent variation from General Standards if it has been previously approved by the Harris Ranch Review Board and the Planning Director agrees.

B. General Standards

(1) Minimum setbacks are outlined in the summary found on each Block Prototype (see pages 65 - 107 of the Harris Ranch Specific Plan). More restrictive setbacks may be established through the Harris Ranch Design Guidelines prepared by Harris Family Limited Partnership, its successors and/or assigns, and enforced by the Harris Ranch Review Board.

(2) Setbacks shall be measured from the exterior wall of a building or garage face to the setback line. The front and corner setback lines shall be the back of sidewalk or back of curb if no sidewalk exists, or edge of pavement if no curb exists.

(3) Residential front loading driveway length shall be 20 feet minimum beyond the sidewalk line to allow vehicles to park completely outside the vehicle corridor or pedestrian streetscape. Alley loaded driveway length from garage door to the alley shall be 6 feet or greater than 20 feet for side-loaded garages, 20 feet of full-width driveway shall be provided behind the sidewalk.

(a) Bay windows, architectural appendages, fireplaces, cabinets designed to screen utility meters and similar architectural features may encroach no more than two feet into the applicable yard, provided they remain at least three feet from the side lot lines and do not increase the living space within a dwelling unit. The maximum width of such structures shall not exceed six feet.

(b) Roof overhangs, cornices and similar architectural features may encroach no more than two feet into the applicable yard.

(c) Balconies shall maintain the setback required for the structure to which the balconies are attached and may not extend into the required yard.

(d) Detached accessory structures including those such as pool houses, gazebos and storage structures may be located in the side or rear yard. Such accessory structures shall be located at least five feet from the lot line.

(e) Attached patio covers, awnings, trellises and similar structures may encroach no more than three feet into the front yard and may encroach into the side and rear yard provided they remain at least three feet from the applicable lot line. Such structures shall remain open without the use of siding, screens, or other enclosures. Enclosed structures shall conform to the setback standards for the principal dwelling unit.

(f) In-ground swimming 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, provided a minimum 15 feet setback is maintained from the pool apron or splash guard. Decks and other features that are more than two feet above grade shall be located outside of yards (within the building envelope). Above ground pools are not allowed in single-family townhouse, or four - eight unit buildings.

(g) Courtyard walls up to 36 in. in height may exist within the front and corner side yard setbacks so long as they remain a minimum of three feet from the lot line.

(h) Height exceptions to allow form elements that are uninhabited such as turrets and towers. Habitable roof gardens are accepted from height limitations including accessory elements of such roof gardens. Accessory elements include, without limitation, open-sided pergolas, pavilions, and trellises, along with enclosed garden equipment spaces measuring a maximum of 100 square feet. Such accessory elements shall not exceed 16 feet above the height limit and be comparable in color and materials to the primary building. Mechanical and elevator-related equipment shall be screened as provided further herein.

(i) **Common Driveways**

The Planning Director shall approve common driveways that meet all of the following requirements:

- i. The common driveway provides access to no less than two lots or parcels, and no more than six lots that are each occupied with a single-family or a townhouse dwelling unit.
- ii. The length of the common driveway shall not exceed 80 feet and shall not be less than 10 feet wide for the entire length of the common driveway.
- iii. Unless limited by geographical features, all lots or parcels that abut a common driveway shall be accessed from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way.
- iv. A perpetual ingress/egress access easement shall be provided that shall include a requirement for a concrete or asphalt paved surface and provisions for maintenance of the common driveway including any required landscape. The required easement shall be placed on record prior to the issuance of any certificate of occupancy for any lot utilizing the common driveway. If a Final Plat or Record of Survey is associated with the creation of a common driveway, the easement area shall also be clearly depicted on the plat or survey.
- v. Required off-street parking shall be set back a minimum of three feet from the edge of the common driveway, zero feet for parallel parking and 13 feet for perpendicular parking.
- vi. The use of the common driveway benefits the design of the driveway and reduces the number of accesses onto the public street.

(4) Transportation Standards

- (a) A traffic impact study may be required if there is a significant change in the current land use plan;
- (b) A turn lane warrant analysis may be required on a case-by-case basis depending on the proposed land use. Contact ACHD to determine if a turn lane analysis is required prior to submitting a development application;
- (c) When parcels abutting Warm Springs Avenue are preliminary platted, provide current roadway segment traffic counts and intersection counts (raw data) for the segment of Warm Springs Avenue abutting the site and the nearest intersection(s) (Wise

Way/Warm Springs, Old Hickory Way/Warm Springs, or Millbrook Way/Warm Springs). ACHD will analyze the data to determine if roadway or intersection improvements are needed to mitigate the development;

(d) The developer shall ensure that adequate real property is dedicated for the future installation of four lanes at E. Warm Springs Ave., commonly referred to as the Warm Springs Bypass, in the event traffic conditions warrant such widening;

(e) With regard to roundabouts on E. Warm Springs Ave., when warranted the developer shall construct an interim single-lane roundabout similar to that shown on attachment 4 to ACHD's March 6, 2019 action, which can be widened to a dual lane roundabout if traffic conditions warrant such a widening.

C. Specific Use Standards

In addition to the other requirements of the Code, the following standards apply to the uses listed in this Section. Where applicable, the Planning Director shall obtain a review and recommendation from ACHD. The Planning Director will review and make a determination of approval or denial within 15 calendar days of receipt of a complete application. A notice will be sent informing owners within 300 feet of the property of the decision of the Planning Director and of such other property owners' right to appeal the Planning Director's decision as provided by the Code.

(1) Accessory Building or Structure

(a) The location of accessory buildings or structures shall be restricted as follows:

- i. Accessory buildings or structures shall not be located in any required setback or on any publicly dedicated easements.
- ii. Accessory buildings or structures shall not block the view of the main entrance to the primary building.

(b) The size of accessory structures shall be restricted as follows:

- i. Accessory structures such as sheds, barns, and workshops shall not exceed 1000 square feet.
- ii. Accessory dwelling units shall not exceed 1000 square feet.

(c) The height of an accessory structure shall not exceed 24 feet.

(d) In a residential block, accessory buildings or structures may be located in the front yard or within a side yard if any portion of the structure lies between the front property line and a distance of 15 feet behind the front wall of the principal dwelling and shall not exceed the height of the principal dwelling.

(e) All accessory buildings or structures shall meet all of the following design standards:

- i. The roof and finish materials shall be similar in color to the primary building;
- ii. The roof shall have a similar pitch to that of the primary building;
- iii. The accessory building or structure shall portray the architectural character of the primary building.

(2) Amusement or Recreation Facility, Outdoor**(a) General Standards**

- i. All structures or outdoor recreation areas shall maintain a minimum setback of 50 feet from all abutting predominantly residential blocks.
- ii. Any outdoor speaker system associated with the amusement or recreation facility shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.
- iii. All outdoor activities and events shall be scheduled to complete all activity before or as near to 9:30 P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after 10:00 P.M. except to conclude a scheduled event that was in progress before 10:00 P.M. and circumstances prevent concluding before 10:00 P.M. All illumination shall be terminated no later than 1 hour after conclusion of the event.

(b) Golf Driving Range

Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

(c) Swimming Pool

Any outdoor swimming pool shall be completely enclosed within a six foot barrier that meets the requirements of the Boise City Building Code.

(3) Automobile Repair and Service, Minor

Minor automobile repair and service facilities shall comply with the following standards and limitations:

- (a) The use shall be located a minimum of 200 feet from any predominantly single-family residential block and a minimum of 100 feet from any predominantly multifamily residential block.
- (b) The operating hours shall be limited to between 7:00 A.M. and 8:00 P.M.
- (c) All repair and service work shall be done within a completely enclosed building.
- (d) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
- (e) All disabled vehicles shall be stored in an area that is screened from view from the surrounding lots and/or parcels and adjacent streets. Such vehicles shall not be stored on-site longer than five days.
- (f) Permitted minor automobile repair and service facilities shall be limited to the following kinds of activities: electronic tune ups; brake repairs (including drum turning); air conditioning repairs; generator and starter repairs; tire installation and repairs; front end alignments; battery recharging; lubrications; selling/installing minor parts and accessories; repairing and installing other minor elements of an automobile such as windshield wipers, hoses and windows, but excluding engine, transmission and differential repair or installation.

(4) Bar, Brew Pub, Or Nightclub

(a) The facility shall comply with all applicable governmental regulations, including regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.

(b) For properties abutting a predominantly residential block, no outside activity or event shall be allowed on the site, except as provided for a "Temporary Use."

(5) Bed and Breakfast Inn

(a) Any such facility shall be an owner-occupied dwelling. For the purposes of this Subsection, an "owner" shall be defined as a person with a 50 percent or greater interest in the bed and breakfast inn.

(b) The exterior appearance of the building shall be that of a single-family dwelling. Fire escapes and other features may be added to protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.

(c) No more than 20 occupants (including, without limitation, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).

(d) The maximum stay shall be two weeks for any guest.

(e) Breakfast may be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms shall not be equipped with cooking facilities.

(f) Only business signs referring to the principal use as a bed and breakfast inn are permitted.

(6) Car Wash

(a) A 100 foot separation shall be maintained between any car wash facility and any predominantly residential block.

(b) Any outdoor speaker system associated with the car wash shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.

(c) Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within 10 feet of any predominantly residential block.

(7) Club/Lodge

(a) All structures that contain this use shall meet Block Prototype setback requirements in which this use is allowed.

(b) Any food service shall be licensed by all applicable governmental agencies.

(8) Convenience Stores

All structures that contain this use shall meet Block Prototype setback requirements in which this use is allowed.

(9) Daycare Facility or Residence**(a) General Standards for Child Daycare and Adult Daycare Facilities**

- i.** The applicant shall secure and maintain a license from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.
- ii.** There shall be a minimum of 35 square feet of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
- iii.** Off-street parking shall be provided as per this Code.
- iv.** There shall be an off-street client pick-up area in addition to the required off-street parking. On arterial or collector streets, a circular driveway, or an off-street turnaround (which does not involve any space from a required off-street parking space) shall be provided for the client pick-up area.
- v.** Hours of client pick up and/or drop off shall be between 7:00 A.M. and 10:00 P.M.
- vi.** No portion of the facilities used by clients may be within 300 feet of explosive or hazardous material storage including, without limitation, the following uses: flammable substance storage or gasoline or diesel fuel station.

(b) Additional Standards for Child Daycare Facility

- i.** The applicant shall provide a minimum outdoor play area of 100 square feet per child. The minimum play area requirement may be waived if:
 - A.** There is greater or equal area of a park that abuts the facility or residence that can be used by the children; or
 - B.** The program is designed such that the number of children using the play area at any one time conforms to the 100 square feet per child criteria.
- ii.** All outdoor play areas shall be completely enclosed by minimum 6 feet barriers to secure against exit/entry by small children and to screen abutting properties.
- iii.** Outdoor play equipment over six feet high shall not be located in a front yard or within any required yard.

(10) Drive-Through Retail

Certain types of drive-through window establishments may be reviewed and allowed by the Planning Director subject to the following approval criteria:

- (a)** The use shall be located a minimum of 200 feet from any predominantly single-family residential block and a minimum of 100 feet from any predominantly multifamily residential block within the SP01 plan.
- (b)** That the number of drive-through lanes is limited to allow for adequate on-site circulation of pedestrians and vehicles, and that the internal circulation on the site

provides for pedestrians to walk from parking lots to the lobby entrance(s) without traversing the waiting lane(s) for the drive-through window.

- (c) That the waiting lane(s) be of sufficient length to provide for anticipated average monthly peak volumes.
- (d) That design, signage or operational characteristics of the establishment prevent or discourage vehicles from waiting for service on public sidewalks or streets.
- (e) That drive-through waiting lanes be designed so that curbs, gates, or other devices do not prevent a vehicle from leaving a waiting lane.
- (f) That all lights and other illuminated materials shall be designed, positioned, shielded, directed, and located to minimize glare and light trespass from falling on adjoining lots or parcels.
- (g) Landscape shall be used to minimize the visual impact of vehicle lights and signs.
- (h) That all communication systems shall not exceed a noise measurement of 65 decibels at the lot line.

(11) Drug and Alcohol Treatment Facility

The owner of the facility shall secure and maintain licenses from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.

(12) Dwelling, Accessory

The applicant shall submit, with the application, a list of signatures of residents of adjacent lots and/or parcels, including lots and/or parcels across streets and alleys, indicating that such residents have been notified of the applicant's intention to construct an accessory dwelling at a specified location. The applicant shall reference which neighbors were unwilling or unable to sign. The Planning Director shall make the following findings to approve an accessory dwelling:

- (a) That the footprint of the accessory dwelling is not larger than 10 percent of the lot area or 750 square feet, whichever is less, and that the accessory dwelling has not more than one bedroom. Where practical, the 10 percent or 750 square feet standard may be altered to accommodate logical expansions or internal conversions. Examples of this include, without limitation, the addition of a second floor to a detached garage or the separation of a basement as an accessory dwelling.
- (b) That an accessory dwelling is created through:
 - i. Internal conversion of an existing living area, basement, or attic;
 - ii. An addition to the principal dwelling;
 - iii. The conversion of an existing detached accessory structure such as a detached garage or shop;
 - iv. An addition to an existing accessory structure such as a detached garage or shop;
 - v. Construction of a new single-family detached house on a vacant lot or parcel with an internal or detached accessory dwelling; or

vi. The construction of a detached accessory dwelling.

(c) That the accessory dwelling meets all the development standards of the Harris Ranch Specific Plan and all applicable life-safety codes.

(d) That the design of the accessory dwelling is compatible with the existing neighborhood by considering 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. The principal and the accessory dwellings shall be designed to portray the character of a single-family dwelling. Only one entrance into the principal dwelling shall be located on the front building elevation of the principal dwelling unless multiple entrances are already in existence.

(e) That one parking space is provided for the accessory dwelling in addition to the existing minimum parking requirement for the principal dwelling. The driveway apron may be used for this requirement.

(f) Conversion of a garage is not permitted unless required parking can be sited legally elsewhere on the lot or parcel. However, a waiver to the parking requirements may be granted by the Planning Director upon a determination that unusual circumstances of the occupancy will result in a reduced need for parking and will not negatively impact the neighborhood. The waiver and the circumstances allowing for the waiver will be documented in a deed restriction referenced immediately below.

(g) That on-going owner-occupancy of either the principal or the accessory dwelling is required and shall be enforced through recordation of a deed restriction to that effect with the Ada 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.

(h) That the accessory dwelling also meets the applicable specific standards for accessory buildings and structures.

(13) Foundry

All structures or outdoor activity areas shall be located a minimum of 50 feet from any property line. The use shall be located a minimum of 200 feet from any predominantly single-family residential block.

(14) Gasoline Station

(a) The use shall be located a minimum of 200 feet from any predominantly single-family residential block and a minimum of 100 feet from any predominantly multifamily residential block. The distance shall be measured from lot line to lot line in a straight line.

(b) The use shall be located on a block(s) developed predominantly as commercial development.

(c) Installation and operation of underground fuel tanks shall require compliance with all applicable governmental agencies.

(d) Structures and pump station canopies on corner lots or parcels shall observe a minimum setback of 35 feet from any public street.

(e) The total height of any overhead canopy or weather protection device shall not exceed 20 feet.

(f) Vehicle stacking lanes shall be available on-site but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking.

(g) All trash and waste materials shall be stored within a separate enclosure behind the primary structure of the gasoline station.

(15) Greenhouse/Nursery

(a) Outdoor mechanical equipment (including, without limitation, heaters, and fans) shall not be located within 50 feet of a lot or parcel line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

(b) Outdoor storage areas for materials shall comply with Section 11-07-01.8.C(22) of this Code. The following nursery materials shall be exempt from this requirement:

- i. Growing plants in ground or in containers; and
- ii. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed six feet in height.

(c) Any outdoor speaker system associated with the nursery shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.

(d) The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.

(e) Additional standards for wholesale and/or retail nursery within a predominantly residential block or adjoining a predominantly residential block:

- i. All proposed lighting shall be downward cast to minimize impact and limit light trespass on adjacent property.
- ii. No aerial spraying of the property shall be allowed.

(f) Retail nurseries shall also comply with the following:

- i. The total amount of enclosed retail space shall not exceed 5,000 square feet. Greenhouses shall not be considered retail space.
- ii. The property shall have frontage on an arterial or collector street.

(16) Group Home

(a) The applicant shall secure and maintain a license from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.

(b) Off-street parking shall be provided as per this Code.

(c) The applicant shall provide a minimum outdoor play area of 100 square feet per child. The minimum play area requirement may be waived if:

- i. There is greater or equal area of a park that abuts the facility or residence that can be used by the children; or
 - ii. The program is designed such that the number of children using the play area at any one time conforms to the 100 square feet per child criteria.
 - iii. All outdoor play areas shall be completely enclosed by minimum six feet. barriers to secure against exit/entry by small children and to screen abutting properties.
 - iv. Outdoor play equipment over 6 feet high shall not be located in a front yard or within any required yard.
- (d) No portion of the facilities used by clients may be within 300 feet of explosive or hazardous material storage including, without limitation, the following uses: flammable substance storage or gasoline or diesel fuel station.

(17) Home Occupation

(a) Any gainful occupation within a dwelling or accessory building or structure shall receive administrative approval from the Planning Director. Applicants shall submit, with their application, a list of signatures of residents of adjacent lots and/or parcels, including lots and/or parcels across streets and alleys, indicating they have been notified of the applicant's intention to conduct a home occupation at a specified location. The applicant shall reference which neighbors were unwilling or unable to sign. 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 as set forth herein. For example, the aggregate total of floor space devoted to one or more occupations at a given address may not exceed 750 square feet.

(b) Home occupations may not be approved for uses that are prohibited by the Code or would violate the intent of the Harris Ranch Specific Plan as determined by the Planning Director. Home occupations may be approved provided they meet all of the following criteria:

- i. The use is clearly incidental and secondary to the use of the lot or parcel for dwelling purposes.
- ii. The use is conducted entirely within a dwelling or accessory structure and the aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 750 square feet.
- iii. No activities shall be allowed that involve the use, storage, repair, milling or manufacture of highly combustible materials or internal combustion engines.
- iv. Dimensions, power rating or weight of equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools.
- v. Any home occupation that causes abnormal automotive or pedestrian traffic or that is objectionable due to unsightliness or emission of odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances to the outside of any building containing such home occupation shall be prohibited.

- vi. The dwelling shall at all times be maintained as residential in appearance, cleanliness, and quietness.
- vii. Any materials used or any item produced or repaired in the dwelling or accessory structure shall not be displayed or stored so as to be visible from the exterior of the dwelling or accessory structure.
- viii. Articles may be offered for sale and sold in the dwelling provided that the occupant produces the product or that the sale of an article is not the essential nature of, but is instead incidental to, the home occupation. For example, sales of shampoo and other beauty supplies at a home beauty salon may be considered incidental to the home occupation. Furthermore, the home occupation shall not constitute a retail store, in terms of traffic, appearance and other impacts.
- ix. Instruction in music, crafts and dance studios shall be limited to no more than three students at one time. Home beauty salons or barbershops shall be limited to one chair and/or nail table, which are commonly referred to as stations.
- x. One employee, in addition to the occupant, may be allowed if an off-street parking space meeting the standards of the Code is provided. Required off-street parking spaces for the residence may not be displaced by the home occupation.
- xi. Limitations placed on home occupations in this Section shall not be construed as prohibiting home occupations that make use of computers, modems, telephones, faxes, or other similar devices.
- xii. There shall be no signs identifying the home occupation.
- xiii. One vehicle, in addition to that used by an employee, may be used in conjunction with the home occupation provided the vehicle is within the parameters of a normal vehicle, which parameters include and describe cars, pickup trucks, and vans unless outfitted with excessive amounts of tools, equipment and supplies. Large commercial vehicles, trailers, construction equipment, and regular vehicles with commercial and/or industrial attachments are not allowed. Generally, any vehicle exceeding one ton in weight shall be regarded as outside the allowed parameters.

(18) Hotel

- (a) Accessory retail uses including, without limitation, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel structure. A bar, brew pub or nightclub shall meet separate specific standards.
- (b) No outdoor recreation area associated with the hotel shall be within 100 feet of a predominantly residential block. An outdoor swimming pool shall be enclosed with a six foot barrier that meets the requirements of the Boise City Building Code.

(19) Kennels, Animal Boarding

Animal boarding kennels and pet shops shall conform to the following standards:

(a) The use shall be located a minimum of 200 feet from any predominantly single-family residential block and a minimum of 100 feet from any predominantly multifamily residential block. The distance shall be measured from lot line to lot line in a straight line.

(b) All animals shall be confined within an enclosed area or on a leash at all times.

(c) The facility shall be designed to provide reasonable sound barriers and odor protection for adjacent lots or parcels.

(20) Laundry Self Service

If abutting a predominantly residential block, the hours of operation shall be 7:00 A.M. to 10:00 P.M.

(21) Live/Work Units

This Subsection provides standards for the development of live/work units. Live/work units are intended to be occupied by business operators who live in the same building that contains the commercial or light industry activity. A live/work unit is intended to function predominantly as residential accommodations with incidental workspace.

(a) Permitted uses in a live/work dwelling include:

- i. Child Daycare (Small; six or fewer children);
- ii. Professional Office;
- iii. Medical Office;
- iv. Personal Service (hair salon, massage, etc.);
- v. Photo Studio;
- vi. Specialty Retail (fly shop, bike tuning, woodworking, etc.);
- vii. Restaurant (bakery, etc.);
- viii. Education (tutoring, music, etc.).

(b) Any other use may be allowed if such use is determined, in writing, by the Planning Director to be of the same general character as those uses listed above, compatible, and not objectionable or detrimental to surrounding properties and the neighborhood. To determine compatibility, the following characteristics, without limitation, of the uses shall be reviewed relative to other potentially affected uses, dwellings, or structures: location, orientation, operation, vibration, odor, electrical interference, fire hazard, visual privacy, and sound privacy.

(c) Live/work dwellings shall receive an administrative permit issued by the Planning Director. Restrictions on such use shall include, without limitation:

- i. At least one person working in the live/work dwelling shall also reside in the live/work dwelling; no portion of the live/work dwelling shall be leased as a workspace to any person not living in the live/work dwelling or as a residential space for any person not working in the live/work dwelling.
- ii. The first floor of any live/work dwelling shall not be converted to an additional dwelling unit without Planning Director approval.

- iii. Each live/work dwelling is limited to one employee. Resident(s) of the live/work dwelling are not considered to be employees.
- iv. The owner of the live/work dwelling or the employee shall be responsible for the work activity performed.
- v. The work/business component of the live/work dwelling shall be conducted entirely within the live/work dwelling, including the front porch of the live/work dwelling.
- vi. The work/business component of the live/work dwelling shall not be located in the garage of the live/work dwelling.
- vii. No activities shall be allowed in the live/work dwelling or the lot or parcel of such live/work dwelling that involves the use, storage, repair, milling or manufacture of highly combustible materials, paint, or internal combustion engines.
- viii. Vehicle-oriented businesses requiring multiple vehicles are prohibited. As an example, without limitation, limousine services, taxis, towing companies, and cleaning companies would be prohibited.
- ix. If a sign is desired in connection with the work/business component of the live/work dwelling, such sign shall be limited to one in number and limited to a size of two square feet and shall be attached flat on the live/work dwelling or on an awning below the eave of the live/work dwelling.
- x. Any work/business that creates excessive emissions of odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances shall be prohibited.
- xi. Hours of operation for any work/business shall begin no earlier than 7:00 A.M. and end no later than 10:00 P.M.
- xii. Any work/business shall obtain all applicable governmental licenses, permits and tax identification numbers and shall comply with any and all applicable employment laws.
- xiii. Each live/work dwelling shall conform to all life-safety codes and regulations and disabled persons access requirements.
- xiv. Outdoor storage is not permitted.
- xv. The volume of deliveries of truck or other vehicular traffic shall not be in excess of what is normally associated with residential use.

(22) Outdoor Storage

(a) Screening

Outdoor storage areas shall be screened. Outdoor storage of chemicals and/or fertilizers shall be prohibited.

(b) Prohibited Locations

Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

(c) Use of Site

Use of the site shall not constitute a "pit, mine, or quarry" or "contractor's shop."

(d) Prohibited Uses

The site shall not be used as a "junkyard," "automobile wrecking yard," or vehicle impound yard.

(e) Additional Standards for Outdoor Storage as an Accessory Use

Accessory outdoor storage shall be allowed for approved uses subject to the following standards:

- i. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
- ii. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
- iii. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
- iv. Outdoor storage for a multifamily development shall be only for recreational vehicles or personal recreation items of the tenants.

(23) Package and Letter Delivery Service

- (a) No structure, facility, drive lane, parking area, nor loading area shall be located within 20 feet of a predominantly residential block.
- (b) If abutting a predominantly residential block, the facility hours of operation shall be limited to 7:00 A.M. to 10:00 P.M.
- (c) No outdoor storage shall be allowed.

(24) Recycling Center

- (a) Outdoor storage areas shall comply with Section 11-07-01.8.C(22) of this Code. No storage, excluding truck trailers, shall be visible above the required screening material.
- (b) Except for after-hours donation containers, no unsorted material shall be stored outdoors.
- (c) Any container provided for after-hours donation of recyclable materials shall be a minimum of 50 feet from a predominantly residential block, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- (d) Power driven processing (including, without limitation, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.
- (e) All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance.

(25) Sawmill or Planning Mill

- (a) The use shall be conducted within an enclosed structure.

(b) There shall be a 1,000 foot separation from the mill structure and any predominantly residential block.

(c) Outdoor storage areas shall comply with Section 11-07-01.8.C(22) of this Code.

(26) Schools

(a) Off-street parking shall be provided as per this Code.

(b) There shall be an off-street client pick up area in addition to the required off-street parking. On arterial or collector streets, a circular driveway, or an off-street turnaround (which does not involve any space from a required off-street parking space) shall be provided for the client pick-up area.

(c) Reserved.

(d) In instances where a restaurant or retail store seeks to sell, serve, or dispense alcoholic beverages at a business premises located within three hundred feet (300') of any school site, notwithstanding Boise City Code or any other law or ordinance of similar import, the Boise City Clerk's office shall be authorized to review and approve a waiver of the foregoing City requirements in accordance with standards and procedures as may be adopted by the Boise City Clerk's office. The waiver procedure identified herein shall not apply to bars or establishments catering to or including adult uses, as defined in Boise City Code.

(27) Special Events

Special events such as musical and dance performances, arts and craft shows, artifact displays, carnivals, special holiday events, and charitable events shall comply with the following standards:

(a) No such use shall be located closer than 100 feet from a predominately residential block, except at the Neighborhood Greens with homeowners' Association approval.

(b) The special event shall not operate for longer than one week.

(c) Parking shall be provided as required by City Event Permit.

(d) Incidental sales of hand-crafted items and goods that are reasonably related to the special event program may be permitted.

(e) A temporary use permit is required from the Planning Director.

(28) Temporary Uses

(a) Any temporary use shall be administratively approved by the Planning Director. A temporary use permit shall be required for temporary buildings, temporary display and sale of merchandise, model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent lot(s) or parcel(s). A temporary use permit shall also be required for seasonal uses (such as, for example, fireworks stands, Christmas tree lots, fruit and vegetable stands marketing locally grown produce). 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, such as a home sales office in a residential structure. Temporary uses may be approved upon compliance with the following criteria:

- i. Are operating for a set time period as requested by the applicant and agreed to by the Planning Director. For most uses, such time period shall not exceed 180 calendar days. Temporary home sales offices may request longer time periods as approved by the Planning Director.
- ii. The proposed temporary use shall not allow for placement of, for example, any structure, vehicle or sign, within a clear vision triangle, required setback, required parking space (except as permitted for temporary, outdoor display sale of merchandise), service drive, dedicated trash dumpster location, sidewalk, or any other position on a lot or parcel that may interfere with vehicle or pedestrian circulation or the normal functions of other uses on the property, or otherwise be potentially hazardous to the public.
- iii. The proposed use shall be in conformance with the other applicable requirements of the Code, and applicable state and federal regulations.
- iv. No temporary use permit, except in the case of seasonal uses or uses incidental to construction, shall be issued for structures or uses that are intended to be placed upon an unimproved lot or parcel.
- v. The Planning Director shall require guarantees to assure removal of temporary uses and of any debris or refuse resultant there from, to restore the premises to its prior condition and shall establish the date of such removal.

(b) The applicant shall obtain from the lot or parcel owner a signed and notarized affidavit acknowledging that the property owner shall be accountable for any debris or refuse left on the lot or parcel more than three days after the applicant vacates such lot or parcel and shall be responsible for any additional cleanup costs incurred by the City. A cash bond or cash deposit in the amount of not less than \$125, or such other security as may be reasonably acceptable to the Planning Director, shall be placed by the applicant with the City Clerk. Such deposit or security shall be returned to the applicant only in the event the applicant ensures such debris or refuse has been removed from the applicable lot or parcel to the satisfaction of the Planning Director. Moreover, an applicant who fails to clean such debris or refuse from the applicable lot or parcel shall be guilty of a misdemeanor that is punishable by a fine not to exceed \$300 and/or 6 months confinement in jail.

9. Parking Standards - General

A. Purpose

This Section is intended to: provide accessible, attractive, secure, properly lighted, well-maintained, and screened off-street parking facilities; reduce traffic congestion and hazards; protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent non-residential land uses; assure the maneuverability of emergency vehicles; and provide appropriately designed parking facilities in proportion to the needs generated by varying types of land use.

B. Use

(1) Parking garages and/or parking lots shall be used for vehicle parking only.

(2) The use allowed in the building and the corresponding parking spaces required and fixed shall be noted on the Notice of Specific Plan Compliance or Notice of Specific Plan Design Review Compliance, hereinafter referred to individually and/or collectively as "Notice of Compliance", received by the applicant. Any enlargement or addition to a building, or any change in use of a building, or an enlargement or increase in intensity of use of a building, shall require an amendment to the Notice of Compliance or Notice of Specific Plan Design Review Compliance stating the nature of the enlargement of the building or use, or the change in use of the building, and the number of parking spaces required and established as a result of such change.

C. Fractional Requirements

Any fractional requirement of a parking space shall be rounded up to require one additional parking space.

TABLE 11-07.1: OFF-STREET PARKING REQUIREMENTS

USE CATEGORY	NUMBER OF PARKING SPACES
Residential: Single Family Detached, town homes, and multifamily (including live/work and work/live units)	2 per d.u. >950 sf; 1 per d.u. <950 sf
Lodging	1 per room or suite (no additional parking is required for accessory uses such as restaurants or meeting rooms)
Office	1 per 500 sq. ft. of gross floor area
Retail	1 per 500 sq. ft. of gross floor area
Elementary School:	1 per 6 students
Junior, Middle, and Senior High School	1 per 4 students
College	1 per full time student
Industrial	1/2 per employee
Civic/Cultural	1 per 500 sq. ft. of gross floor area
Civil Support	1 per 500 sq. ft. of gross floor area

D. Reduction of Parking Requirements (Single Use)

(1) Parking requirements for a single use as established by Table 11-07.1 may be reduced upon determination by the Planning Director based on a specific showing by the applicant that the intensity of the particular use will need fewer parking spaces. On-street parking along the frontage line of the lot or parcel may be counted toward fulfilling the parking requirements. In the event a determination is made that the parking requirements shall be reduced; the reduced off-street parking spaces requirements shall be noted on the Notice of Compliance or Notice of Specific Plan Design Review Compliance. The Planning Director shall have the authority to reduce the parking requirement by up to 10 percent if one or more of the following circumstances exist:

- (a) Expected automobile ownership or use patterns of employees, tenants, or other users vary from what is typical in the community or typical for the use.

- (b) The parking demand varies throughout the day in relation to parking supply.
 - (c) The nature of operational aspects of the use warrants unique parking arrangements.
 - (d) Actual parking practice in the community demonstrates that the parking standard may be too high or too low.
 - (e) The development contains a pedestrian walkway and/or bicycle lane that connects to existing, adjacent, or future walkways and/or bicycle lane(s), including pedestrian and bicycle connections to residential subdivisions.
- (2) The Planning Director may also consider the reduction of off-street parking requirements to: (1) avoid the visual intrusion and heat build-up that results from large, paved areas; (2) ensure the efficient use of land; and/or (3) create an incentive to provide pedestrian-oriented development.

E. Distance for Private Off-Street Parking When Off-Site

Required off-street parking shall be located on the same lot or parcel as the use being served by the parking, wherever practical. No off-site parking is allowed for single-family detached residential. Parking may be located off-site not more than the following distances measured along the sidewalk or a walkway available for public use from the primary entrance or elevator bank of the premises to the nearest entrance of the parking garage or parking lot:

- (1) For retail or commercial customer or office client: 600 feet.
 - (2) For employee parking on a daily basis where the car is used occasionally regardless of the nature of the employment: 1,500 feet.
 - (3) When off-site parking is provided, a directional sign shall be erected on-site advising the public of the distance and direction to additional parking.
- (a) Required parking spaces that are off-site shall be committed by a recordable lease or other agreement acceptable to the City Attorney. The parties to such recordable document shall include the owner(s) or lessee(s), if applicable, of the off-site parking area, and the owner(s) and lessee(s), if applicable, of the lot or parcel being served by the off-site parking, with covenants reflecting the conditions of approval for off-site parking.
- (b) The parties to the recordable document referenced above shall immediately notify the Planning Director of any change of ownership or use of the lot or parcel for which the off-site parking is required and notify the Planning Director of any termination or default of the agreement between the parties. Upon notification that the required off-site parking spaces are or will be reduced in number, the Planning Director shall determine a reasonable time in which one of the following shall occur: substitute parking is provided that is acceptable to the Planning Director; or the size or capacity of the use served by the off-site parking is reduced in proportion to the parking spaces lost.

F. Restricted Parking

Off-street parking space requirements are based on each parking space being available on a first come, first-use basis. If a parking space is to be restricted by assignment of one or

more parking spaces to a particular individual or user, such parking spaces shall be so designated and such restriction shall be noted on the Notice of Compliance. Off-street parking requirements shall be increased by 20 percent of the number of such restricted parking spaces.

G. Compact Spaces

A maximum of 35 percent of the total parking spaces provided may be designed, designated, and used for compact-size vehicles. Parking areas immediately adjacent to or within close proximity to building entrances shall be designated for compact parking spaces. Full-size vehicle parking spaces shall be located along the perimeter of the parking lot or in those areas most distant from the building being served. Compact parking spaces shall be clearly marked as such on the pavement or curb. The percentage of compact parking spaces may be increased by the Planning Director following a showing by the applicant that the routine use of the parking lot or parking garage will exceed the 35 percent standard.

H. Tandem Parking

Tandem parking outside all required yards may be used on detached single-family residential lots. The Planning Director may allow tandem parking for duplexes, town homes, and multifamily lots upon determination that all the following are true:

- (1) The tandem parking does not have a negative impact on adjacent properties;
- (2) Tandem parking is required because of physical limitations of the site;
- (3) The standard parking design(s) would have a negative impact on the functional and/or aesthetic value of the site; and
- (4) The tandem parking will accommodate no more than two vehicles per row within the parking envelope.

I. Drive-Through Facilities

Stacking lanes shall have a minimum width of 10 feet.

J. Access to Parking

Parking, including parking garages, shall be accessed from an alley or secondary frontage when possible. The opening of a parking lot or parking garage on a frontage shall not exceed two lanes in width. Pedestrian entrances to all parking lots and parking garages shall be directly from a frontage line. Only underground parking garages may be entered directly from a building. Applicants are encouraged to provide off-street vehicle access to parking areas on adjacent properties to provide for convenience, safety, and efficient circulation. Shared pedestrian access between adjacent lots or parcels is also strongly encouraged.

K. Bicycle Parking

One bicycle parking space within a bicycle rack shall be required for every 30 required automobile parking spaces for non-residential developments. Multifamily residential developments shall provide one bicycle rack space per each two dwelling units.

L. Parking Garage Screening

On the ground floor, a parking garage shall be located to the rear of the lot or parcel wherever practical and masked by a liner building.

M. Accessible Parking Spaces

This Section applies to the quantity, dimensional standards, and location of accessible parking spaces. This Section does not supersede and is not a substitute for the International Building Code (IBC), but rather provides for zoning-related standards consistent with the purpose of the IBC. The more restrictive of the two - the IBC and this Section - shall prevail in the event of any discrepancies. All other provisions not addressed in this Section that are related to accessible parking spaces shall be governed by the IBC. Note also that this Section does not take the place of the Federal Americans with Disabilities Act of 1990 requirements, as amended (ADA). Variances and interpretations can only be reviewed by the U.S. Department of Justice, Office of the Americans with Disabilities Act.

(1)Quantity

TABLE 11-07.2: REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES	
TOTAL NUMBER OF PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9
501 - 1,000	2% of Total
1,001 and Over	20 plus 1 for each 100 Parking Spaces over 1,000

N. Exceptions

(1)At facilities providing medical care and other services for persons with mobility impairments, parking spaces shall be provided and shall comply with Table 11-07.2 except as follows:

- (a)** Outpatient units and facilities: 10 percent of the total number of parking spaces provided shall be accessible parking spaces to serve each such outpatient unit facility.
- (b)** Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided shall be accessible parking spaces to serve each such unit or facility.

(2)Valet parking facilities shall provide a passenger loading zone located on an accessible route to the entrance of the facility being served with valet parking. Paragraphs (a) and (b), above do not apply to valet parking facilities.

O. Dimensions

(1) All accessible parking spaces shall be a minimum of eight feet in width plus a five foot wide adjacent access aisle to provide clearance appropriate for use by physically disabled people. No access aisle is required if all required parking spaces are designed with 11 foot wide parking space with an adjacent five foot wide access aisle.

(2) One in every eight accessible parking spaces, but not less than one parking space, shall have an adjacent access aisle eight feet in width and shall be designated as "van accessible."

(3) All accessible parking spaces shall be a minimum of 20 feet in length.

P. Design

(1) Access aisles shall not be restricted by planters, curbs, or wheel stops.

(2) Access aisles shall be level with the parking spaces.

(3) Accessible parking spaces may use the same adjacent access aisle.

(4) Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such sign shall not be obscured by a vehicle parking in the parking space.

Q. Location

(1) Access aisles shall be connected to an accessible route to the accessible entrance of a building. The parking access aisle shall either blend with the accessible route or have a curb ramp. Such ramp opening shall be located within the access aisle boundaries and not within the parking spaces boundaries.

(2) Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the parking spaces or loading zones located closest to the nearest entrance on an accessible route.

(3) At least 1/2 of the accessible parking spaces are encouraged to be located adjacent to the building so that disabled persons will not have to cross traffic aisles.

R. Common Facilities for Joint and Mixed Uses**(1) Mixed Uses**

In those instances where there are clearly identified accessory or multiple uses within a building or multiple buildings, the minimum standards shall apply to each use or building, resulting in a total parking requirement when summed, except as provided in Section 11-07-01.9.R(2), below.

(2) Reduction in Parking (Multiple Uses)

Parking spaces required under the provisions of this Subsection may be provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such parking spaces. The Planning Director may reduce the number of parking spaces required where the Planning Director finds that the cooperating uses have different hours of normal activity. The applicant shall provide adequate information by which the proposal can be reviewed, including, without limitation: types of uses; number of employees; building design capacity; square feet

of sales area and service area; parking spaces proposed on-site; parking spaces proposed to be provided off-site; and hours of operation. The Planning Director may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with Table 11-07.3 for each land use as if it were a separate use; (2) multiply each amount by the corresponding percentages for each of the five time periods set forth in columns (B) through (F) of Table 11-07.3; calculate the total for each time period; and (4) select the highest total as the required minimum number of parking spaces.

TABLE 11-07.3: MINIMUM PARKING REQUIREMENTS OVER 24-HOUR PERIOD

	WEEKDAY		WEEKEND		
(A) LAND USE	(B) DAYTIME (9 A.M. – 4 P.M.)	(C) EVENING (6 P.M. - MIDNIGHT)	(D) DAYTIME (9 A.M. - 4 P.M.)	(E) EVENING (6 P.M. - MIDNIGHT)	(F) NIGHTTIME (MIDNIGHT - 6 A.M.)
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

(3) Determination

The Planning Director will review the application relative to the approval criteria and make a determination of approval or denial within 10 calendar days of receipt of an application and will submit the findings and conclusions in writing to the applicant.

S. Public and Private Parking Areas**(1) Ingress and Egress**

Access driveways providing reasonable access to parking areas, including parking garages, may extend through the front or street-side set back in a perpendicular manner provided the Planning Director finds that such access driveways comply with this Subsection. Driveways that extend through the setback in other than a perpendicular manner may be approved if due to physical limitations of the site or for aesthetic or safety purposes, and upon a determination that the following are true:

- (a) The driveway is clearly for access to a parking garage or parking lot; and
- (b) The proposed driveway does not have a negative impact on adjacent properties; and
- (c) The driveway is required because of physical limitations of the site; or
- (d) The driveway is required to enhance the aesthetics of the site such as preserving existing trees; or
- (e) The driveway is required for safety reasons such as avoiding backing into a busy street or a street with limited motorist visibility.

(2) Residential Parking in Yards

Parking shall not be permitted in any required yard of any residential land use district, except as follows:

- (a) Trailers, camp trailers, boats, boat trailers, recreational vehicles, and all other vehicles not in daily use are restricted from parking in the front and street-side setbacks of alley loaded garage lots; these vehicles are restricted from parking in the front and street-side setbacks of front-loaded garage lots or any adjacent street for more than 24 hours.
- (b) Open air public or private driveways, parking areas and service drives, that are used in conjunction with any building or use permitted in a predominantly residential block shall be permitted in side yards that do not abut a street provided that a minimum five foot wide landscape and screening area is constructed and maintained adjacent to the adjoining property line. No vehicle or the parking thereof shall be permitted in such minimum five foot wide landscape and screening area.
- (c) No commercial vehicle or trailer shall be parked, stored, or otherwise left unattended at any place in a predominantly residential block whether on a lot or on the public right-of-way for over two hours except while actively engaged in pickup or delivery activities, or during the course of actual construction, alteration or repair of buildings and structures or any other permitted use in the immediate vicinity.
- (d) All parking areas, driveways, and other vehicular access for single-family or two-family residential uses shall be paved with asphalt, concrete or other hard surface material that shall be approved by the Planning Director.
- (e) Driveways for single-family or two-family residential uses shall be a minimum of nine feet wide and a maximum of 12 feet of width from curb to back of sidewalk, then tapering to the allowed width.
- (f) The minimum unobstructed interior width of a two-car private residential garage shall be 20 feet, 10 feet if tandem. The minimum unobstructed depth of the stalls shall be 20 feet for the first stall and may be 16 feet for the second stall. These dimensions shall be kept clear of any permanent obstructions, including, without limitation, mechanical units.
- (g) For single-family residential uses, individual driveways in the front setback shall not exceed a width of 33 feet within the setback with a maximum of 12 feet of width from curb to back of sidewalk, then tapering to the full allowed width. Individual driveways are to be separated from any other vehicular accessway by a minimum of five feet of landscape or similar material not designed to accommodate vehicles.
- (h) The Planning Director may permit up to 1/2 of the parking required for a single-family or two-family residential use to conform to compact parking stall dimensional standards on lots having topographic or other physical constraints. However, interior garage dimensions shall comply with the requirements of Section 11-07-01.9.S(2).

(3) Service Drives

- (a) Service drives may not adversely affect access or good public transportation planning to adjacent property and to the area travel networks. Service drives may not

landlock adjacent property due to topographic or parcel layout and may not interfere with the continuity of public streets. When public streets are feasible and necessary for the proper development of the public street system as determined by ACHD, then public streets, as opposed to service drives, shall be required.

(b) Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety for traffic ingress and egress, and provide maximum safety for pedestrian and vehicular traffic on-site.

(c) Service drives shall not encourage or promote the use of the service drive as a "pass-through" between public streets.

(d) Maximum grade for service drives shall be 10 percent unless specifically approved by the City Engineer and the Boise Fire Chief. A maximum grade of two percent shall be allowed for the initial 80 feet from the intersecting curb to provide a landing at the junction of the service drive and the public right-of-way, unless specifically approved otherwise by ACHD and the City Engineer.

(e) Where determined by the City Engineer to be necessary for drainage control, vertical curbing is required.

(f) Except single-family or two-family dwellings on a single lot or parcel, parking spaces in groups of three or more shall be served by a service drive designed to prevent backing onto a street.

(g) Service drives shall comply with the requirements of the City's fire department. To the extent that any City requirement conflicts with this Section, fire department requirements will control.

(h) Service drives shall be designed to intersect the public right-of-way at a 90° angle or as near to that angle as possible. Discrepancies shall require review and approval by both the City Engineer and ACHD.

(i) A service drive that provides access from a local street shall be set back a minimum of 50 feet from an intersection of streets. Under unusual circumstances, the Planning Director may waive this requirement.

(j) Service Drive Widths

i. Drive-through lanes and associated escape lanes shall each be a minimum of 10 feet wide.

ii. One-way service drives without parking on either side shall be a minimum of 10 feet wide. Two-way service drives without parking on either side shall be a minimum of 20 feet wide.

iii. Garages shall be set back from service drives such that 22 feet of backup distance is provided to the far side of the service drive.

iv. Except at the intersection of a service drive and public road, the service drive shall be narrowed to 20 feet where it crosses a crosswalk.

v. 24 feet of clear width shall be maintained between building appurtenances, such as carport overhangs, that border service drives.

vi. Service drives and parking lots shall allow public access to places of public use and/or interest.

(k) Service drives that serve more than 40 dwelling units will be designed based upon the standards of this Section and by an on-site traffic circulation plan for the interior roadway and parking system and submitted to and approved by the Planning Director and the Public Works Department.

T. Parking Lot and Service Drive Improvements

(1) All public or private parking lots shall be designed and laid out to conform to the minimum standards required by this Section including the minimum standards for parking lot design set forth in Table 11-07.4 and Table 11-07.5. Vehicle backup areas shall be provided, which backup area may include the width of a service drive or alley.

TABLE 11-07.4: MINIMUM STANDARDS FOR PARKING LOT DESIGN – STANDARD VEHICLES

PARKING ANGLE SEE FIGURE 7.3 A	PARKING ANGLE SEE FIGURE 7.3 B	PARKING ANGLE SEE FIGURE 7.3 C	PARKING ANGLE SEE FIGURE 7.3 D	PARKING ANGLE SEE FIGURE 7.3 E
0°	9'- 0"	23'- 0"	9'- 0"	12'- 0"
20°	9'- 0"	26'- 4"	15'- 3"	11'- 0"
30°	9'- 0"	18'- 0"	17'- 8"	11'- 0"
40°	9'- 0"	14'- 0"	19'- 6"	12'- 0"
45°	9'- 0"	12'- 9"	20'- 5"	13'- 0"
50°	9'- 0"	11'- 9"	21'- 0"	14'- 0"
60°	9'- 0"	10'- 5"	21'- 10"	16'- 0"
70°	9'- 0"	9'- 8"	21'- 10"	18'- 0"
80°	9'- 0"	9'- 2"	21'- 4"	20'- 0"
90°	9'- 0"	9'- 0"	20'- 0"	22'- 0"

TABLE 11-07.5: MINIMUM STANDARDS FOR PARKING LOT DESIGN – STANDARD VEHICLES

PARKING ANGLE SEE FIGURE 7.3 A	PARKING ANGLE SEE FIGURE 7.3 B	PARKING ANGLE SEE FIGURE 7.3 C	PARKING ANGLE SEE FIGURE 7.3 D	PARKING ANGLE SEE FIGURE 7.3 E
45°	7'- 6"	10'- 6"	16'- 0"	11'- 0"
60°	7'- 6"	8'- 9"	16'- 9"	14'- 0"
75°	7'- 6"	7'- 10"	16'- 4"	17'- 5"
90°	7'- 6"	7'- 6"	15'- 0"	20'- 0"

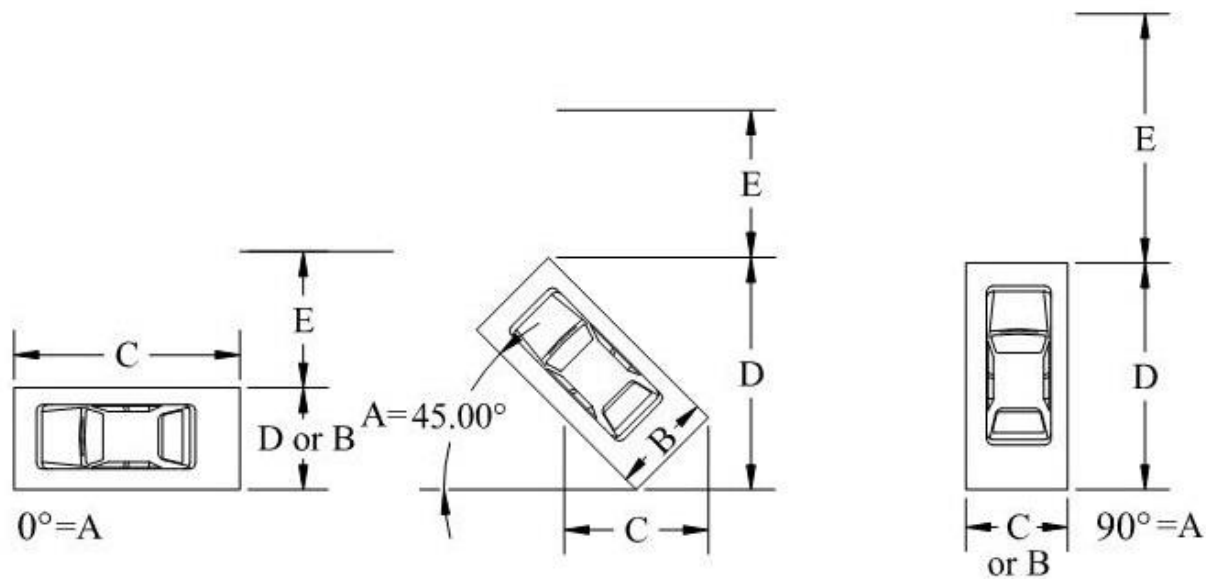


Figure 7.3: Minimum Standards for Parking Lot Design

(2) Surfacing

All parking lots, service drives, vehicle storage areas, and vehicle sales lots shall be paved and constructed to meet ACHD and Boise City Fire Code standards, whichever is more restrictive, for base course and asphalt or concrete mat thickness; and curbs and gutters where applicable. The design shall be prepared by a licensed, professional engineer.

(3) Grading

Parking lots shall be graded to prevent storm water runoff from crossing any sidewalk or from running onto adjacent properties or rights- of-way.

(4) Bumper

All parking areas shall be provided with a substantial wheel restraint that will prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. The requirements of this Subsection may be waived by the Planning Director for proper cause.

(5) Bumper Overhang

When the Planning Director approves parking stall dimensions that allow bumper overhang onto a sidewalk or landscape strip, the parking stall dimension may be reduced two feet in length if two feet in width is added to the required sidewalk or landscape strip. Bumper overhang shall not damage landscape.

(6) Screening

All parking lots, including vehicle sales areas, truck parking areas and bus parking areas, shall be masked by a street wall and/or landscape from public right of way

and/or adjacent property. The parking lot and service drives shall meet the following standards:

- (a) Along all streets there shall be a continuous landscaped area in accordance with the Landscape Design Guidelines A.3)b, and the following standards:
 - i. Street trees with a minimum size of two in. caliper. Tree type to be in accordance with "Boise City Street Tree Planting and Selection Guide."
 - ii. Shrubs, lawn, or other ground cover shall be installed in all landscape areas. Landscape plants shall not include plastic or other artificial materials.
 - iii. All landscaped areas shall contain an underground irrigation system.
- (b) A minimum five or six foot high solid screen shall be provided when a parking lot is adjacent to residential land uses. This screen may include fencing, walls and/or landscape combinations that will provide a dense barrier.
- (c) The Planning Director may approve a transfer of all or part of the required interior landscape to other areas of the site.
- (d) Existing healthy trees should be retained as approved by the City Forester and the Planning Director and be considered in the design and grading of the property. The Planning Director may grant up to a 10 percent reduction in the required number of parking spaces to preserve an existing tree(s).

(7)Clear Vision Triangle

A clear vision triangle shall be maintained regarding all visual barriers, including, without limitation, all vegetation (except deciduous trees pruned to at least eight feet in height above the sidewalk and 14 feet above the roadway), walls, signs, vehicles, solid fences, or other sight obstructions exceeding three feet in height.

(8)Lighting

Parking lot lighting shall comply with the following requirements:

- (a) Outdoor light fixtures shall be limited to a maximum height of 15 feet or the height of the nearest building, whichever is less.
- (b) Lighting shall be energy-efficient and shielded or recessed so that: the light source (that is, the bulb) is not visible from off-site; and glare and reflections are confined to the maximum extent feasible within boundaries of the parking lot. Each light fixture shall be directed downward and away from adjoining properties and rights-of-way.
- (c) No lighting shall produce an illumination level greater than one footcandle on adjacent residential lots or parcels. No permanently installed lighting shall blink, flash or be of unusually high intensity or brightness, as determined by the Planning Director.

(9)Marking

Parking spaces shall provide understandable markings to indicate where drivers should park. Subtle markings, such as contrasting colors/paving stones, are encouraged. The restriping of any parking space or parking lot shall require the approval of a restriping plan by the Planning Director.

(10) Ingress and Egress

Ingress and egress of parking garages shall be designed with due regard for visibility and safety.

(11) Pedestrian Access

Sidewalks and crosswalks shall completely link transit stations, parking areas, buildings, open spaces, and adjacent paths. Sidewalks shall be at least four feet wide, sited and illuminated to provide safe passage and observation of the path route. Sidewalk crossings of service drives shall be provided and clearly distinguished from the service drive.

U. Short Term Parking

Upon the determination of the Planning Director that the particular building use has a substantial demand for short-term parking immediately adjacent to the business, and upon the conditions that short-term parking will be restricted to a period of not more than 20 minutes and that the limit will be enforced by the business, the amount of parking spaces required may be reduced up to 20 percent to correspond to the number of parking spaces assigned to short-term parking. Any such reduction shall be noted on the Notice of Compliance.

V. Loading Requirements

Where loading and unloading of commercial vehicles cannot be accommodated from a public street within 20-minutes time, there shall be provided on the same lot with each commercial or industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

- (1)** Be provided with an asphalt or cement surface or any other surface with comparable durability and strength.
- (2)** Be properly drained.
- (3)** Be designed with regard to pedestrian safety.
- (4)** Have direct access to public streets or alleys.
- (5)** Be screened from adjacent single family residentially zoned property.
- (6)** No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. when adjacent to an area that is predominantly residential, unless sound barriers are used and such barriers effectively reduce noise emissions to a level of 65 decibels, as measured at the lot or parcel line of any adjoining lot or parcel.
- (7)** All loading spaces and related access areas shall be graded, improved, and maintained in a manner permitting safe and convenient use under normal weather conditions, to avoid adverse effects on neighboring property.
- (8)** Loading spaces shall be marked as such and reserved for loading purposes and shall not be used for general off-street parking nor computed as part of required off-street parking.

(9) No loading docks, service bays, or service windows shall face any street.

(10) Loading Facilities

Loading spaces as hereinafter defined and set forth shall be provided.

(a) Definitions and Standards

- i. Type A Space: Not less than 65 feet in length.
- ii. Type B Space: Not less than 35 feet in length.
- iii. All spaces shall be not less than 12 feet wide and have a minimum clear height of 15 feet.

(b) Quantity and type of loading space as determined by the gross floor area of any commercial or industrial building are found in Table 11-07.6 below. The Planning Director may modify the requirements of Table 11-07.6 if it is demonstrated that alternative loading methods/facilities will be adequate for the business(es) being served.

TABLE 11-07.6: QUANTITY AND TYPE OF LOADING SPACES BASED ON GROSS FLOOR AREA		
GROSS FLOOR AREA (SQ. FT)	NUMBER OF LOADING SPACES	TYPE OF LOADING SPACE
14,000 - 36,000	1	B
36,001 - 60,000	2	B
60,001 - 100,000	2	B
For each additional 75,000 sq. ft., or fraction thereof, an additional Type A space shall be required.	1	A

W. Temporary Parking Lots

- (1) Temporary parking lots for non-required parking may be permitted where new building construction is planned. Temporary parking lots may be permitted for up to 2 years if the following criteria are met:
- (2) The parking lot shall be located within 600 feet of the building or use the parking lot serves.
- (3) The parking lot shall include adequate land to accommodate parking spaces, drives, and a general circulation pattern that complies with the standards of this Section in connection with permanent parking lots.
- (4) A minimum 20 foot width of direct access to the parking lot from a public road right-of-way shall be provided.
- (5) Existing mature landscape shall not be displaced by the parking lot unless prior written approval is received from the Planning Director.
- (6) A detailed grading and drainage plan shall be submitted for review and approval by ACHD and the City's Public Works Department.

10. Sign Standards

A. Purpose

This Section of the Harris Ranch Specific Plan Code creates the framework for sign regulation that is intended to create an identifiable theme for Harris Ranch and to facilitate

communication between people and businesses recognizing the need for both a well-maintained and attractive community and the need for adequate business identification, advertising, and communication. The purpose of this Section is:

- (1) To provide reasonable and enforceable provisions for the location, design, and construction of signs;
- (2) To safeguard and enhance property values and to protect public and private investment in buildings and open spaces;
- (3) To promote those qualities in the visual environment that bring economic value to the community;
- (4) To encourage the design of signs that are in harmony with the principal activities and structures that the signs serve and that are compatible with the overall street setting and neighborhood character;
- (5) To ensure that the maintenance of a sign continues throughout the life of the sign; and
- (6) To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City and Harris Ranch.

B. General Provisions and Requirement

- (1) Signs shall incorporate design and materials that complement the architectural theme of the building with which the sign is identified. Pole support structures, if any, shall be covered.
- (2) The type, materials, colors, and shapes of signs should be architecturally compatible with the buildings and the surrounding area of the sign's location.
- (3) The sign shall not be the dominant feature of the sign's location.
- (4) A uniform sign plan shall be required for all office and/or retail complexes and multifamily buildings. The sign plan shall denote maximum total sign area permitted for the development. All tenants shall comply with the uniform sign plan.
- (5) The Planning Director shall review and approve all sign designs and uniform sign plans.
- (6) These standards are to provide general guidance. The Harris Ranch Review Board shall approve all signs and sign design plans and may reduce sizes if deemed appropriate.

C. Sign Orientation

All freestanding signs shall be oriented to the street(s) on which the building the sign is identifying has frontage. Freestanding signs shall be located on the front half of the lot or parcel or in front of all buildings on the property that the sign is intended to identify.

D. Sign Area

The sign area shall be the area of smallest geometric figure that encompasses the facing of the sign including the copy, insignia, logo, symbol, photograph, background, and borders. In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the sign area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs that

are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Entrance wall or fence area outside of the sign area width shall not be considered a part of the sign. The entrance wall or fence outside of the sign area width shall not exceed three feet in height.

E. Street Address

All freestanding signs shall include the street address(es) of the lot or parcel of the building that the sign is identifying. The placement of the street address on the sign shall be in addition to any address required to be placed on the building. Numbering shall be a minimum of 3 1/2 in. tall and be of a contrasting color. Street addresses shall not be included in the calculation for sign background area, except for those portions that exceed five square feet.

F. Blanketing of Signs

No sign shall be erected in the same horizontal plane with other signs unless spaced at least 25 feet apart.

G. Signs Adjacent to Predominantly Residential Areas

No sign shall be designed or located such that more than 1/2 foot-candle of light fall occurs at ground level at the property line of a lot or parcel within a predominantly residential block.

H. Signs in Areas Where a Use Exception Has Been Approved

Where a use exception has been approved pursuant to the Code, such uses that are office in nature shall be subject to the sign standards of Tier II blocks (see Table 4-1, Tier II), and uses that are commercial/retail in nature shall be subject to the sign standards of Tier III blocks (see Table 4-1, Tier III).

I. Gateway Streets

As provided in this Section, a sign oriented to Warm Springs Avenue and/or Park Center Boulevard may be regulated differently than a sign oriented to any other street in Harris Ranch.

J. Special Sign District

Properties occupying 60 percent or more of the street frontage on both sides of a street in any defined area, with prior approval from the Harris Ranch Review Board, may petition for the formation of a special sign district. A special sign district might be created to evoke, for example, an area with a particular atmosphere, to simulate an historic period, identify a theater or entertainment area, or other similar purpose. The petition shall be filed with the Planning Director and shall be accompanied by a designated filing fee and sufficient evidence that the petition and the particulars of the proposed sign district have been approved by the Harris Ranch Review Board. The petition shall specify the reasons for the creation of the special sign district and shall contain the signatures and addresses of not less than 60 percent of the owners of all properties proposed for inclusion in the special sign district. The petition shall be accompanied by a map of the proposed district and a complete description of the recommended criteria for signs in the district. A complete list

of all property owners and persons in possession of such properties to be included in the district shall be submitted along with the petition and all such parties shall be sent notices of the Planning Director's decision to create the special sign district.

K. Sign Maintenance and Repair

All signs shall be maintained in a state of good appearance, security, safety, and repair throughout the life of the signs. Maintenance shall be such that a sign continues to conform to the conditions imposed by the sign permit. Nothing in the Code shall relieve the owner or user of any sign, or the owner of property on which a sign is located from maintaining a sign in a safe condition and in a state of good repair. Maintenance requirements include, without limitation: any metal pole covers and sign cabinets shall be kept free of rust and rust stains; and any sign that has been damaged to such extent that the sign may pose a hazard to passersby shall be repaired or removed immediately.

L. Abandoned Signs

Except as otherwise provided in the Code, any on-site sign located on property that has been vacant and unoccupied for at least six months, or any sign that pertains to a time, event or purpose that no longer applies, shall be deemed to have been abandoned and the sign permit shall become void. An abandoned sign is prohibited and shall be removed by either the owner of the abandoned sign or the owner of the property on which the abandoned sign is located.

M. Clear Vision Triangles

Signs shall not be permitted in the clear vision triangle except at a height of less than three feet or at a height greater than eight feet to the bottom of the sign display surface area.

TABLE 11-07.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH

SIGN TYPE	MAXIMUM BACKGROUND AREA	MAXIMUM HEIGHT	LOCATION	ILLUMINATION	NUMBER ALLOWED	PROJECTION	CLEARANCE (FROM ABOVE) ROW
Tier I Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-12; SE14							
Rent; Lease; Sale	4 sq. ft.	4 ft.	5 ft. from back of sidewalk (minimum)	None	1 per Lot		
Home Occupation; Live-Work	2 sq. ft.	Not higher than eave line for projecting roof and parapet line for Flat Roof	Attached flat on Building, or on an awning	Indirect	1 per Lot	None	
Apartment, Condominium Complex Identification	4 sq. ft.	3 ft.	5 ft. from back of sidewalk (minimum)	Indirect	1 per street frontage		

TABLE 11-07.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH

SIGN TYPE	MAXIMUM BACKGROUND AREA	MAXIMUM HEIGHT	LOCATION	ILLUMINATION	NUMBER ALLOWED	PROJECTION	CLEARANCE (FROM ABOVE) ROW
Tier I Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-12; SE14							
All Other Signs	PROHIBITED						
Tier II Blocks: SW2-5; SW7; SW9-10; NW31; TC8-9; SE1-5							
Rent; Lease; Sale	4 sq. ft.	4 ft.	5 ft. from back of sidewalk (minimum)	None	1 per Lot		
Home Occupation; Live-Work; Work-live	2 sq. ft.	Not higher than eave line	Attached flat on Building	Indirect	1 per Lot	None	
Apartment, Condominium Complex Identification	4 sq. ft.	4 ft.	5 ft. from back of sidewalk (minimum)	Indirect	1 at each entrance point		
Business Identification Signs (attached; 50% maximum background area for awning sign)	1 sq. ft. per 3 lineal ft. of Building wall facing a Street; maximum 50 sq. ft.	Not higher than eave line	On wall face facing Street	Indirect	1 per Lot		
On-site Signs: Wall or Canopy or Marquee	20 sq. ft. (maximum)	Not to exceed height of wall	On wall face facing Street	Indirect	1 or more not to exceed total sq. ft. allowed	3 ft. from wall; may not project above Building	
All Other Signs	PROHIBITED						
Tier III Blocks: SW11-13; TC1-2, 4-7; SE7-12; SE14; SE16-17; SE18A; SE18B; NE14							
Rent; Lease; Sale	16 sq. ft.	10 ft.	On wall face	None	1 per Street Frontage		
On-premises Wall or Company or Marquee*	20 sq. ft. (maximum)**	Not to exceed height of wall	On wall face facing Street	Indirect	1 or more; not to exceed total sq. ft. allowed 1 per Alley	3 ft. from wall if a projecting sign	12 ft.

TABLE 11-07.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH

SIGN TYPE	MAXIMUM BACKGROUND AREA	MAXIMUM HEIGHT	LOCATION	ILLUMINATION	NUMBER ALLOWED	PROJECTION	CLEARANCE (FROM ABOVE) ROW
Tier I Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-12; SE14							
Marquee/Canopy/ Awning	50% (None for Alley or Parking Lot)	15 ft.		Indirect	1 per business		10 ft. with less than 2/3 project- ion from property line to curb; 12 ft. with more than 2/3 project- ion from property line to curb
Under Marquee/Canopy	Length not to exceed 75% of marquee width			Indirect	1 per business	3 ft. if project- ing sign	10 ft.

* When combination of wall and freestanding signs are used, total area for signs shall be reduced by 50%.

** A sign on a building wall that does not face a street may be permitted when:

- (1) The sign background area is a maximum of 10% of the building wall; and
- (2) The adjoining block is predominantly commercial.

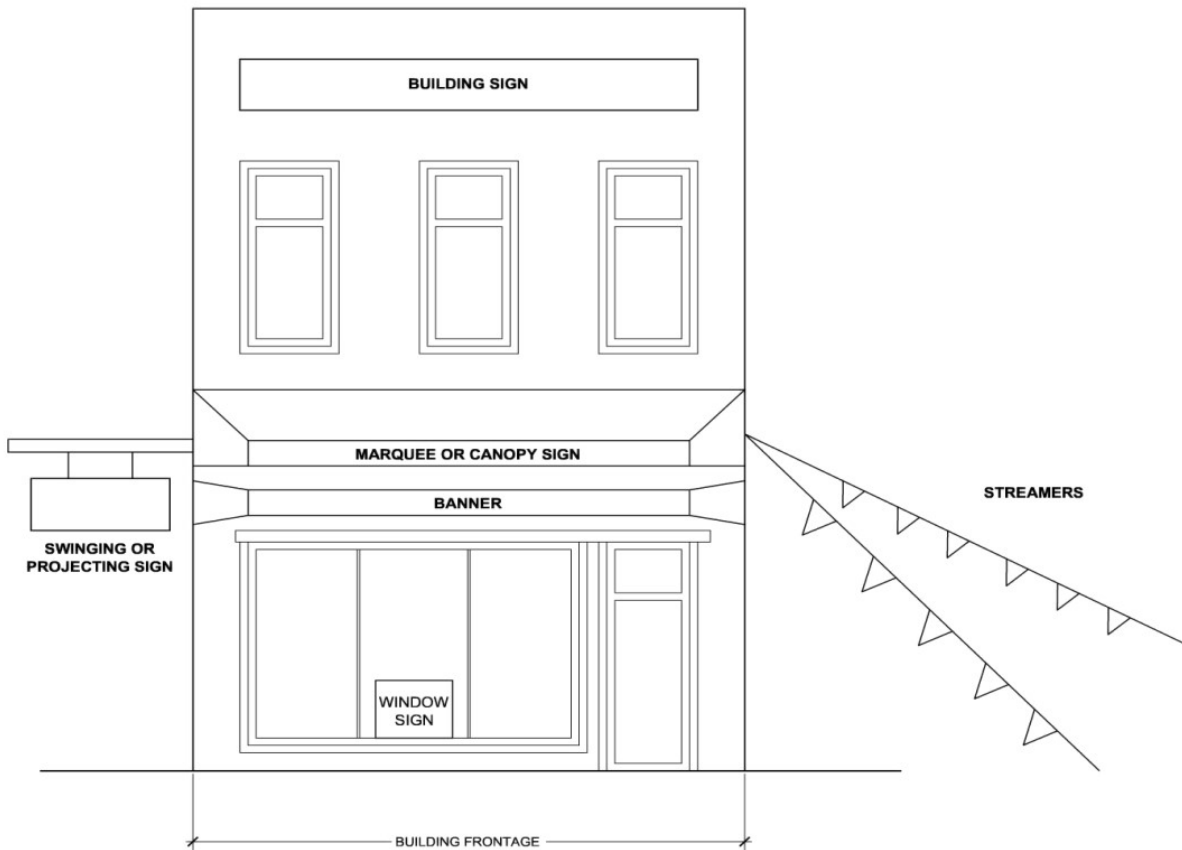


Figure 7.4: Types of Attached Signs

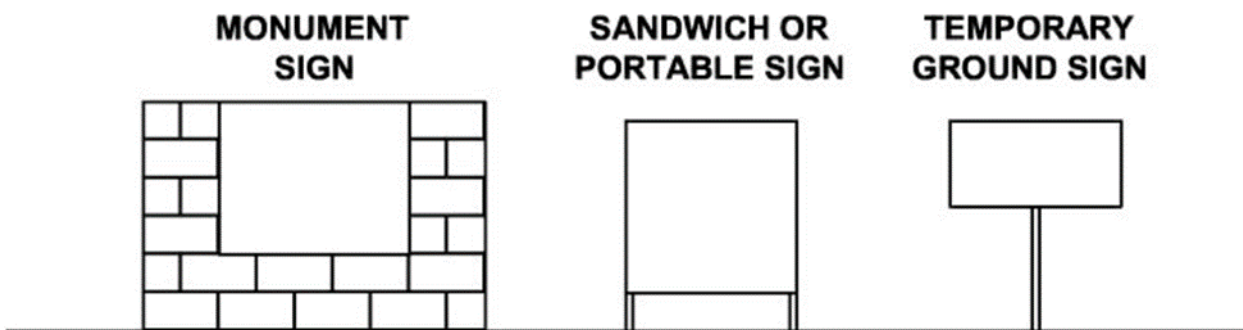


Figure 7.5: Types of Ground Signs

N. Further Regulation of Particular Sign Types

(1) Permitted by Planning Director

Balloons and other inflated devices, and other temporary signs that exceed the freestanding sign height allowances in this Section may be permitted by the Planning

Director provided that: (1) no more than one such sign is allowed per year; and (2) the sign is securely fastened.

(2)Projecting Signs

Projecting signs are prohibited except for those blocks listed in Subsections (b) and (c), below.

- (a) Maximum background area:
- (b) Five percent of building face facing a street in Blocks SW2-3; SW5; SW7; SW9-10; NW31; TC8; SE1-6; SE14C-14F;
- (c) 15 percent in Blocks SW11; SW12-14; TC1-7; SE7-14B; SE14G; SE16-17.
- (d) For the purpose of calculating background area, the lesser of the height of the lower level including parapet walls, or 20 feet.
- (e) Projection above building height: Prohibited.
- (f) Clearance over public property shall be a minimum of 10 feet. Evidence of permission obtained from the governmental entity with authority over such public property shall be provided to the Planning Director.
- (g) Lighting can be direct or indirect.
- (h) Number allowed: one for each use located at grade level.
- (i) Projection from wall: the lesser of 10 feet or to within three feet of the face of the curb.
- (j) Location: attached to the building facing a street.

(3)Accessory Signs for Public Parking Lots

- (a) In blocks that are predominantly residential or office or a mixture of the two uses, one identification sign for each street frontage of a parking lot is permitted. Each sign shall not exceed nine square feet in area or six feet in height and shall be located not closer than five feet to any property line unless attached to a building. All signs shall be stationary, and if lighted, may be indirectly illuminated only.
- (b) In blocks that are predominantly commercial, the immediately above provisions shall apply, except that the background area of each sign may be a maximum of 16 square feet in area.

(4)Temporary Signs

- (a) Unless otherwise specified by this Section, one temporary sign may be displayed on a lot or parcel for a maximum of 30 consecutive days in a calendar year.
- (b) A permit application, together with appropriate fee, is required for temporary signs.
- (c) The maximum height for a temporary sign is six feet; the maximum background area is nine square feet.
- (d) Temporary signs shall not be permitted either in clear vision triangles or over any public rights-of-way. Temporary signs shall not be located in any manner to cause a danger or threat to the public.

(e) No street banner stretched over public property that pertains to civic affairs shall be allowed over such public property for longer than 14 days. A substantial rope at least one in. in diameter (not wire cable or other metallic rope or wire) shall be used as the main support for banners, and 2 1/2 in. ropes shall be used for securing each lower corner. The banner shall have sufficient wind holes.

(f) Searchlights will be permitted when: (1) they are used by a business or enterprise once yearly for a maximum period of seven consecutive days, or for purposes of a grand opening of a new enterprise or an enterprise under new management for a maximum period of seven consecutive days; and (2) the beam of the searchlight shall not flash against any building or sweep an arc greater than 45° from vertical.

(5) Off-Site Signs

A business may request an off-site advertising sign because of excessive distance from a public street, special access or street frontage issues, unusual topography, or other special circumstances. Upon a determination that such circumstances exist, and after receiving written permission from the property owner of the property on which the sign would be located, the Planning Director may issue a permit for a sign. The dimensional and square feet allowances for the block within which the sign will be located shall apply. Such sign shall be in lieu of, and not in addition to, on-site freestanding signs. Off-premises signs are prohibited in Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-10, SE14C-14F; SW12; SW15-16; TC1; TC8; NE8; NE11.

O. Signs for Which a Permit Is Not Required

(1) Construction Signs

Construction signs, provided that such signs are erected no more than 30 days prior to the beginning of construction for which a valid building permit has been issued, are confined to the site of construction, and shall be removed five days after completion of construction and prior to occupancy. Each sign shall not exceed nine square feet in area or six feet in height and shall be located not closer than five feet to any property line unless attached to a building.

(2) Real Estate Signs

One real estate sign may be allowed on any lot or parcel, provided the real estate sign is removed within seven days after the sale, rental or lease has been consummated.

(3) Political or Campaign Signs

(a) There is permitted one or more temporary, unlighted, on a lot or parcel on behalf of candidates for public office or measure on the ballot, or announcing a campaign, drive, or event of a civic, philanthropic, educational, or religious organization or nature, provided that the property owner grants permission for the erection of the sign.

(b) Political or campaign signs shall be erected not earlier than 60 days prior to the applicable election, campaign or event and shall be removed within 10 days after such election, campaign, or event.

(c) Political or campaign signs shall not exceed:

- i. Six feet in height or a total of 10 square feet in area for Blocks NW4-16; NW18-24; NW26-30; NE1-7; NE9-10; SE14C-14F.

- ii. 10 feet in height or a total of 16 square feet in area in Blocks SW2-3; SW5; SW7; SW9-10; NW31; TC8; SE1-6; SW11; SW12-14; TC1-7; SE7-14B; SE14G; SE16-17.
 - iii. If attached to a building, campaign signs shall not exceed the height of the eave line of the building.
- (d) No political or campaign sign shall be located closer than five feet to any property line unless attached to a building that is closer than five feet from the property line.

(4) Window Signs

Temporary or permanent commercial window signs for on-site commercial activity provided that the signs shall not exceed 25 percent of the total window area and the combined total copy area of temporary and/or permanent window signs shall not exceed 50 percent of the total window area.

(5) Hand-held Signs

(6) Public Notices

Public notices posted by public officials in the performance of their duties.

(7) Residential Yard/Garage/Estate Sale Signs

Display is not to exceed three days prior to the date of the sale with removal within 24 hours following the last day of the sale. Such signs may be of any number and type provided that each sign does not exceed nine square feet in area.

(8) Directional Signs

Directional or public service information signs shall be no greater than four square feet in area and no more than four feet in height. If business identification is included, the information shall be secondary in all aspects to the primary use of these signs for directional purposes.

(9) Flags

Conventional flags, emblems, or insignia of any national or political subdivision or corporation.

(10) Government Signs

Governmental signs for the control of traffic or other regulatory purposes or authorized public signs of public service companies indicating danger.

(11) House Numbers

House numbers and name plates.

(12) Interior Signs

Interior signs located within the interior of any buildings or structures that are not visible from the public right-of-way.

(13) No Trespassing

"No Trespassing" or similar signs not to exceed 11/2 square feet in area per sign and not exceeding four in number per lot or parcel.

(14) Memorial Signs

Memorial signs or tablets, names or buildings and date of erection when cut into any masonry surface or inlaid to be part of the building.

(15) Plaques

Plaques or nameplate signs of not more than 21/2 square feet in area that are fastened directly to a building.

(16) Display Windows

Signs in the display windows of a business that are incorporated in a display of merchandise.

(17) Symbols or Insignia

Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed four square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

(18) Warning Signs

Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(19) Orientation from Street

Any sign that is oriented only to the property on which it is located and is not visible from the public right-of-way.

(20) Change in Sign Copy

A permit shall not be required for a change of copy on any sign, nor for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this Harris Ranch Specific Plan Code, provided that the sign or sign structure is not substantially altered in any way.

(21) Portable Signs

In blocks that are predominantly commercial or mixed-use, an A-frame, T frame and similar "sandwich" signs placed on public sidewalks for promotion of businesses and products are to be considered portable signs. Portable signs shall be placed to allow for unobstructed pedestrian traffic, to prevent pedestrian-vehicular conflicts and tripping hazards. At a minimum, signs shall be placed to provide a five foot clear zone for pedestrians on the sidewalk between the building and curb and, if possible, portable signs shall be located outside the pedestrian zone. Portable signs are allowed without a permit from City. However, evidence of permission from the governmental entity with authority over the public sidewalks shall be provided to the Planning Director.

P. Nonconforming Signs**(1) Legal Nonconforming Signs**

A legal nonconforming sign is any sign that does not conform to the requirements of the Code, but which was legally erected in any of the following circumstances:

- (a) A valid permit was issued for the sign prior to the adoption of the Code;
- (b) The sign needed no permit but was a legal sign prior to the adoption of the Code; or
- (c) The sign was lawfully occupying a building or land at the effective date of the Code.

(2) No temporary or prohibited signs shall be eligible for "legal nonconforming" status. A legal nonconforming sign shall lose its legal non-conforming status if:

- (a) The sign is altered in any way in structure or copy (except for copy changes and normal maintenance) that violates provisions of the Code other than those violated before the alterations; or
- (b) The sign is moved to a position that violates the Code; or
- (c) The sign is replaced; or
- (d) The use of the property on which the sign is located is changed.

(3) If a nonconforming sign loses its legal status, the sign owner shall remove the sign or bring the sign into compliance with the Code within 60 days.

(4) The Planning Director may require the removal of nonconforming signs as a condition for granting a new sign. Factors to consider include the degree of non-compliance, the relation of the proposed sign to the nonconforming sign(s), the number of nonconforming signs, and any other factors that the Planning Director deems reasonably significant.

Q. Prohibited Signs

(1) Miscellaneous Signs and Posters

No signs or posters that are visible from a public right-of-way and are tacked, pasted, or otherwise affixed to or upon, without limitation, the walls of buildings or upon trees, poles (including, but not limited to power poles), posts, fences, bridges, or other structures shall be allowed.

(2) Public Area Signs

Except as permitted by the governmental entity with authority over such public property, no signs placed on, without limitation, any public street right-of-way, curb, sidewalk, post, pole, hydrant, bridge, or tree, except official public notices posted by an authorized public officer shall be allowed.

(3) Banners

No banners, pennants, portable signs, strings of lights, ribbons, streamers, spinners, twirlers or propellers, balloons, bubble machines and similar devices of a carnival nature shall be allowed.

(4) Confusion with Other Signs

No signs which, by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or that obstructs the visibility of any traffic or street sign or signal device shall be allowed. This shall include strobe lights and animated signs.

(5)Roof Sign

Roof signs are not allowed.

11-07-02. Barber Valley**1. Applicability of Ordinance**

This Barber Valley Specific Plan Zoning Ordinance applies to all property designated on the Barber Valley Specific Plan Zoning Map (Figure 7.4 below) and the Barber Valley Specific Plan Land Use Sub-Districts Map (Figure 7.5 below) in lieu of Chapter 11-02, *Zoning Districts*, except where noted herein. All remaining Chapters of this Code still apply, except where noted herein. If any provision of this Section conflicts with any provision of the Code, the provisions of this Section shall control.

2. Interpretation of Districts**A. Sub-Districts Established**

- (1)**Low-density Residential (SP02-LR).
- (2)**Medium-density Residential (SP02-MR).
- (3)**High-density Residential (SP02-HR).
- (4)**Mixed-Use: Office and Medium-density Residential (SP02-OMR).
- (5)**Mixed-Use: Office and Commercial (SP02-OC).
- (6)**City Park (SP02-P).

B. District Boundaries

The location and boundaries of the Barber Valley Specific Plan (SP02) District are shown on the Barber Valley Specific Plan Zoning Map (Figure 7.4 below). The location and boundaries of the Barber Valley Specific Plan Sub-Districts established herein are shown on the Barber Valley Specific Plan Land Use Sub-Districts Map (Figure 7.5 below). Where any uncertainty exists as to the boundary of any such district, the following rules shall apply:

- (1)**Where any such boundary line is indicated as following a street, alley, or public way, it shall be construed as following the centerline thereof.
- (2)**Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- (3)**Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Barber Valley Zoning Map.

3. Conformity Required**A. General**

Except as otherwise provided herein, all land, buildings and premises in any district established herein shall be used only in accordance with the regulations established herein for that district. Additionally, no property shall be allowed to maintain an attractive or public nuisance as defined by this Code and/or state code at any time.

B. Purpose of SP02-LR Sub-District

The purpose of the SP02-LR Sub-District is to provide for the development of diverse urban housing products at a net density of approximately two to six units per acre. This area may

include a variety of lot sizes, with lots as small as 3500 square feet allowed, but overall gross density cannot exceed six units per acre. Attached units are allowed within the overall density limitations. Accessory dwelling units and uses are also allowed, along with community uses such as parks, community centers and recreational facilities.

C. Purpose of SP02-MR Sub-District

The purpose of the SP02-MR Sub-District is to (a) accommodate medium density residential uses at a net density of approximately six to 18 units per acre; (b) provide an orderly transition from more intensive, higher density uses to less intensive, lower density uses; and (c) allow limited cottages and quasi-residential uses, including senior housing and care facilities. The SP02-MR Sub-District includes significant flexibility in lot sizes and restrictions and anticipates residential uses ranging from row houses and townhouses to condominiums and multi-story apartments. A range of civic and recreational facilities is allowed, along with office, medical and personal service commercial uses that are ancillary to senior housing and care facilities.

D. Purpose of SP02-HR Sub-District

The purpose of the SP02-HR Sub-District is to (a) accommodate higher density residential uses at a net density of approximately 18 to 40 units per acre; and (b) encourage residential uses that are convenient to shopping, recreation, cultural and other concentrated community facilities. The range of uses is similar to the SP02-MR Sub-District, with the addition of hotels, restaurants, cafes, coffee shops and theaters as allowed uses.

E. Purpose of SP02-OMR Sub-District

The purpose of the SP02-OMR Sub-District is to accommodate medium density residential uses, business and professional office uses, and complementary commercial uses such as hotels, restaurants, and theaters, together with necessary off-street parking facilities. The SP02-OMR Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards.

F. Purpose of SP02-OC Sub-District

The purpose of the SP02-OC Sub-District is to provide a significant commercial and office component in Barber Station, together with necessary off-street parking facilities. The SP02-OC Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards. Large office buildings are allowed in this area, along with retail, shopping, service, lodging, and civic uses.

G. Purpose of SP02-P Sub-District

The purpose of the SP02-P Sub-District is to accommodate City park uses, including indoor and outdoor recreational facilities and any necessary parking. The SP02-P Sub-District may also include dedicated open spaces, protected environmental sites such as wetlands and riparian areas, and hazardous areas such as floodways and steep slopes.

H. Design Review

(1) Creation of BVD Design Review Overlay District

This Section creates an overlay district within portions of Barber Valley called the Barber Valley Design District ("BVD District"). The BVD District overlays the SP02-MR, SP02-HR, SP02-OMR, and SP02-OC Sub-Districts.

(2)Applicability

Any visible exterior improvements to a site, building or structure (including new facilities, remodeling, rehabilitation projects and expansion projects) within the BVD District shall require submittal of a Design Review application and fee in accordance with Section 11-05-05.3.D and 11-05-05.2.E except where expressly modified herein.

(3)BVDR Board Review

Development applications within the BVD District shall be submitted to the Barber Valley Design Review Board ("BVDR Board") prior to submission to the City for design review approval. The BVDR Board shall forward their decisions on to the City for their consideration for all projects.

(4)Application Content

Any BVD District application to the City shall be accompanied by the information required by Section 11-05-05.3.D and 11-05-05.2E, and by the findings, conclusions and any conditions of approval issued by the BVDR Board.

(5)Level of Review

The Planning Director shall determine whether an application shall be processed at the administrative level or Design Review Commission ("Commission") level; provided, however, (i) all applications for projects that have less than 5,000 square feet of gross building area and less than 20,000 square feet of site improvements shall be administratively reviewed by the Planning Director and (ii) all applications for a Continuing Care Retirement Community shall be reviewed at the Commission level.

(6)Procedures

With due consideration to the decision of the BVDR Board, the Planning Director or Commission, as appropriate, shall review the application to determine whether the proposed application complies with the design review objectives, considerations and guidelines set forth in Section 11-05-05.3.D and 11-05-05.2E, Chapter 11-04, and the design criteria for the BVD District as set forth in the Barber Valley Specific Plan. Upon making such determination, the Planning Director or Commission shall issue its findings of fact, conclusions of law and conditions of approval. Any action of the Planning Director or the Commission may be appealed pursuant to the appeal provisions of this Code.

I. Allowed Uses

Table 11-07.8 sets forth the allowed uses in each Sub-District established herein. Allowed uses are designated with a "•". Uses listed but not designated as allowed in Table 11-07.8 are prohibited. Uses not listed in Table 11-07.8 are allowed only upon a determination by the Planning Director that such uses are similar or compatible in nature to the allowed uses in Table 11-07.8. Any affected person may appeal such a determination of the Planning Director to the Planning and Zoning Commission within 10 calendar days following the date the decision is mailed in accordance with Chapter 11-05, *Administration and Procedures*.

TABLE 11-07.8: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
RESIDENTIAL						
Apartment or Multiple Family Dwelling*		•	•	•		
Row House (Townhouse)	•	•	•	•		
Duplex House	•	•	•	•		
Single Family Residence or Cottage	•	•	•	•		
Condominiums	•	•	•	•		
Home Occupation						
Continuing Care Retirement Community*		•	•	•	•	
Assisted Living Apartment*		•	•	•	•	
Skilled Nursing Care Facility*		•	•	•	•	
Memory Care Facility*		•	•	•	•	
Accessory Dwelling Unit	•	•				
Accessory Use	•	•	•	•		
Common Areas to Support Allowed Uses	•	•	•	•	•	
LODGING						
Hotel (no room limit)			•	•	•	
Hotel (up to 12 rooms)			•	•	•	
Inn (up to 5 rooms)	•		•	•	•	
Motel						
OFFICE/RETAIL						
Office - Business, Professional, Medical			•	•	•	
Retail Store (convenience, clothing, video rental, sundries, pharmacy, etc.)					•	
Personal Service Store (dry cleaning, Laundromat, barber shop, etc.)			•	•	•	

TABLE 11-07.8: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
Service Station					•	
Automobile Service					•	
Lot, Automobile Sales						
Drive-Up Window					•	
Billboard						
Shopping Center, Convenience Commercial, Neighborhood Commercial or Community Commercial					•	
Shopping Center, Regional Commercial						
Car Wash					•	
Grocery (up to 60,000 square feet)					•	
Bank					•	
Building Materials Supply					•	
Wholesale Business					•	
Restaurant, Cafe, Coffee Shop			•	•	•	
Tavern					•	
Liquor Store					•	
Sexually Oriented Business						
Temporary Sales Offices	•	•	•	•	•	
Model Homes or Units	•	•	•	•	•	
Health Club Facility			•	•	•	
Spa/Resort				•	•	
Nursery (retail or greenhouse)*		•	•	•	•	
CIVIC (PUBLIC AND PRIVATE)						

TABLE 11-07.8: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
Bus Shelter	•	•	•	•	•	
Fountain or Public Art	•	•	•	•	•	•
Library	•	•	•	•	•	
Theater				•	•	
Outdoor Auditorium			•		•	•
Park	•	•	•	•	•	•
Playground	•	•	•	•	•	•
Parking Lot		•	•	•	•	•
Parking Structure		•	•	•	•	
Conference Center				•	•	
Community Center	•	•	•	•	•	
Religious Institution	•	•	•	•		
Clubs, Lodges, Social Halls	•	•	•	•	•	
Private Open Space	•	•	•	•	•	
Recreation Center				•	•	•
Outdoor Recreation Facility	•	•	•	•	•	•
Swimming Pool	•	•	•	•	•	•
Golf Course						
Golf Driving Range						
CIVIL SUPPORT						
Fire Station	•	•	•	•	•	
Police Station		•	•	•	•	
Cemetery						
Funeral Home				•	•	

TABLE 11-07.8: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
Hospital				•	•	
Medical Clinic (accessory use only in MR and HR)*		•	•	•	•	
Rehabilitation Clinic				•	•	
Hospital, Large Animal or Small Animal				•	•	
EDUCATION						
School (public, private, or parochial)	•	•	•	•	•	
School, Trade or Vocational			•	•	•	
Family Child Care Home (1 - 6 children)	•	•	•	•	•	
Group Child Care (7 - 12 children)		•	•	•	•	
Intermediate or Large Child Care Center (13+ children)			•	•	•	
INDUSTRIAL						
Heavy Industrial Facility						
Light Industrial Facility						
Agriculture						
Livestock						
Laboratory				•	•	
Public Utility Facility - Minor		•	•	•	•	
Public Utility Facility - Major						
Wireless Communication Facility, Micro-Cell or Visually Unobtrusive/Attached		•	•	•	•	
Other Wireless Communication Facility						
Mini-Storage						
Warehouse						

TABLE 11-07.8: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC	SP02-P
Manufacturing Facility						
Power Production Facility						
Broadcasting Facility (e.g., TV, radio), Micro-Cell or Visually Unobtrusive/Attached				.	.	
Other Broadcasting Facility (e.g., TV, radio)						

* This use is not allowed in the 8-acre parcel in the SP02 MR Sub-District.

J. Lot and Structure Dimensions

Table 11-07.9 sets forth the lot, yard, density, and structure height requirements for uses within each Sub-District established herein.

TABLE 11-07.9: LOT AND STRUCTURE DIMENSIONS IN SUB-DISTRICTS

	SP02-LR		SP02-MR [1]		SP02-HR	SP02-OMR	SP02-OC	SP02-P
a. MAXIMUM DWELLING UNITS PER ACRE	6		18 [2]		40	18	0	--
	Attached	Detached	Attached	Detached				
b. MIN. LOT AREA (square ft.)								
Interior Lot	3500	4000	2000	2500	0	0	0	--
Corner Lot	4000	4500	2500	3000	0	0	0	--
c. MIN. AVG. LOT WIDTH (lineal ft.)								
Interior Lot	35	40	20	25	0	0	0	--
Corner Lot	40	45	25	30	0	0	0	--
d. MIN. STREET FRONTAGE (flag lot)	10/20 [3]	10/20 [3]	0	0	0	0	0	--
e. MIN. BUILDING SETBACKS (lineal ft.)								
Front Yard & Side Yard Abutting Public St. [4]	10 [5]	10 [5]	5 [5]	5 [5]	0	0	0	--
Abutting public park	5	5	5	5	5	5	5	--
Rear Yard	15 [6]	15 [6]	5	5	0	0	0	--
Side Yard - Interior	0	5	0	4	0	0	0	--

Notes:

TABLE 11-07.9: LOT AND STRUCTURE DIMENSIONS IN SUB-DISTRICTS

	SP02-LR	SP02-MR [1]	SP02-HR	SP02-OMR	SP02-OC	SP02-P

[1] Skilled nursing and memory care facility beds are each counted as 1/3 of a dwelling unit.

[2] The following standards shall apply to the 8-acre parcel in the SP02 MR Sub-District only: (i) the maximum density shall be 12 units per acre; (ii) on perimeter lots adjacent to existing residential alleys, structures shall be no more than 2 stories and rear yard setbacks shall be 6 feet; (iii) alley access shall provide 22 feet of backup area; and (iv) the maximum building height shall be 35 feet.

[3] 10' allowed with shared access easement agreement.

[4] Measured from back of sidewalk.

[5] 20' setback required for garages accessed from public streets.

[6] 5' setback allowed on corner lots with garages accessed from the side yard street (see Figure 7.6); 30' setback required on lots abutting the existing Riverland Terrace Subdivision.

K. Property Development Standards

Except as follows, the Property Development Standards for the Sub-Districts established herein shall be the same as those set forth in Section 11-02-02 for residential uses and Sections 11-02-03 for office and commercial uses.

(1) For attached single-family units, the minimum frontage requirement in Section 11-0-02 is reduced to 18 feet.

(2) For lots with zero feet frontage on a public right-of-way, drive aisles will provide access to the public street with perpetual ingress/egress or cross access easements recorded against the property. A homeowners' association or other agreed upon arrangement among the affected property owners will maintain the drive aisles in accordance with a recorded declaration. The easements and declaration shall be reviewed by the Boise City Attorney's office at the time of preliminary plat approval to ensure the access and maintenance obligations of this paragraph are addressed. The Ada County Highway District shall approve installation of any required street signs. Buildings will be addressed to the public street from which the drive aisles extend. Addresses will be clearly delineated with appropriate monuments or signs.

(3) Off-street parking and loading facilities shall be provided in accordance with Section 11-07-02.4, below.

(4) The maximum number of residential units allowed within the Barber Valley Specific Plan District is 1025. The maximum combined office and commercial square footage allowed within the Barber Valley Specific Plan District is 541,500. To exceed either of these limits, the Barber Valley Specific Plan Applicant shall follow the rezone procedures of the Boise City Code to amend the Barber Valley Zoning Ordinance. In so doing, the Applicant need not amend the entire Barber Valley Specific Plan so long as the City finds that the revised limits are generally in accordance with the Barber Valley Specific Plan.

(5) Civic uses are limited to no more than 20 percent of the developed area in the SP02-LR Sub-District.

(6) A private management company shall be responsible for maintenance of sprinkler systems within mixed-use buildings.

4. Off-Street Parking and Loading Requirements

In the SP02-LR, SP02-MR and SP02-HR Sub-Districts, off-street parking and loading facilities shall be provided in accordance with Section 11-04-08, except as noted herein. In the SP02-OMR and SP02-OC Sub-Districts, off-street parking and loading facilities shall be provided in accordance with Section 11-04-06, except as noted herein. In lieu of the off-street parking ratio requirements in Sections 11-04-08, nonresidential uses in the SP02-MR, SP02-HR, SP02-OMR and SP02-OC Sub-Districts shall meet an overall parking density of three and one-half per 1000 square feet. Assisted living apartments, independent living residences within the Continuing Care Retirement Community, and similar uses shall be subject to the off-street parking requirements for "Housing for Elderly" uses listed in Section 11-04-08. Memory care facilities, skilled nursing care facilities, and similar uses shall be subject to the off-street parking requirements for "Nursing Home" uses listed in Section 11-04-08.

5. Administrative Provisions

A. Plat Approval Criteria

Development within the Barber Valley Specific Plan District shall be subject to the subdivision and other related provisions of the Boise City Code. Additionally, the City Council shall find that each preliminary plat proposed and/or amended within the Barber Valley Specific Plan District substantially conforms to the adopted Barber Valley Specific Plan and complies with all applicable provisions of the Barber Valley Specific Plan Zoning Ordinance. Plats shall still proceed through the normal hearing process with review by the Planning and Zoning Commission and City Council.

B. Annexation into SP02 District

Any property owner or authorized representative may seek to reclassify their property for inclusion within the Barber Valley Specific Plan District pursuant to 11-02-08, *Specific Plan Districts*.

C. Amendments

Any property owner within the Barber Valley Specific Plan District may seek to amend the Barber Valley Specific Plan Zoning Ordinance or the Barber Valley Specific Plan pursuant to the Boise City Code provisions for zoning amendments.

D. Exceptions

(1) The Planning Director may grant exceptions to any setback, frontage, parking, or height restriction up to 20 percent of the applicable limit and may grant exceptions to any use restrictions on a case-by-case basis.

(2) The Planning and Zoning Commission may grant exceptions to any setback, frontage, parking, or height restriction greater than 20 percent of the applicable limit.

(3) Any approval pursuant to this Section shall be supported by each of the following findings:

(a) The exception is consistent with the Barber Valley Specific Plan; and

(b) The exception is justified based on unique circumstances of the proposed use or exceptional design features or the shape of the land.

- (c) The exception would not cause undue adverse impacts on any other property.
- (d) For any approval pursuant to subparagraph b, the exception meets the general conditional use criteria in the Boise City Zoning Ordinance.

(4) Applications pursuant to this Section shall include such information as the Planning Director determines is necessary to make the applicable findings in subparagraph c.

(5) The decision on any requested exception may be appealed pursuant to the appeal provisions of the Boise City Code.

E. Periodic Review

The Planning Director may perform a review of the implementation of the Barber Valley Specific Plan not more frequently than every one year after approval of first Final Plat. The review may address any matters the Planning Director deems appropriate regarding the progress of the development, including but not limited to (a) the Transportation Management Association; (b) the Barber Valley Wildlife Mitigation Plan; and (c) traffic impacts until 2016. Any modification of the Barber Valley Specific Plan Zoning Ordinance may only occur after review by the Barber Valley Specific Plan Applicant and the Planning Director and in compliance with the applicable Boise City Code Sections for zoning amendments and Idaho Code Section 67-6511(d).

6. Definitions

The following definitions apply to this Section. If any conflict exists with definitions in other parts of the Code, the following definitions control.

A. Assisted Living Apartment

A residential apartment or apartment complex that provides personal care services to senior citizens for daily living needs. Assisted living services are a coordinated array of supportive personal and health services available 24 hours a day to residents who have been assessed to need these services, including residents who require long term care. Assisted living services promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy, and dignity in a home-like surrounding.

B. Barber Valley Specific Plan Zoning Ordinance

Section 11-07-02 of this Code, specifically setting forth zoning regulations for the Barber Valley Specific Plan District.

C. Barber Valley Specific Plan

The Specific Plan adopted for the Barber Valley Specific Plan District by the City of Boise on March 18, 2008, as maintained in the official records of the City, including subsequent modifications.

D. Barber Valley Specific Plan Applicant

Brighton Corporation or successor entities.

E. Barber Valley Specific Plan District

The area designated as the SP02 zone or successor designation on the City of Boise's zoning map and as shown on the Barber Valley Specific Plan Zoning Map (attached as Figure 7.4).

F. Continuing Care Retirement Community

A campus-style facility (multiple buildings on a single lot) that provides housing, personal services, and health care, including nursing home care to people of retirement age. The community shall provide a continuum of care to meet the needs of the individual residents, from independent living to assisted living to skilled nursing care and, possibly, memory care support. Meals, housekeeping, linens, 24-hour security and recreational services usually are provided. Each individual resident enters into a contract with the retirement community that defines the type of housing and services to be provided and the fees that will be charged.

G. Memory Care Facility

Same as Skilled Nursing Facility except the residents also receive care for some form of memory impairment.

H. Skilled Nursing Facility

A residential facility that provides 24-hour supervision by licensed nurses. The care usually is prescribed by a physician. Emphasis is on medical care, supplemented by physical, occupational, speech and other types of therapies. Personal care services, such as help with meals, bathing, dressing, and grooming are also provided along with social services, religious services, and recreational activities. A nursing facility offers care for individuals suffering from chronic diseases or conditions that do not require the constant attention of physicians. Services are provided that address the individuals' personal care and social-emotional needs.

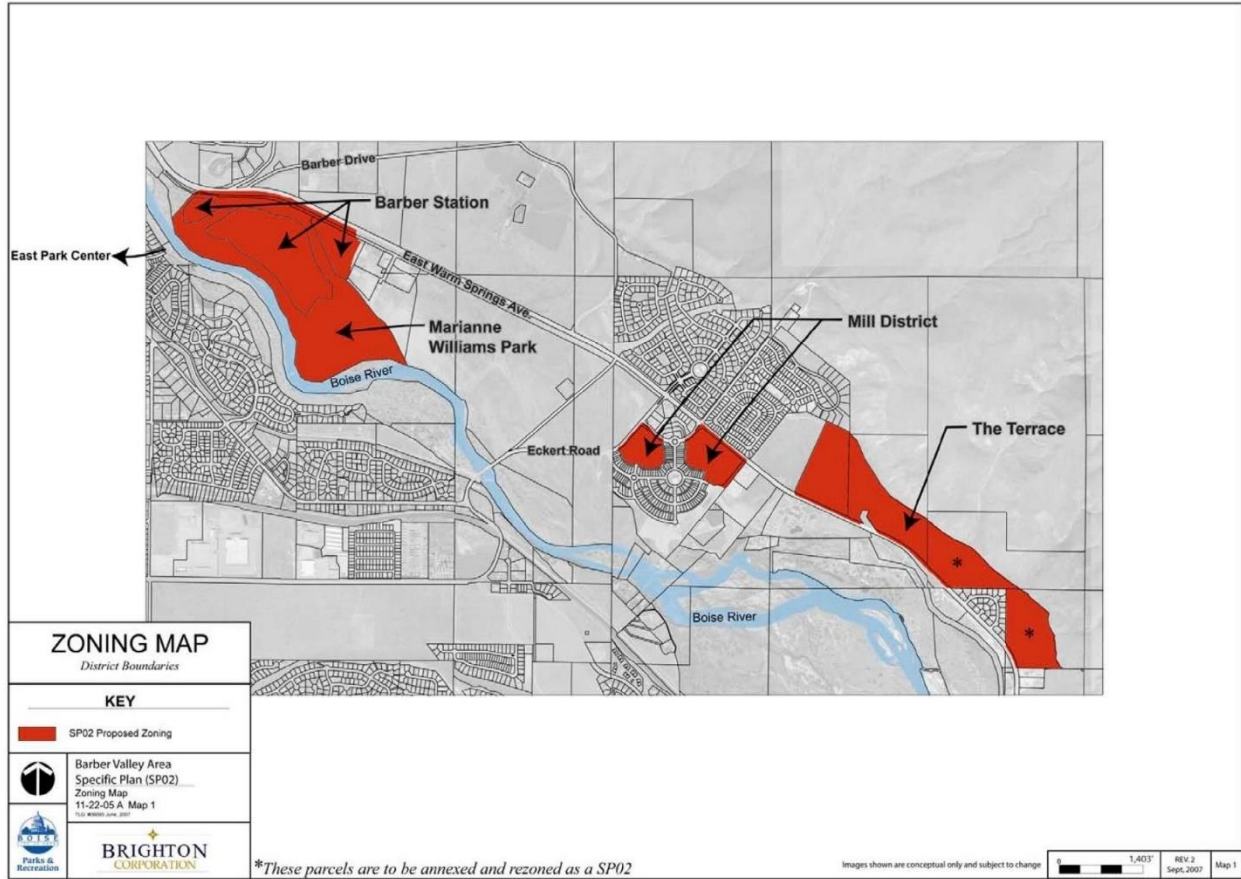


Figure 7.4: Barber Valley Zoning Map

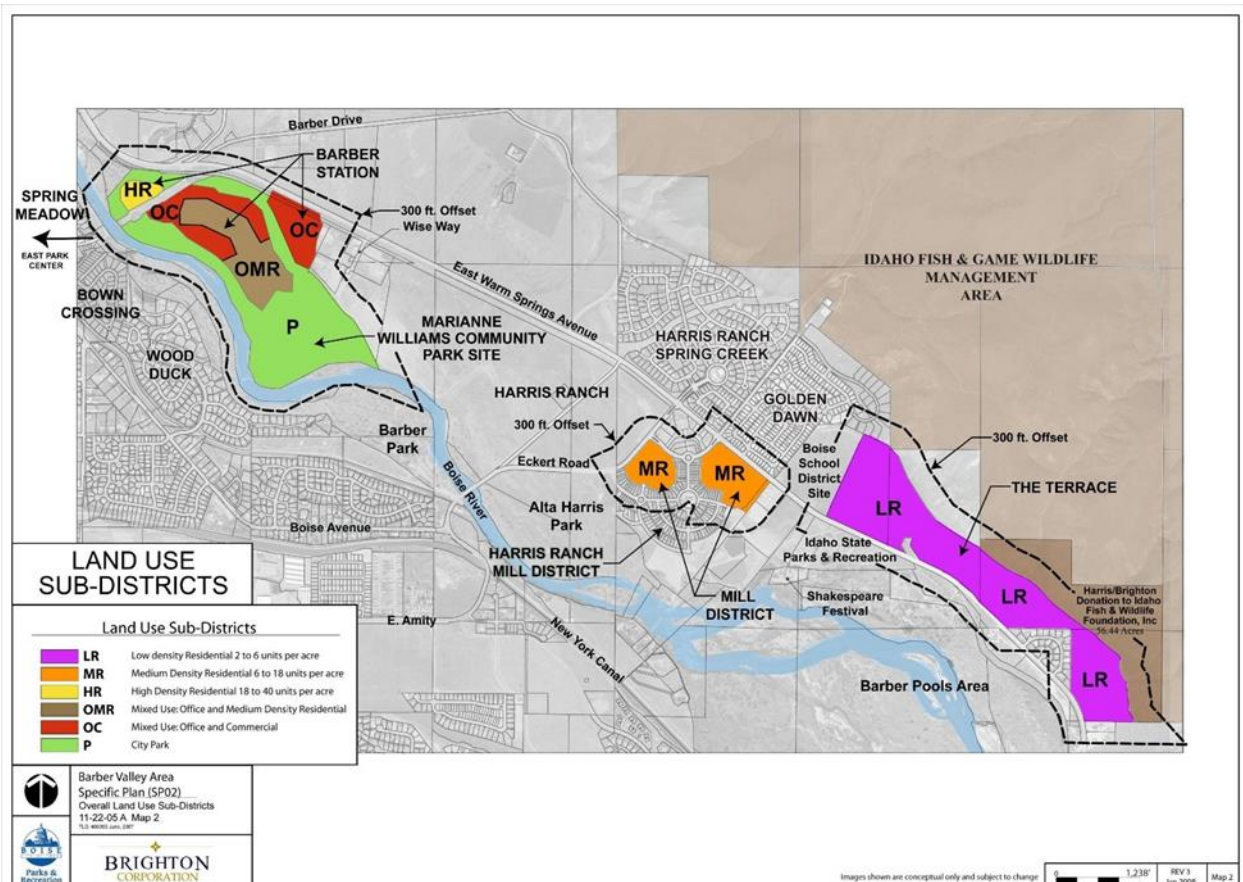


Figure 7.5: Barber Valley Land Use Sub-Districts



Boise Modern Zoning Code
Spring 2025

11-07-03. Syringa Valley**1. Applicability of Ordinance**

This Syringa Valley Specific Plan Zoning Ordinance applies to all property designated on the Syringa Valley Specific Plan Overall Sub-Zoning Map (Figure 7.7 below) in lieu of Chapter 11-02, *Zoning Districts*, except where noted herein. All remaining Chapters of this Code still apply, except where noted herein. If any provision of this Section conflicts with any provision of the Code, the provisions of this Section shall control.

2. Interpretation of Districts:**A. Sub-Districts Established**

- (1) Low-Density Residential (LR);
- (2) Medium-Density Residential (MR);
- (3) Village Center (VC);
- (4) Commercial/Business Campus (CB);
- (5) Industrial (IND).

B. District Boundaries

The location and boundaries of the Syringa Valley Specific Plan (SP-03) District are shown on the Syringa Valley Specific Plan Overall Sub-Zoning Map (Figure 7.7 below). The location and boundaries of the Syringa Valley Specific Plan Sub-Districts established herein are shown on the Syringa Valley Specific Plan Overall Sub-Zoning Map (Figure 7.7 below). Where any uncertainty exists as to the boundary of any such district, the following rules shall apply:

- (1) Where any such boundary line is indicated as following a street, alley, or public way, it shall be construed as following the centerline thereof.
- (2) Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- (3) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Syringa Valley Zoning Map.

3. Conformity Required**A. General**

Except as otherwise provided herein, all land, buildings and premises in any Sub-District established herein shall be used only in accordance with the regulations established herein for that district. Additionally, no property shall be allowed to maintain an unattractive appearance or public nuisance as defined by this Code and/or state code at any time.

B. Purpose of the Low-Density Residential (LR) Sub-District

The purpose of the LR Sub-District is to provide for the development of diverse urban housing products at a density ranging from two to six units per gross acre. The LR Sub-District north of W. Lake Hazel Rd. will have a maximum density of 4.5 units per gross acre, and south of W. Lake Hazel Rd. the overall density cannot exceed six units per gross acre. This Sub-District may include a variety of lot sizes. A variety of housing types may be

included within a development, including attached units (townhouses, duplexes), detached units (patio homes single-family) and multifamily units, regardless of the district classification of the site, provided that the overall gross density is not exceeded as outlined above. Accessory dwelling units and uses are also allowed, along with community uses such as parks, community centers and recreational facilities.

C. Purpose of the Medium-Density (MR) Sub-District

The purpose of the MR Sub-District is to (a) accommodate medium-density residential uses at a density of 10-20 units per gross acre; (b) provide an orderly transition from more intensive, higher density uses to less intensive, lower density uses; and (c) allow limited cottages and quasi-residential uses, including senior housing and care facilities. The MR Sub-District includes flexibility in lot sizes and restrictions and anticipates residential uses ranging from row houses and townhouses to condominiums and multi-story apartments. A range of civic and recreational facilities is allowed, along with office, medical and personal service commercial uses that are ancillary to senior housing and care facilities.

D. Purpose of the Village Center (VC) Sub-District

The purpose of the VC Sub-District is to provide a location for mixed-use, pedestrian-oriented development featuring retail, offices, and restaurants in conjunction with residential uses. Residential uses will include a mix of housing types with densities up to 18 units per acre on a net parcel basis.

E. Purpose of the Commercial/Business Campus (CB) Sub-District

The purpose of the CB Sub-District is to accommodate business and professional office uses, and neighborhood and regional serving commercial uses such as large and small retailers, hotels, restaurants, and theaters together with necessary off-street parking facilities. Large office buildings are allowed in this area, along with service, lodging, and civic uses. The CB Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards.

F. Purpose of the Industrial (IND) Sub-District

The purpose of the IND Sub-District is to provide a convenient employment center for manufacturing, research and development, warehousing, and distributing. The IND Sub-District is intended to encourage the development of industrial uses that are clean, quiet, and free of hazardous or objectionable elements and that are operated, entirely, or almost entirely, within enclosed structures.

G. Residential District Standards

The following standards apply to the LR Sub-District and the MR Sub-District:

(1) Minimum Property Size

(a) Each property shall be of sufficient size to meet the minimum setbacks as established in this Section.

(b) Minimum property size shall be determined exclusive of land that is used for the conveyance of irrigation water and drainage, unless (a) the water is conveyed through pipe or tile; and (b) included as part of a utility easement that generally runs along the property lines.

(2) Minimum Street Frontage

- (a) Properties with street frontages on a curve or at approximately a 90 degree angle shall be a minimum of 30 feet wide measured as a chord measurement.
- (b) Street frontage for two properties sharing a common drive shall be a minimum of 15 feet for each property.
- (c) Street frontage for flag properties that do not share a common drive shall be a minimum of 30 feet wide.

H. Allowed Uses

Table 11-07.10 sets forth the allowed uses in each Sub-District established herein. Uses allowed by right are designated with an "A", uses allowed by right, subject to administrative review are designated with an "A*", and uses allowed with design review approval are designated with a "D". Uses listed but not designated as allowed in Table 11-07.10 are prohibited. Uses not listed in Table 11-07.10 are allowed only upon a determination by the Planning Director that such uses are similar or compatible in nature to the allowed uses in Table 11-07.10. Any affected person may appeal such a determination of the Planning Director to the Planning and Zoning Commission within 10 calendar days following the date the decision is mailed in accordance with Chapter 11-05, *Administration and Procedures*.

TABLE 11-07.10: USES ALLOWED IN SUB-DISTRICTS					
	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC
RESIDENTIAL					
Apartment or multiple family dwelling	D	D	D		
Row house (townhouse)	A	A	A		
Duplex house	A	A	A		
Single family residence or cottage	A	A	A		
Condominiums	D	D	D		
Home occupation	A*	A*	A*		
Continuing career retirement community		D			
Assisted living apartment		D	D		
Skilled nursing care facility		D		D	
Memory care facility		D		D	
Accessory dwelling unit	A*	A*	A*		
Accessory use	A*	A*	A*		
LODGING					
Hotel (no room limit)				D	
Hotel (up to 12 rooms)				D	

TABLE 11-07.10: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC
Inn (up to 5 rooms)			D	D	
Motel				D	
OFFICE/RETAIL					
Office - business, professional, medical		D	D	D	
Retail store (convenience, clothing, video rental, sundries, pharmacy, etc.)		D	D	D	
Personal service store (dry cleaning, laundromat, barber shop, etc.)	D	D	D	D	
Service station				D	
Automobile service				D	
Lot, automobile sales				D	
Drive-up window				D	
Billboard					
Shopping center, neighborhood, or community or regional commercial				D	
Car wash				D	
Grocery (up to 60,000 square feet)				D	
Bank				D	
Building materials supply				D	
Wholesale business				D	
Restaurant, cafe, coffee shop	D	D	D	D	
Tavern, lounge			D	D	
Liquor store			D	D	
Temporary sales offices	A*	A*	A*	A*	
Model homes or units	A	A	A		
Health club facility				D	D
Spa/resort			D	D	
Nursery (retail or greenhouse)				D	D
CIVIC (PUBLIC AND PRIVATE)					
Bus shelter	A	A	A	A	A
Fountain or public art	A*	A*	A*	A*	A*
Library		D	D	D	
Theater				D	

TABLE 11-07.10: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC
Outdoor auditorium				D	
Park	A	A	A	A	A
Playground	A	A	A	A	
Parking lot - paid				D	
Parking structure		D	D	D	D
Conference center				D	
Community center	D	D		D	
Religious institution	D	D		D	
Clubs, lodges, social halls		D		D	
Private open space	A	A	A	A	A
Recreation center	D	D	D	D	
Outdoor recreation facility	A			D	
Swimming pool	A	A		A	
Golf course	D			D	
Golf driving range	D			D	
CIVIL SUPPORT					
Fire station	D	D		D	D
Police station	D	D		D	D
Cemetery	D			D	
Funeral home				D	
Hospital				D	
Medical clinic (accessory use only in MR and CB)		D		D	
Rehabilitation clinic				D	
Hospital, large animal, or small animal				D	
EDUCATION					
School (public, private, or parochial)	D	D	D	D	D
School, trade or vocational		D		D	D
Family child care home (1 - 6 children)	A	A	A		
Group child care (7 - 12 children)	A*	A*	A*	A*	
Intermediate or large child care center (13+ children)		D	D	D	
INDUSTRIAL					
Heavy industrial facility					D
Light industrial facility					D

TABLE 11-07.10: USES ALLOWED IN SUB-DISTRICTS

	SP02-LR	SP02-MR	SP02-HR	SP02-OMR	SP02-OC
Agriculture	A*				A
Laboratory					D
Public utility facility - minor	D	D	D	D	D
Public utility facility - major				D	D
Wireless communication facility or micro-cell	A*	A*	A*	A*	A*
Mini-storage				D	D
Warehouse					D
Manufacturing facility					D
Power production facility					D
Broadcasting facility (e.g., TV, radio) or micro-cell				D	D

I. Lot and Structure Dimensions

Table 11-07.11 sets forth the lot, yard, density, and structure height requirements for uses within each sub-district established herein.

TABLE 11-07.11: LOT AND STRUCTURE DIMENSIONS IN SUB-DISTRICTS

	SP-03-LR		SP-03-MR [1]		SP-03-VC	SP-03-CB	SP-03-IND
a. MAXIMUM DWELLING UNITS PER ACRE	6		20		18	0	0
	Attached	Detached	Attached	Detached			
b. MIN. LOT AREA (square ft.)							
Interior Lot	0	0	0	0	0	0	0
Corner Lot	0	0	0	0	0	0	0
c. MIN. AVG. LOT WIDTH (lineal ft.)							
Interior Lot	0	0	0	0	0	0	0
Corner Lot	0	0	0	0	0	0	0
d. MIN. STREET FRONTAGE (flag lot)	10/20 [2]	10/20 [2]	0	0	0	0	0
e. MIN. BUILDING SETBACKS (lineal ft.)							
Front Yard & Side Yard Abutting Public St. [3]	10 [4]	10 [4]	10 [4]	10 [4]	10 [4]	10 [4]	10 [4]
Abutting public park	5	5	5	5	5	30	30

TABLE 11-07.11: LOT AND STRUCTURE DIMENSIONS IN SUB-DISTRICTS

	SP-03-LR		SP-03-MR [1]		SP-03-VC	SP-03-CB	SP-03-IND
Rear Yard	15 [5]	15 [5]	15 [5]	15 [5]	0/15 [1]	0	0
Side Yard - Interior	0	5	0	4	0	0	0
f. Minimum parking lot/service drive setbacks							
Front yard & side yard - adj. to street	15		10		10	10	10
Rear yard & side yard - interior	5		5		5	5	5

Notes:

[1] Setback when property abuts a residential use

[2] 10' allowed with shared access easement

[3] Measured from back of sidewalk

[4] 20' setback required for garages accessed from public streets

[5] 10' setback allowed on corner lots with garages accessed from side yard street

J. Property Development Standards

Except as follows, the Property Development Standards for the Sub-Districts established herein shall be the same as those set forth in the Section 11-02-02 for residential uses and Sections 11-02-03 for office and commercial uses:

(1) For attached single-family units, the minimum frontage requirement in Section 11-02-02 is reduced to 18 feet.

(2) For lots with zero feet frontage on a public right-of-way, drive aisles will provide access to the public street with perpetual ingress/egress or cross access easements recorded against the property. A homeowners' association or other agreed upon arrangement among the affected property owners will maintain the drive aisles in accordance with a recorded declaration or other agreements. The easements and declaration shall be reviewed by the Boise City Attorney's office at the time of preliminary plat approval to ensure the access and maintenance obligations of this paragraph are addressed. The Ada County Highway District shall approve installation of any required street signs. Buildings will be addressed to the public street from which the drive aisles extend. Addresses will be clearly delineated with appropriate monuments or signs.

(3) Off-street parking and loading facilities shall be provided in accordance with Section 4 below.

(4) The maximum number of residential units allowed within the Syringa Valley Specific Plan District is 2,500. To exceed this limit, the Syringa Valley Specific Plan Applicant shall follow the rezone procedures of the Boise City Code to amend the Syringa Valley Zoning Ordinance. In so doing, the Applicant need not amend the

entire Syringa Valley Specific Plan so long as the City finds that the revised limits are generally in accordance with the Syringa Valley Specific Plan.

K. Design Review

(1) Applicability

Any of the uses listed as requiring Design Review, and any visible exterior improvements to a site, building or structure for any such use (including new facilities, remodeling, rehabilitation projects and expansion projects) within the Syringa Valley District shall require submittal of a Design Review Application and fee in accordance with Section 11-05-05.2.E and 11-05-05.3.D 11-05-05.3.D of this Code, except where expressly modified herein.

(2) Application Content

Any application to the City shall comply with Section 11-05-05.2.E and 11-05-05.3.D of this Code.

(3) Level of Review

The Planning Director shall determine whether an application shall be processed at the administrative level or by the Design Review Commission ("Commission") level; provided, however, all applications for projects that have less than 5,000 square feet of gross building area and less than 20,000 square feet of site improvements shall be administratively reviewed by the Planning Director.

(4) Review and Findings

The Planning Director or Commission, as appropriate, shall review the application to determine whether the proposed application complies with the design review objectives, considerations and guidelines set forth in Chapter 11-04 of the Boise City Code and the design criteria for the Syringa Valley District as set forth in the Syringa Valley Specific Plan. In the event of a conflict between such Sections of the Boise City Code and design standards set forth in the Syringa Valley Specific Plan, the provisions of the Syringa Valley Specific Plan shall govern. Upon making such determination, the Planning Director or Commission shall issue its findings of fact, conclusions of law and conditions of approval. Any action of the Planning Director or the Commission may be appealed pursuant to Section 11-05-04.7.A of the Boise City Code.

4. Off-Street Parking and Loading Requirements

In the LR, MR, VC, and CB Sub-Districts, off-street parking and loading facilities shall be provided in accordance with Section 11-04-08, *Parking and Loading*, except as noted herein. In the VC and CB Sub-Districts, off-street parking and loading facilities shall be provided in accordance with Section 11-04-08, *Parking and Loading*, except as noted herein. In lieu of the off-street parking ratio requirements in Sections 11-04-08, nonresidential uses in the MR, VC, and CB Sub-Districts shall meet an overall parking density of 3.5 per 1000 square feet. Assisted living apartments, independent living residences within the Continuing Care Retirement Community, and similar uses shall be subject to the off-street parking requirements for "Housing for Elderly" uses listed in Section 11-04-08, *Parking and Loading*. Memory care facilities, skilled nursing care facilities, and similar uses shall be subject to the off-street parking requirements for "Nursing Home" uses listed in Section 11-04-08, *Parking and Loading*.

A. Plat Approval Criteria

Development within the Syringa Valley Specific Plan District shall be subject to the subdivision and other related provisions of the Boise City Code, except that a neighborhood meeting shall not be required unless that plat proposes more than 240 dwelling units. Additionally, the City Council shall find that each preliminary plat proposed and/or amended within the Syringa Valley Specific Plan District substantially conforms to the adopted Syringa Valley Specific Plan and complies with all applicable provisions of the Syringa Valley Specific Plan Zoning Ordinance. Plats shall still proceed through the normal hearing process with review by the Planning and Zoning Commission and City Council.

B. Annexation Into SP-03 Syringa Valley Specific Plan District

Any property owner or authorized representative may seek to reclassify their property for inclusion within the Syringa Valley Specific Plan District pursuant to 11-02-08, *Specific Plan Districts*.

C. Amendments

Any property owner within the Syringa Valley Specific Plan District may seek to amend the Syringa Valley Specific Plan Zoning Ordinance or the Syringa Valley Specific Plan pursuant to the Boise City Code provisions for zoning amendments.

D. Exceptions

(1) The Planning Director may grant exceptions to any setback, frontage, parking, or height restriction up to 20 percent of the applicable limit and may grant exceptions to any use restrictions on a case-by-case basis.

(2) The Planning and Zoning Commission may grant exceptions to any setback, frontage, parking, or height restriction greater than 20 percent of the applicable limit.

(3) Any approval pursuant to this Section shall be supported by each of the following findings:

(a) The exception is consistent with the Syringa Valley Specific Plan; and

(b) The exception is justified based on unique circumstances of the proposed use or exceptional design features or the shape of the land.

(c) The exception would not cause undue adverse impacts on any other property.

(d) For any approval pursuant to subparagraph b, above, the exception meets the general conditional use criteria in Section 11-05-05.3.C, *Conditional Use Permit - Initial Approval or Major Modification*.

(4) Applications pursuant to this Section shall include such information as the Planning Director determines is necessary to make the applicable findings in subparagraph c, above. Applications shall be processed in accordance with the procedures established in the Syringa Valley Specific Plan for Design Review.

(5) The decision on any requested exception may be appealed pursuant to the appeal provisions of the Boise City Code.

E. Periodic Review

The Planning Director may perform a review of the implementation of the Syringa Valley Specific Plan not more frequently than every one year after approval of the first Final Plat. The review may address any matters the Planning Director deems appropriate regarding the progress of the development. Any modification of the Syringa Valley Specific Plan Zoning Ordinance may only occur after review by the Syringa Valley Specific Plan Applicant and the Planning Director and in compliance with the applicable Boise City Code Sections for zoning amendments and Idaho Code Section 67-6511(d).

5. Definitions

The following definitions apply to this Section. If any conflict exists with definitions in other parts of the Code, the following definitions control.

A. Syringa Valley Specific Plan Zoning Ordinance

Section 11-07-03 of the Boise City Code or successor Section specifically setting forth zoning regulations for the Syringa Valley Specific Plan District.

B. Syringa Valley Specific Plan

The Specific Plan adopted for the Syringa Valley Specific Plan District by the City of Boise on November 29, 2016, as maintained in the official records of the City, including subsequent modifications.

C. Syringa Valley Specific Plan Applicant

Corey Barton Homes, Inc. d/b/a CBH Homes, or successor entities.

D. Syringa Valley Specific Plan District

The area designated as the SP-03 zone or successor designation on the City of Boise's zoning map and as shown on the Syringa Valley Specific Plan Overall Sub-Zoning Map (attached as Figure 7.7).

E. Boise City Code

The code of the City of Boise. If the Boise City Code is amended, any reference to the Boise City Code in this Ordinance shall be deemed to refer to the applicable amended provision.

F. Gross Acres

For the purposes of calculating residential density (units per gross acre), gross acres shall be defined as the total area in the LR, MR and VC Sub-Districts less the area included in the rights of way for S. Cole Rd., W. Lake Hazel Rd., and S. Orchard St.; less the area of the New York Canal easement; less the area of the Kirsten Coughlin City park; and less the area of the public elementary school.

G. Continuing Care Retirement Community

A campus-style facility (multiple buildings on a single lot) that provides housing, personal services, and health care, including nursing home care to people of retirement age. The community shall provide a continuum of care to meet the needs of the individual residents, from independent living to assisted living to skilled nursing care and, possibly, memory care support. Meals, housekeeping, linens, 24-hour security and recreational services usually are provided. Each individual resident enters into a contract with the retirement

community that defines the type of housing and services to be provided and the fees that will be charged.

H. Memory Care Facility

Same as Skilled Nursing Facility except the residents also receive care for some form of memory impairment.

I. Skilled Nursing Facility

A residential facility that provides 24-hour supervision by licensed nurses. The care usually is prescribed by a physician. Emphasis is on medical care, supplemented by physical, occupational, speech and other types of therapies. Personal care services, such as help with meals, bathing, dressing, and grooming are also provided along with social services, religious services, and recreational activities. A nursing facility offers care for individuals suffering from chronic diseases or conditions that do not require the constant attention of physicians. Services are provided that address the individuals' personal care and social-emotional needs.

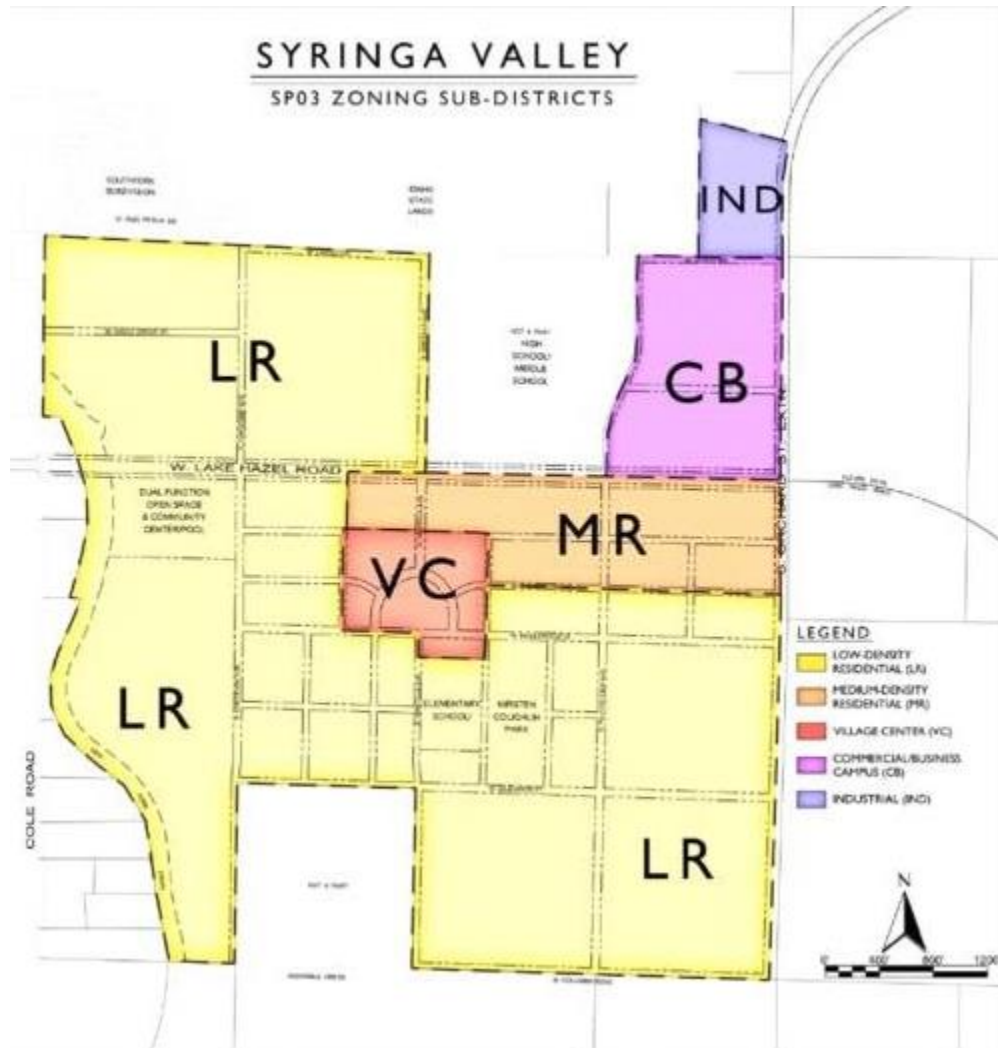


Figure 7.7: Syringa Valley Overall Sub-Zoning Map

Chapter 11-08 Appendix A

11-08-01. Prior Zoning Conversion

TABLE 11-08.1: BOISE ZONING DISTRICTS

PROPOSED DISTRICTS	GENERAL ZONING MAP CONVERSION
Split Zoned Parcels	Any piece of land located in two or more zoning districts and divided by a zoning district boundary line was converted to a single zoning district based on the greater area
Residential Districts	
R-1A Residential: Large Lot	Within 1/8 mile of centerline from a Best-in- Class Transit Route: R-2 All Other: Same as existing (R-1A)
R-1B Residential: Suburban	Within 1/8 mile of centerline from a Best-in- Class Transit Route or designated "Mixed-Use" in the Boise Comprehensive Plan along a Best-in-Class Route: R-2 All Other: Same as existing (R-1B)
R-1C Residential: Traditional	Within 1/8 mile of centerline from a Best-in- Class Transit Route or designated "Mixed-Use" in the Boise Comprehensive Plan along a Best-in-Class Route: R-2 All Other: Same as existing (R-1C)
R-2 Residential: Compact	Same as existing (R-2) and previous R-1M
R-3 Residential: Urban	Same as existing (R-3)
Mixed-Use Districts	
MX-1 Mixed-Use: Neighborhood	Previous C-1, L-O, N-O, PC not identified in rule for MX-3
MX-2 Mixed-Use: General	Previous C-2, C-3, C-4, and T-1 zoning districts, not identified in rule for MX-3 or MX-4
MX-3 Mixed-Use: Active	Previous R-O, N-O, L-O, C-1, C-2, C-3, C-4, PC, and T-1 zoning districts within 1/8 of a mile from the centerline from State Street, Fairview Avenue, Vista Avenue, the Greenbelt, and Federal Way Trail Previous R-O, N-O, L-O, C-1, C-2, C-3, PC, and C-4 zoning districts located within 1/8 mile radius of a Community Activity Center or 1/2 mile of a Regional Activity Center as designated in the Boise Comprehensive Plan Previous C-1, C-2, C-3, C-4, L-O, N-O, and PC zoning districts located within the Boise Comprehensive Plan Downtown Planning Area south of Franklin Street to north of Jefferson Street Previous C-2 located on Main Street between 28 th Street and 22 nd Street Previous C-1, C-2, C-3, C-4, L-O, N-O, and PC zoning districts located between 17 th Street and 16 th Street from Idaho Street to State Street
MX-4 Mixed-Use: Transit Oriented Development (TOD) Node	Previous R-O, N-O, L-O, C-1, C-2, C-3, C-4, and T-1 zoning districts located within 1/4 of a mile of the State Street & Whitewater Park Boulevard, State Street & Collister Drive, State Street & Glenwood

TABLE 11-08.1: BOISE ZONING DISTRICTS

PROPOSED DISTRICTS	GENERAL ZONING MAP CONVERSION
	Street/Gary Lane, or State Street & Horseshoe Bend Road planned transit stations
MX-5 Mixed-Use: Downtown	Previous C-2, C-3, C-4, C-5, and R-O zoning districts within the Boise Comprehensive Plan Downtown Planning Area not addressed in the rules for MX-1 or MX-3
MX-U Mixed-Use: University	Previous U zoning district
MX-H Mixed-Use: Health	Previous HS zoning district
Industrial Districts	
I-1 Industrial: Light	Previous M-1 zoning district
I-2 Industrial: Heavy	Previous M-2 zoning district
I-3 Industrial: Technology	Previous T-2 zoning district
Open Land/Institutional Districts	
A-1 Open Land: Very Low Density	Same as existing (A-1)
A-2 Open Land: Reserve	Same as existing (A-2)
Overlay Districts	
Character Protection Overlay Districts	Conservation Overlay Districts
HC-O Hyde Park Character Overlay	Previous CHD overlay district
NC-O Near N. End Character Overlay	Previous NNE Conservation overlay district (/CD)
Neighborhood Overlay Districts	
BC-O Big Sky Overlay	Previous BSN overlay district
SC-O Sycamore	Previous S overlay district
Design Review Overlay Districts	
Convert to building design standards applicable to the same use and update the Design Review process	Previous D overlay district
	Previous DD overlay district
CD-O Capitol Blvd. Design Overlay	Previous C overlay district
HD-O Historic Design Overlay	Previous H and HD overlay district
Sensitive Lands Overlay Districts	
AI-O Airport Influence Area Overlay	Airport Influence Area (from Blueprint Boise)
BR-O Boise River System Overlay	Same as existing
FP-O Flood Protection Overlay	Same as existing
HS-O Hillside Development Overlay	Hillside and Foothills Development Regulations
Specific Plan Districts	
SP-1 Harris Ranch Specific Plan District	Same as existing

TABLE 11-08.1: BOISE ZONING DISTRICTS	
PROPOSED DISTRICTS	GENERAL ZONING MAP CONVERSION
SP-2 Barber Valley Specific Plan District	Same as existing
SP-3 Syringa Valley Specific Plan District	Same as existing