



4) CODE





HARRIS RANCH SPECIFIC PLAN CODE  
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**11-013-01. HARRIS RANCH**

**1. INTERPRETATION OF DISTRICT**

**A. Specific Plan District Established**

The area of Boise 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 City 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 & 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 was 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, Title 11, Chapter 6, Section 05.07 Foothills Planned Development Ordinance, and Title 11, Chapter 14 (Hillside and Foothill Areas Development Ordinance) in force and effect on the date of application for the Harris Ranch Specific Plan 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 thirteen 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 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 Committee**

The Design Review Committee 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 Committee shall review information provided by the Planning Director and other available sources.

**D. Planning & Zoning Commission**

The Planning & Zoning Commission is authorized to hear appeals of decisions made by the Planning Director or the Design Review Committee, as applicable, in connection with the Harris



Ranch Specific Plan District. The Planning & 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 & 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 Planning Director may perform a review of the implementation of the Harris Ranch Specific Plan not more frequently than every one (1) year. The review may address any matters that the Planning Director deems appropriate regarding the progress of the development, including comments of the Harris Ranch Neighborhood Association. If amendments to the Specific Plan are deemed necessary through this periodic review, then the Harris Ranch Applicant or the City of Boise may request revisions to the Specific Plan through an amendment process.

**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. 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. 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.
- (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.

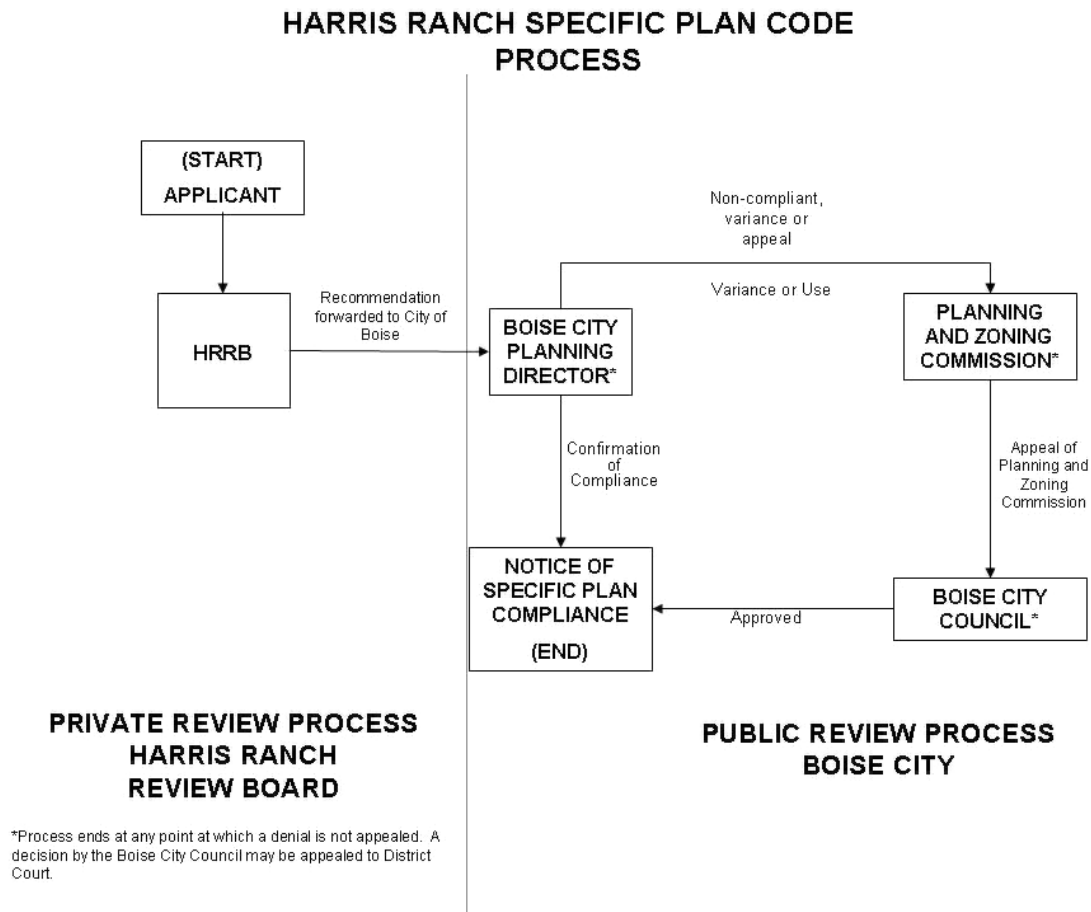
**B. Uses Not Specified Within the Harris Ranch Specific Plan**

- (1) Uses not specified in the Harris Ranch Allowed Uses, Volume I (2)(b)(iii) 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.





The Planning Director must 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 said approval shall lapse. A maximum of 3 such extensions may be granted by the Planning Director. Within this period, the holder of the permit must:

- (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 11-013-01.5.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 11-013-01.5.B of the Code, the Planning Director may cause the certificate to be revoked.

**Figure 11-013.1: 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**

**6. ADMINISTRATIVE REVIEW - DESIGN**

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 10% variation from the Design Guidelines if it has been previously 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:

- A. 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.

- B. 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.
- C. That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.
- D. 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.
- E. That utility service systems do not detract from building design and that size and location of all service systems are appropriate and maintainable.
- F. 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.
- G. The height to width relationship of new structures is compatible and consistent with the architectural character of the area and the proposed use.
- H. Openings in the facade 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.
- I. 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.
- J. Multi-family building(s) are designed to include features which 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 multi-family residential buildings.
- K. Commercial buildings adjacent to residential uses are designed to minimize impacts on adjoining (including across a street or alley) residential uses.
- L. Design is compatible with design guidelines of the Harris Ranch Specific Plan.

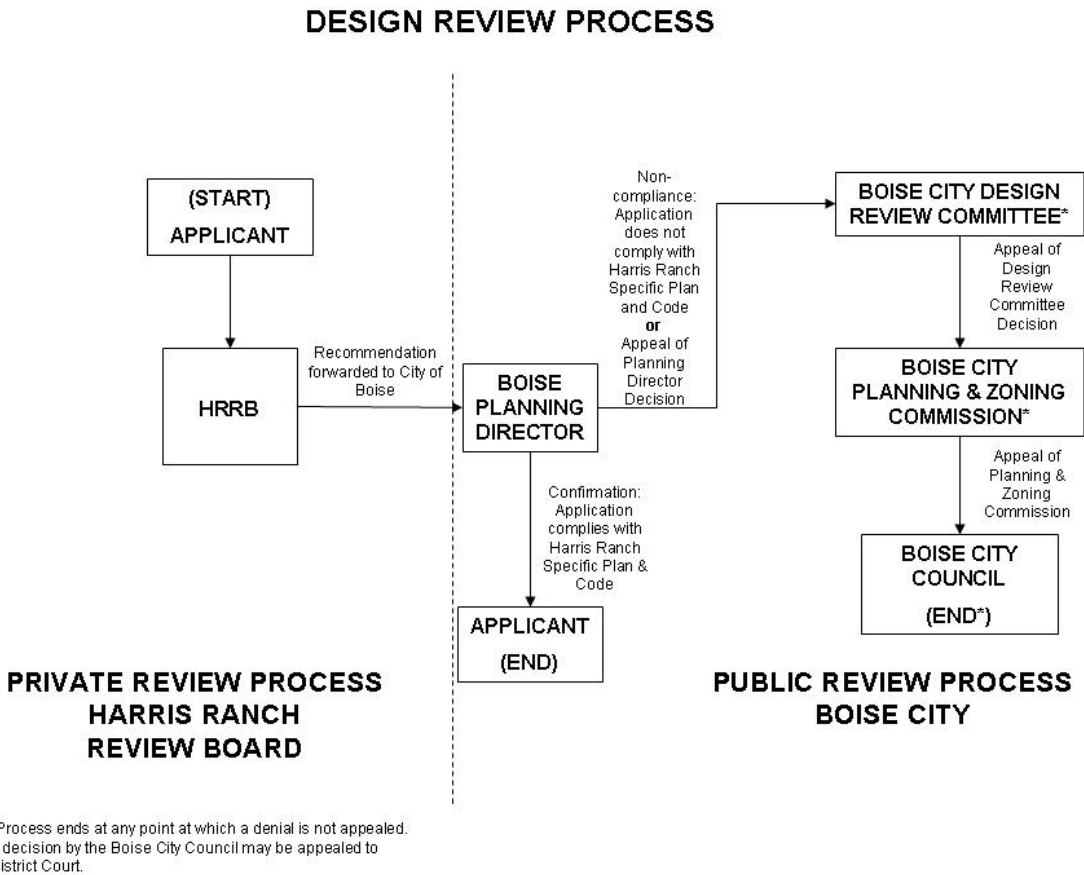


Figure 11-013.2: Design review process

7. HEARING PROCESS

A. Procedure Before the Review Body

For purposes of this section, the Design Review Committee, the Planning & 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 which is harmonious with existing and future development and is consistent with the intent and purpose of the Harris Ranch and Harris Ranch Specific Plan Code. Provided that the Planning Director may allow up to a 10% 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) Setbacks.

- (a) 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.
- (b) 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.

(2) Architectural Elements and Miscellaneous Structures.

- (a) Bay windows, architectural appendages, fireplaces, cabinets designed to screen utility meters and similar architectural features may encroach no more than 2 feet into the applicable yard, provided they remain at least 3 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 6 feet.
- (b) Roof overhangs, cornices and similar architectural features may encroach no more than 2 feet into the applicable yard.
- (c) Balconies must 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 must be located at least 5 feet from the lot line.
- (e) Attached patio covers, awnings, trellises and similar structures may encroach no more than 3 feet into the front yard and may encroach into the side and rear yard provided they remain at least 3 feet from the applicable lot line. Such structures must remain

open without the use of siding, screens or other enclosures. Enclosed structures must conform to the setback standards for the principal dwelling unit.

- (f) In-ground swimming pools which are 1 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 splashguard. Decks and other features that are more than 2 ft. above grade shall be located outside of yards (within the building envelope). Above ground pools are not allowed in single-family townhouse, or 4-8 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 3 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 sq. ft. Such accessory elements shall not exceed 16 feet above the height limit and be comparable in color and materials to the principal building. Mechanical and elevator-related equipment shall be screened as provided further herein.
- (3) Driveways. 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. The Planning Director shall approve common driveways that meet all of the following requirements:
- a. The common driveway provides access to no less than 2 lots or parcels, and no more than 10 lots that are each occupied with a single-family or a townhouse dwelling unit (subject to Fire Department approval).
  - b. The length of the common driveway shall not exceed 150 feet, and shall not be less than 10 feet wide for the entire length of the common driveway (subject to Fire Department approval).
  - c. Unless limited by geographical features, all lots or parcels that abut a common driveway shall take access from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way.
  - d. A perpetual ingress/egress access easement shall be provided which 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 of 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.



- e. Required off-street parking shall be set back a minimum of 3 feet from the edge of the common driveway, 0 feet for parallel parking and 13 feet for perpendicular parking.
- f. 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) Updates to traffic impact studies will be required after 200 lots have been preliminary platted or 5 years, whichever occurs first and as required by ACHD Policy for any phase including commercial land uses;
- (b) Future Parkcenter Boulevard will not be reclassified until the interim 2 lane parkway arterial is built and accepted by ACHD;
- (c) No alteration to or construction in future Parkcenter Boulevard until after Roundabout 1 and Parkcenter Boulevard west to the east Parkcenter Bridge is completed;
- (d) Requests for modification of ACHD policy will be made with preliminary plat applications.

**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 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 principal building.
- (b) Size Standards: The size of accessory structures shall be restricted as follows:
  - i. Accessory structures such as sheds, barns, and workshops shall not exceed 1000 sq. ft.
  - ii. Accessory dwelling units shall not exceed 1000 sq. ft.
- (c) The height of an accessory structure shall not exceed 24 feet.
  - i. 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 ft. behind the front wall of the principal dwelling and shall not exceed the height of the principal dwelling.

- (d) 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 principal building;
- ii. The roof shall have a similar pitch to that of the principal building;
- iii. The accessory building or structure shall portray the architectural character of the principal building.

**(2) Amusement or Recreation Facility, Outdoor**

**(a) General Standards**

- i. i. All structures or outdoor recreation areas shall maintain a minimum setback of 50 feet from all abutting predominantly residential blocks.
- ii. 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. iii. All outdoor activities and events shall be scheduled so as 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 6-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 multi-family 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 adjoining streets. Such vehicles shall not be stored on-site longer than 5 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 2 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 which 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 which contain this use shall meet Block Prototype setback requirements in which this use is allowed.

**(9) Daycare Facility or Residence**

**(a) General Standards for Childcare and Adult Care 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 sq. ft. 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 ft. 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 sq. ft. 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 sq. ft. per child criteria.
- ii. All outdoor play areas shall be completely enclosed by minimum 6 ft. barriers to secure against exit/entry by small children and to screen abutting properties.
  - iii. Outdoor play equipment over 6 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) 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.
- (b) That the waiting lane(s) be of sufficient length to provide for anticipated average monthly peak volumes.
- (c) That design, signage or operational characteristics of the establishment prevent or discourage vehicles from waiting for service on public sidewalks or streets.
- (d) That all lights and other illuminated materials shall be designed, positioned, shielded, directed and located to minimize glare from falling on adjoining lots or parcels.
- (e) Landscape shall be used to minimize the visual impact of vehicle lights and signs.
- (f) 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 must 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 must 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 sq. ft., whichever is less, and that the accessory dwelling has not more than 1 bedroom. Where practical, the 10 percent or 750 sq. ft. 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 of 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 taking into account height, bulk, and site location, and incorporating materials, colors and a design motif that is compatible with and complements the architectural theme and style of the principal dwelling. The principal and the accessory dwellings shall be designed to portray the character of a single-family dwelling. Only 1 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 1 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 1 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 on a block(s) developed predominantly as commercial development.
- (b) Installation and operation of underground fuel tanks shall require compliance with all applicable governmental agencies.
- (c) Structures and pump station canopies on corner lots or parcels shall observe a minimum setback of 35 feet from any public street.
- (d) The total height of any overhead canopy or weather protection device shall not exceed 20 feet.
- (e) 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.
- (f) All trash and waste materials shall be stored within a separate enclosure behind the principal 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 11-013- 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 6 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 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 sq. ft. 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 sq. ft. 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 sq. ft. per child criteria.
  - iii. All outdoor play areas shall be completely enclosed by minimum 6 ft. 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 must receive administrative approval from the Planning Director. Applicants must 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 sq. ft.
- (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 sq. ft.
  - iii. No activities shall be allowed which 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 which 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 3 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 which 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 must 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 6 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 100 feet from any predominantly 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 work space.

- (a) Permitted uses in a live/work dwelling include:
  - i. Child Care (Small; 6 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.).
  - ix. Paper Art Studio

Additional uses in a live/work dwelling may be identified and approved by the Harris Ranch Review Board in accordance with Section 11-013-01.5.B(1).

- (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 must receive an administrative permit issued by the Planning Director. Restrictions on such use shall include, without limitation:





- i. At least 1 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 work space 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 1 employee. Resident(s) of the live/work dwelling are not considered to be an employee.
- 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 1 in number and limited to a size of 2 sq. ft. 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 any and 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 multi-family 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 11-013-01.8.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 Planing 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 11-013-01.8.C(22) of this Code.

**(26) Schools**

General Standards for 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 if required by ACHD at the time of the future school development application. 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) Hours of client pick up and/or drop off shall be between 7:00 A.M. and 10:00 P.M.

**(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 Homeowner's Association approval or at the Village Green.
- (b) Incidental sales of hand crafted items and goods which are reasonably related to the special event program may be permitted.
- (c) All applicable City of Boise permits will be required prior to use of the Neighborhood Greens or Village Green..

**(28) Temporary Uses**

- (a) Any temporary use must 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 which 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.. 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 must 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, so as 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 3 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 which is punishable by a fine not to exceed \$300 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 land use.

**B. Use**

- (1) Parking garages and/or parking lots shall be used for vehicle parking only or other lawful and, where applicable, permitted activities..
- (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. See Table 11-013.1. 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.

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 s.f.
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
Educational Elementary School: Junior, Middle, and Senior High School: College:	1 per classroom 1 per classroom .3 per student and .8 per faculty
Industrial	½ per employee
Civic/Cultural	1 per 500 sq. ft. of gross floor area
Civil Support	1 per 500 sq. ft. of gross floor area
Restaurant	1 per 4 seats

D. Reduction of Parking Requirements (Single Use)

- (1) Parking requirements for a single use as established by Table 11-013.1 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 of 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 2 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 2 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. Multi-family residential developments shall provide one bicycle rack space per each 2 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 11-013.2: 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 must be provided and must comply with Table 11-013.2 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: 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. subsections 11-013-01.9.N(1)(a) and (b) do not apply to valet parking facilities.

O. Dimensions

- (1) All accessible parking spaces shall be a minimum of 8 feet in width plus a 5-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 5-foot wide access aisle.
- (2) 1 in every 8 accessible parking spaces, but not less than 1 parking space, shall have an adjacent access aisle 8 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 utilize 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 must either blend with the accessible route or have a curb ramp. Such ramp opening must 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 ½ 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 11-013-01.9.R(2), below.
- (2) **Reduction in Parking (Multiple Uses)**  
Parking spaces required under the provisions of this subsection may be provided cooperatively for 2 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 11-013.3 for each land use as if it were a separate use; (2) multiply each amount by the corresponding percentages for each of the 5 time periods set forth in columns (B) through (F) of Table 11-013.3; (3) calculate the total for each time period; and (4) select the highest total as the required minimum number of parking spaces.

TABLE 11-013.3: MINIMUM PARKING REQUIREMENTS OVER 24-HOUR PERIOD

(A) LAND USE	WEEKDAY		WEEKEND		(F) NIGHTTIME (MIDNIGHT - 6 A.M.)
	(B) DAYTIME (9 A.M. - 4 P.M.)	(C) EVENING (6 P.M. - MIDNIGHT))	(D) DAYTIME (9 A.M. - M	(E) EVENING (6 P.M. - MIDNIGHT)	
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 parking areas and service drives, that are utilized 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 5-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 5-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 2 hours except while actually 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 9 feet wide and a maximum of 12 feet of width from curb to back of sidewalk, then tapering to the allowed width, except that driveways of 18 ft. of width from curb to back of sidewalk are allowed to alternate with 12 ft. wide driveways on Hardesty Street.
  - (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 must be 20 feet for the first stall and may be 16 feet for the second stall. These dimensions must 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 5 feet of landscape or similar material not designed to accommodate vehicles.
  - (h) The Planning Director may permit up to ½ 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 must comply with the requirements of Section 11-013-01.9.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 must 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 City Fire Chief. A maximum grade of 2 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 3 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 Boise 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 back up 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 occupied by 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 Tables 11-013.4 and 11-013.5. See also Figure 11-013.3. Vehicle backup areas shall be provided, which backup area may include the width of a service drive or alley.

TABLE 11-013-4: MINIMUM STANDARDS FOR PARKING LOT DESIGN--STANDARD VEHICLES				
Parking Angle See Figure 3-1, A	Stall Width See Figure 3-1, B	Curb Length Per Car See Figure 3-1, C	Stall Depth See Figure 3-1, D	Driveway Width See Figure 3-1, 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 11-013.5: MINIMUM STANDARDS FOR COMPACT-SIZE VEHICLES				
Parking Angle See Figure 3-1, A	Stall Width See Figure 3-1, B	Curb Length Per Car See Figure 3-1, C	Stall Depth See Figure 3-1, D	Driveway Width See Figure 3-1, 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"

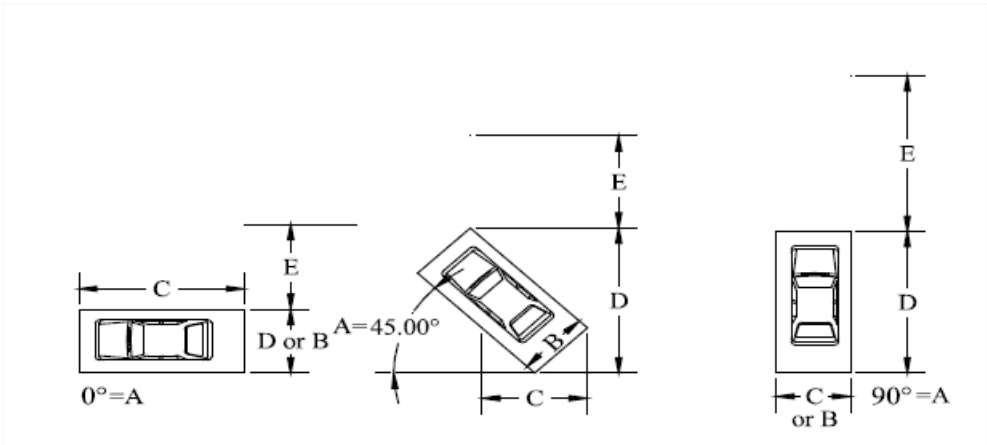


Figure 11-013.3: Minimum standards for parking lot design

- (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 2 feet in length if 2 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 must 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 2-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 5 or 6-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 in order to preserve an existing tree(s).
- (7) Clear Vision Triangle: A clear vision triangle shall be maintained with regard to all visual barriers, including, without limitation, all vegetation (except deciduous trees pruned to at least 8 feet in height above the sidewalk and 14 feet above the roadway), walls, signs, vehicles, solid fences or other sight obstructions exceeding 3 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 1 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 must completely link transit stations, parking areas, buildings, open spaces and adjacent paths. Sidewalks shall be at least 4 ft. 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% 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, so as 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 11-013.6 below. The Planning Director may modify the requirements of Table 11-013.6 if it is demonstrated that alternative loading methods/facilities will be adequate for the business(es) being served.

**TABLE 11-013.6: 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) Term of Permit: Temporary parking lots may be permitted where new building construction is planned. Temporary parking lots may be permitted for up to 2 years (and may be renewed for addition, 2-year periods) 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 be compatible with surrounding uses and shall include adequate land to accommodate parking spaces, drives, a general circulation pattern, and screening 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 Harris Ranch Review Board.
- (6) A detailed grading and drainage plan shall be submitted for review and approval by ACHD and the City's Public Works Department.
- (7) Gravel surfacing with a written maintenance plan for dust control measures for the parking lot and any access road shall be required.
- (8) No temporary parking lot use will be permitted to continue beyond January 1, 2024.
- (9) Plans for a temporary parking lot shall be submitted for review and approval by the Director as an administrative-level design review and shall include provisions for removal of the lot upon expiration of the permit. All temporary parking lot plans shall be reviewed and are subject to additional requirements that may be imposed by the Harris Ranch Review Board.

**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 Requirements**





- (1) Design: 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 multi-family 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 must approve all signs and sign design plans and may reduce sizes if deemed appropriate.

**C. Sign Orientation**

All free-standing signs shall be oriented to the street(s) on which the building the sign is identifying has frontage. Free-standing 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 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 3 feet in height.

**E. Street Address**

All free-standing 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 3½ 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 5 sq. ft.

**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 ½ 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 a 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 particular 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 6 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 3 feet or at a height greater than 8 feet to the bottom of the sign display surface area.



TABLE 11-013.7: 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) Public Right-of-Way
Tier I Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-10; SE14C-F; SE23-24							
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		
All Other Signs	PROHIBITED						
Tier II Blocks: SW2-3; SW5; SW7; SW9-10; NW31; TC8; SE1-6							
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	1 sq. ft. per 3 lineal ft. of Building wall	Not higher than eave line	On wall face facing	Indirect	1 per Lot		

TABLE 11-013.7: 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) Public Right-of-Way
(attached; 50% maximum background area for awning Sign)	Facing a Street; maximum 50 sq. ft.		Street				
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; SW12-14; TC1-7; SE7-14B; SE14G; SE16-17; SE18A; SE18B							
Rent; Lease; Sale	16 sq. ft.	10 ft.	On wall face	None	1 per Street Frontage		
On-premise Wall or Company or Marquee*	20 sq. ft. (maximum)**	Not to exceed height of wall.  No more than 10ft. in height	On wall face facing Street	Indirect	1 per building face. 4 signs total allowed. 1 per Alley	3 ft. from wall if a projecting sign	12 ft.
Marquee/ Canopy/ Awning	50%	15 ft.		Indirect	1 per business		10 ft. with less than 2/3 projection from property line to curb; 12 ft. with more than 2/3 projection from property line to curb
Under Marquee/ Canopy	Length not to exceed 75% of marquee			Indirect	1 per business	3 ft. if projecting sign	10 ft.
<div>* When combination of wall and free-standing signs are used, total area for signs must be reduced by 50%.</div> <div>** A sign on a building wall that does not face a street may be permitted when:</div> <div>1. the sign background area is a maximum of 10% of the building wall; and</div> <div>2. The adjoining block is predominantly commercial.</div>							



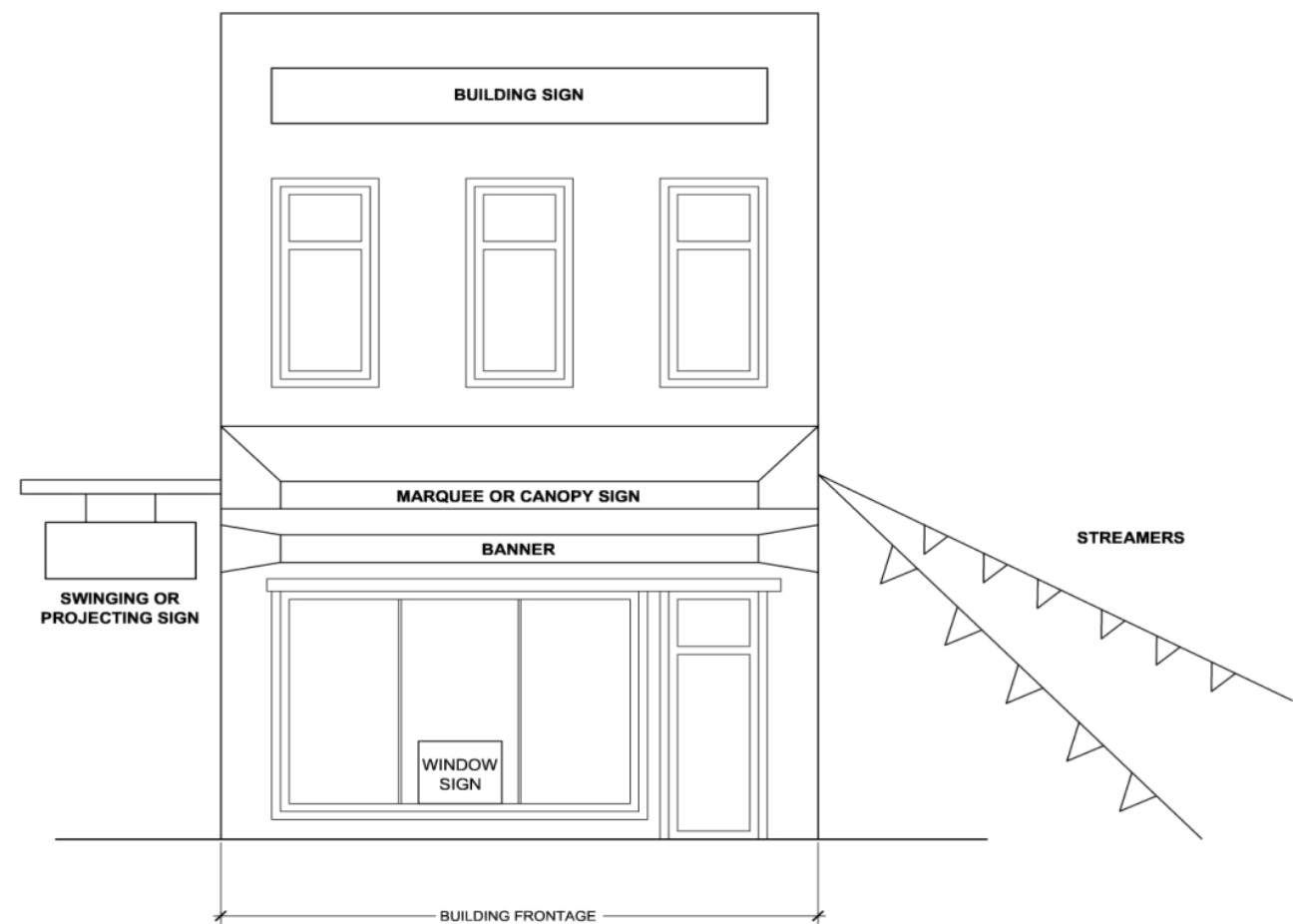


Figure 11-013.4: Types of attached signs

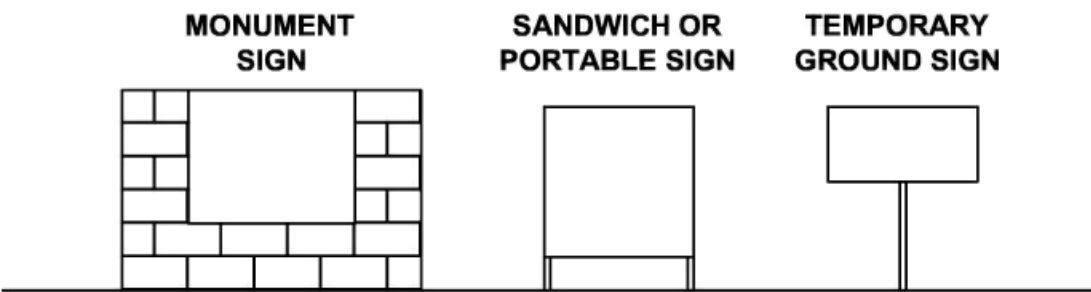


Figure 11-013.5: Types of ground signs



N. Further Regulation of Particular Sign Types

- (1) **Permitted by Planning Director**  
Balloons and other inflated devices, and other temporary signs which exceed the free-standing sign height allowances in this Section may be permitted by the Planning Director provided that: (1) no more than 1 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) 5 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 must be a minimum of 10 feet. Evidence of permission obtained from the governmental entity with authority over such public property must be provided to the Planning Director.
  - (g) Lighting can be direct or indirect.
  - (h) Number allowed: 1 for each use located at grade level.
  - (i) Projection from wall: the lesser of 10 feet or to within 3 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, 1 identification sign for each street frontage of a parking lot is permitted. Each sign shall not exceed 9 sq. ft. in area or 6 feet in height and shall be located not closer than 5 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 sq. ft. in area.
- (4) **Temporary Signs**
- (a) Unless otherwise specified by this Section, 1 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 6 feet; the maximum background area is 9 sq. ft.
- (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 so as 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 1 in. in diameter (not wire cable or other metallic rope or wire) shall be used as the main support for banners, and 2½ 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 7 consecutive days, or for purposes of a grand opening of a new enterprise or an enterprise under new management for a maximum period of 7 consecutive days; and (2) in no case shall the beam of the searchlight 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 foot 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 free-standing signs. Off-premise 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 must be removed 5 days after completion of construction and prior to occupancy. Each sign shall not exceed 9 sq. ft. in area or 6 feet in height and shall be located not closer than 5 feet to any property line unless attached to a building.
- (2) For Sale, Rent, Lease, or any Real Estate Signs on any individual lots, either by builders or individuals, must comply with the Harris Ranch Review Board sign requirements..
- (3) Political or Campaign Signs
  - (a) There is permitted 1 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. 6feet in height or a total of 10 sq. ft. 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 sq. ft. 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 5 feet to any property line unless attached to a building that is closer than 5 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 3 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 9 sq. ft. in area.
  - (8) Directional Signs: Directional or public service information signs shall be no greater than 4 sq. ft. in area and no more than 4 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 1½ sq. ft. in area per sign and not exceeding 4 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 so as to be part of the building.
- (15) Plaques: Plaques or nameplate signs of not more than 2½ sq. ft. in area which 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 4 sq. ft. 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 which 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 5-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 must be provided to the Planning Director.

P. Non-Conforming Signs

- (1) Legal Non-conforming Signs: A legal non-conforming 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 non-conforming" status. A legal non-conforming 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) which 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 non-conforming 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 non-conforming 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 non-conforming sign(s), the number of non-conforming 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 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.



**APPENDIX 1:**  
**FOOTHILLS PLANNED DEVELOPMENT ORDINANCE**



Appendix 1

Section 11-06-05.07 Foothills Planned Development Ordinance

11-06-05.07.01. Purpose and Intent

The purpose of the Foothills Planned Development Ordinance is to implement residential subdivision density and design elements of the *Boise City Foothills Policy Plan* (The Plan) and the *Boise City Comprehensive Plan*. 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 Plan and this ordinance.

11-06-05.07.02. Applicability

The Foothills Planned Development Ordinance shall apply to all proposed developments in the Boise City Foothills Planning Area where an annexation and/or rezone is required.

11-06-05.07.03. General Application and Development Requirements

1. All developments shall be processed as Planned Developments (PDs) under Section 11-06-05 of the *Boise City Zoning Ordinance*.
2. Planned development proposals shall include applications for an annexation, a development agreement, a preliminary plat subdivision, a “Hillside and Foothill Areas Development” permit, and where applicable, a floodplain permit. The initial applications may consist of conceptual applications as described in Appendix A, Phase II.
3. Upon annexation the buildable areas of the PD shall be zoned “R-1A,” Single-Family Residential, with the density and design further controlled by the provisions of this ordinance. Slope protection and preserved open space areas shall be zoned A-1 or A-2.
4. Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.
5. Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.

11-06-05.07.04. Density Bonus

A density bonus pursuant to the formula in Table 1 shall be granted in return for the provision of preserved open space.

A. Basic Provisions:

1. The base density on parcels proposed for development is that given for the existing Boise City or Ada County zone(s).
2. The density bonus is based upon the ratio of buildable area to be preserved as open space, to the buildable area to be developed. See the Definitions section for the definition of “Buildable Area.”
3. The base density units may be added to the density bonus units without the requirement for additional open space preservation.
4. A developer may propose open space/density bonus points between those identified in Table 1, provided that the curve of the formula is unchanged.



5. The density formula may be adjusted to allow density transfers from other non-contiguous parcels at such time as a Transfer of Development Rights (TDR) ordinance is adopted and in effect.

B. Preserved Open Space Eligible for a Density Bonus as per the formula in Table 1, shall meet the following requirements:

1. Lands of 25% slope or less, one acre or greater in size, with a minimum average width of 30 feet.
2. Public rights-of-way that meet requirements of this section, serve to connect development pockets, and provide access to public open space may be included in the density calculation for open space, but roads within a development pocket shall not be included. Rights-of-way that have dwelling units fronting or siding onto them shall not be included.
3. Other lands classified as Priority Open Space in section C below.

Table 1 - Density Bonus Formula\*

			Example	
Built Area Percent	Open Space Dedicated Percent	Density Bonus Units /Acre	Buildable Area On 100 acres After Open Space Set- Aside	# of Bonus Units
75%	25%	0.5	75.0	38
69%	31%	0.75	68.8	52
63%	38%	1.0	62.5	63
56%	44%	1.25	56.3	70
50%	50%	1.5	50.0	75
44%	56%	1.75	43.8	77
38%	63%	2.25	37.5	84
31%	69%	3.0	31.3	94
25%	75%	4.0	25.0	100

\*1) The base density of one unit per forty acres for the entire project area may be added to the number of units allowed by the density bonus formula.

C. Other Open Space Allowances:

The City recognizes that the foothills provide a great degree of variability in landforms, environmental habitats and cultural resources. Some areas may have a combination of characteristics that cause them

to be considered worthy of special incentives for preservation, even if they do not meet the normal size, slope or dimensional requirements necessary to qualify as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B above. When these areas are identified on a property and proposed for preservation, the Planning and Zoning Commission may classify them as Priority Open Space and allow all or a portion of them to qualify for the granting of a density bonus.

In order to qualify for a density bonus, Priority Open Space lands must demonstrate at least four of eleven characteristics established for high priority open space lands. There must also be a demonstrable increase in the public value of the resource by such allowance that would not be realized by strict adherence to the other provisions of this code.

#### Priority Open Space Characteristics:

Of the following eleven characteristics of high priority open space, at least four must co-exist on a property for consideration as Priority Open Space Eligible for a Density Bonus:

1. Wetlands
2. Riparian areas
3. Rare plant communities
4. Critical deer and elk winter range and migration corridors
5. Boise City Historic Preservation Committee: Potential Public Preservation Sites
6. Unique geologic or visual features
7. Archeologic or other historic sites
8. Trails and trail-heads designated in the Ada County Ridge to Rivers Pathway Plan
9. Other public trails and trail heads as approved by the Boise City Parks and Recreation Board
10. Lands adjacent to publicly-held open spaces
11. Lands adjacent to areas that are, or have the potential to be, designated and set aside as public open space lands in accordance with the provisions of this ordinance.

#### Criteria for Determining Demonstrable Increase in Public Value of Priority Open Space:

In allowing density bonus credit for priority open space in steeply sloped areas or in fragmented pieces, there must be a demonstrable increase in the public value of the resource by such allowance. Demonstrable increase in value may include but is not limited to the following:

1. Allowance for public access.
2. Protection from alteration of important vegetation, terrain or scenic views and vistas that could otherwise occur from a permitted use such as mining, logging, grazing or construction of utilities or infrastructure.
3. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.
4. Dedication or discounted sale to a willing public agency.

#### Planning and Zoning Commission Consideration of Priority Open Space:

It is not the intent of this section to broadly allow the designation of highly fragmented or steeply sloped land as open space, to the total exclusion of the normal requirements of clustering and set aside of buildable area open space. Priority Open Space, when it exists, should be used in balance with other forms of eligible open space to meet the requirements of this code.

When the applicant demonstrates that a portion of his property not otherwise qualified as Open Space Eligible for a Density Bonus as per Section 11-06-05.7.4.B, does meet the above-listed criteria, the Commission may classify it as Priority Open Space and allow some or all of it to qualify for the granting of a density bonus. The amount allowed to qualify as Open Space Eligible for a Density Bonus shall be discretionary based upon the degree to which it meets or exceeds the minimum criteria established in this section. The Planning and Zoning Commission shall seek the input of the Idaho Department of Fish and Game, the Boise City 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.

D. Golf Courses Allowed in Open Space Golf courses may be permitted in designated preserved open space areas, provided that they are of the Links type in which players hit from a tee box to a green with the intervening spaces maintained in a primarily natural condition. These golf courses shall be characterized by the use of native plants with natural landform contours 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 must be preserved in or around the golf course.

E. The following are ineligible for inclusion as preserved open space in the density bonus calculation, except as may be provided in paragraphs "C" of this section:

1. Urban developed uses 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/or uses that may be considered a commercial land use of the site.
2. Internal park sites. Park sites may only be included as eligible open space when they are left in a primarily natural condition and include a significant opening from the subdivision into a larger designated open space area outside the subdivision.

#### 11-06-05.07.05. General Design Criteria

A. Foothills Planned Developments shall be designed to meet the following general criteria:

1. Residential uses shall be clustered within development pockets rather than scattered throughout the property, while preserving the remaining land in separate parcel(s) of permanent open space.
2. Designated open space areas shall be linked to other open spaces to the greatest extent possible.
3. Road and trail access to adjacent properties shall be provided to prevent landlocked parcels and/or breaks in the trail systems.
4. Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut and fill.
5. Development pockets shall be sited and designed in compliance with policies in The Plan concerning clustering, environmental protection, open space conservation and scenic and aesthetic goals.



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- 6. Fire safety and protection measures to reduce the threat of wildfires shall be incorporated into the design in accordance with *Uniform Fire Code* and *Boise City Code* Title 7. Such measures shall include internal residential sprinkling systems, defensible space for the structures and the provision of safe evacuation routes for residents in case of wildfire.
- 7. Gated developments are prohibited due to the potential for such limited access to restrict or delay emergency response in the Foothills.
- 8. The crossing of designated open space, floodways, wetlands and areas of high wildlife habitat value with roads and infrastructure shall be avoided to the greatest extent possible.
- 9. A mixture of dwelling unit types is allowed, including single family and multi-family units.
- 10. Neighborhood commercial and service commercial uses are allowed, but they must be designed to reflect and conform to the height, mass, materials and site design of the residential structures in the PD.
- 11. Setbacks and other dimensional standards may be varied to suit the conditions.

B. Trails are required in Foothills Planned Developments according to the following:

- 1. There shall be public access to public trails contiguous to and/or intersecting the subject parcel(s).
- 2. Trail design should preserve the natural scenic and wildlife habitat values.
- 3. The *Ada County Ridge-To-Rivers Pathway Plan* shall be used as a guide for trail locations.
- 4. Trails shall be secured through dedication, easement or other such binding mechanism, and shown on the subdivision plat.
- 5. If no contiguous and/or intersecting public trails exist or are proposed, private trails may be established through the common open space area, provided that the design preserves the natural character and wildlife habitat value of the open space area.

C. The general design and use of preserved open space shall comply with the following requirements:

- 1. Preserve contiguous areas of open space, both within the subject parcel and adjacent parcels, by aligning them along common corridors to the extent possible.
- 2. Maintain open space in a “natural condition,” ungraded and left in indigenous plant species as much as possible. Noxious and invasive weeds are not considered part of the indigenous plant population and are not protected by this ordinance.
- 3. Preserve areas of highest wildlife habitat value and contiguous wildlife migration corridors in designated Wildlife Habitat Areas, as defined on the map, Figure 2-1, in The Plan. This requirement is subject to the approval of the Idaho State Fish and Game Department.
- 4. Preserve unique geologic and historic features, defined as Heritage sites and sites designated for historic preservation by City, State and Federal agencies.
- 5. Exclude development from geologic hazard areas, specifically landslide areas, and areas with unstable soils.



11-06-05.07.06. Building and Grading Disturbance Envelopes

- 1. Building envelopes depicting the limits of building footprints shall be shown on the final Conditional Use site plan for all structures and facilities in the planned development.
- 2. Parcels with slopes greater than 25% shall be shown on the Conditional Use permit with a disturbance envelope that defines the area outside of which no grading will be allowed. The purpose is to protect neighboring properties, storm water drainage systems, and other infrastructure from the collapse or failure of non-approved poorly designed cuts and fills.

11-06-05.07.07. Ownership and Maintenance of Open Space

Open space areas may be owned and maintained as follows:

- 1. Owned and maintained by and for the use of the homeowners’ association of the project of which it is a part; or,
- 2. Joined with preserved open space lands held by any neighboring homeowner’s association, or, preservation through an organization with adjacent lands held in permanent open space which would then be jointly maintained under an agreement contained in the Conditional Use Permit and/or Development Agreement with the City; or,
- 3. Dedicated or sold to the city, if recommended for approval by the Boise City Board of Parks and Recreation Commission, or other public agency, or private land trust for open space uses as may be approved in the Development Agreement and/or the Conditional Use and approved by the City Council; or,
- 4. Other open space preservation strategies under sole or joint ownership, such as deed restrictions, or conservation easements, may be set up, and executed when approved by the city.
- 5. Where the goals and policies of the *Ada County Ridge-To-Rivers Pathway Plan*, the Boise City Heritage Preservation Committee: Potential Public Preservation Sites plan, *Boise City Comprehensive Plans* and/or *Ada County Comprehensive Plans* and their referenced plans specify the need for public trails or open space, easements for public lands or trails may be required as part of the development’s permanent open space. These trails or open spaces may be held in private ownership with an easement, or may be purchased by the city, or dedicated to the city for that use by the landowner(s).
- 6. Specific agricultural or utility use exceptions may be permitted in open spaces, including livestock grazing, community gardens, irrigation ponds or storm water retention ponds. These uses shall not include buildings or structures except those necessary appurtenances required by those uses, such as dams and irrigation/drainage systems. These use exceptions shall comply with the policies of The Plan, shall be shown on the conditional use site plan, and shall not degrade the value of the permanent open space.
- 7. Fencing shall not encroach into or bisect preserved open space areas.
- 8. The city will accept no responsibility for the costs for maintenance of open space or recreational facilities unless the Boise City Board of Parks and Recreation Commission and the Boise City Council specifically approves such charges.

11-06-05.07.08. Other Foothills Planned Development Requirements



Nothing in this section shall be construed to relieve an applicant from fully meeting other requirements of the *Boise City Foothills Policy Plan*, the “Hillside and Foothill Areas Development Ordinance,” or other Chapters of the *Boise City Zoning Ordinance*.

**11-06-05.07.09. Definitions**

**AREA WITH A SLOPE GREATER THAN 25%:**

An area with a natural (pre-grading) slope greater than 25%, mapped to a minimum resolution of 6,000 square feet in area, also called a Non-Buildable Area.

**AREA WITH A SLOPE OF 25% OR LESS:**

An area with a natural (pre-grading) slope of 25% or less, mapped to a minimum resolution of 6,000 square feet in area, also called a Buildable Area.

**BOISE CITY FOOTHILLS PLANNING AREA:**

The area defined in the *Foothills Policy Plan* and the *Boise City Comprehensive Plan* within the Boise City Area of Impact Boundary.

**BUILDABLE AREA:**

Lands with a slope of 25% or less are buildable areas, if outside floodways or geologic hazards. Buildable areas must 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.

**DEVELOPMENT POCKETS:**

These are the buildable areas designated on the site plan and plat map where the structures and appurtenances will be clustered. These areas will be largely less than 25% slope but may contain fragments of steeper areas as needed to accommodate the site design.

**FOOTHILLS PLANNED DEVELOPMENT:**

A parcel or parcels of land which is planned and developed as a unit under single ownership or control, containing several uses, buildings and common open space or recreational facilities. It is a type of development characterized by master planning for the project as a whole, with clustered structures to preserve usable open space and other natural features, with a mixture of housing types within the permitted densities. This development may include neighborhood commercial and service uses.

**HERITAGE SITES:**

Sites within the Foothills Planning Area with historic, geologic or cultural value, including threatened or endangered species habitat, as listed in the publication *Potential Public Preservation Sites*, by the Boise City Heritage Preservation Committee, 1993, and other sites designated as historic by City, State or Federal agencies.

**NON-BUILDABLE AREA:**

Lands with a slope greater than 25% 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.

**OPEN SPACE ELIGIBLE FOR DENSITY BONUS (ELIGIBLE OPEN SPACE):**

An area of one acre or greater in size with a slope of 25% or less and a minimum average width of 30 feet, which is set aside as preserved open space in return for an increase in density on other buildable areas of the site, according to the density bonus formula. Other open space areas which do not meet these criteria may also be counted as open space eligible for the density bonus if they meet the criteria established in section 11-06-05.7.4.C for Priority Open Space, and are approved by the Planning and Zoning Commission.

**PERCENT SLOPE:**

Percent slope is the vertical rise divided by the horizontal distance within which the vertical rise takes place.

**PRESERVED OPEN SPACE:**

Land dedicated on the plat and defined in the Conditional Use permit for the very limited uses of undeveloped natural open space, wildlife habitat and recreational uses, and applied toward the granting of a density bonus based upon such open space preservation. Preserved Open Space may be either public or private, or any combination of the two, and shall be permanent.

**PRIORITY OPEN SPACE:**

Unique lands which exhibit at least four of the eleven characteristics or factors listed in Section 11-06-05.7.4.C. These lands may not meet the size, slope or dimensional criteria for Open Space Eligible for Density Bonus, but may still be allowed to be set aside as preserved open space for purposes of the granting of a density bonus. The type, location and amount of priority open space eligible for a density bonus is to be determined by the Planning & Zoning Commission based upon how many of the priority open space factors they exhibit, as well as upon a demonstration that the public value of the open space will be enhanced by such allowance.

**RIPARIAN AREAS:**

Relating to or living or located on the bank of a natural water course as a stream or river. 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 therein.

**SLOPE PROTECTION AREA:**

This is a non-buildable area with a slope greater than 25% that does not qualify as buildable area for the density bonus within either a development pocket or preserved open space, and is designated as such on the conditional use site plan and the subdivision plat.

**Appendix A**

**Application Submitting Requirements:**

The following items are required for a Foothills Planned Development application, in addition to those items required for submitting of a standard Planned Development application under Section 11-06-05, and a “Hillside and Foothill Area Development” permit application under Section 11-14.

1. A slope analysis in map and table form depicting areas and polygon labels for:
  - a. All buildable areas, based on two foot contour intervals;
  - b. All non-buildable areas based on five foot contour intervals;



4) CODE

- c. Buildable areas equal to, or greater, than one acre in size labeled as such on map and table.
- 2. A special area analysis in map and table form depicting the general locations of:
  - a. Floodways, floodway fringes, wetlands and riparian areas;
  - b. Deer and elk migration corridors as determined by the Idaho State Fish and Game Department and found on maps referenced in The Plan;
  - c. Location of rare, threatened and endangered plant species and communities regulated under the Endangered Species Act of 1973, and administered by U. S. Fish and Wildlife Service Division of Endangered Species;
  - d. Geologic and/or historic features of note and sites designated as Heritage sites.
  - e. Potential buildable ridge tops visible as skyline features from below the Foothills.
- 3. A capital improvements/infrastructure analysis and map of existing and proposed locations of roads, sewers, drainage and storm water facilities, utilities, schools, parks and fire stations.
- 4. A recreation analysis in map and table form as appropriate showing locations of existing or proposed trails as established in the *Ada County Ridge-to-Rivers Pathway Plan*, existing or proposed trail heads, interpretive areas and other facilities.
- 5. An adjacent parcel analysis of lands within 300 feet of the subject property, in map form, depicting:
  - a. Existing lots and dwellings;
  - b. General topography;
  - c. Existing and proposed public trails designated by the *Ada County Ridge-To-Rivers Pathway Plan*;
  - d. Geologic and/or historic features of note and sites designated as Heritage sites;
  - e. Public rights-of-way and potential road access points.

**Foothills Planned Development Design Process and Application Form Checklist:**

The intent of the process is to allow the applicant and staff to work together to insure that there is a clear understanding about the critical issues prior to the application submitting and throughout the hearings. The applicant should follow this order of events in analyzing, designing and applying for the project.

**Phase I - Pre-application:**

- 1. Meet with the city staff about basic design issues before development of a conceptual design.
- 2. Meet or confer with surrounding landowners about the potential for cooperative development plans.



- 3. Do a sketch map of the project area and adjacent parcels showing general soil characteristics, slopes, wildlife habitat, permanent open space and/or public lands, drainage courses, unique geologic and historic features, public trails, and other features of note.
- 4. Meet with city staff about design issues based on sketch map findings.

**Phase II - Preliminary/Conceptual Design requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain permit applications:**

- 5. Map potential buildable areas.
- 6. Determine which preserved open space/cluster density formula will be applied based upon site characteristics, access and market constraints.
- 7. Identify proposed preserved open space area(s) based upon site characteristics including wildlife habitat values, soil conditions, geologic hazards, access constraints, drainage patterns, unique features, etc.
- 8. Apply the density bonus formula to the remaining buildable area, according to the Table 1, to determine how many dwelling units may be permitted.
- 9. Lay out the cluster subdivision with roads, drainage system and the appropriate number of lots in the development pockets.
- 10. Prepare a fire protection plan following guidelines set by the Boise City Fire Department.
- 11. Prepare a traffic analysis and traffic plan consistent with requirements of the *Destination 2020 Regional Transportation Plan for Ada County* and its subsequent amendments and updates.
- 12. Prepare a traffic mitigation plan including appropriate neighborhood protection, traffic calming and buffering techniques.
- 13. Prepare a general grading plan under the conceptual "Hillside and Foothill Area Development" ordinance.
- 14. Prepare an infrastructure phasing plan.
- 15. Prepare a building and grading disturbance envelope plan.
- 16. Complete any other items required by The Plan, The Planned Development Ordinance, Ch. 11-06-05, the Floodplain Ordinance, Ch. 11-12, and the "Hillside and Foothill Areas Development Ordinance," Ch. 11-14.

**Phase III - Final Conditional Use, Hillside Permit, Floodplain Permit, Annexation, Development Agreement and Preliminary Plat Subdivision applications:**

- 17. Meet with city staff about design issues based on conceptual approval findings;
- 18. Prepare the applications for preliminary plat and final conditional use, Hillside permit, Floodplain permit, a revegetation and reclamation plan and other required applications and plans.

**Appendix B**

Sample conservation easement document and deed restriction statement:

In reference to the requirements for ownership and maintenance of open space in section 11-06-05.07.07, a sample conservation easement document is provided. This example is taken from the New Hampshire State Code.

#### Conveyances Of Realty And Interests Therein, Conservation and Preservation Restrictions

A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in any other use or condition consistent with the protection of environmental quality.

#### Appendix C

Maps and guides to the regulated features in the Foothills:

In reference to the requirements for submitting applications in section 11-06-05.07.12 and 07.13, maps and guides to the features noted will be available to applicants.

*Boise City Foothills Policy Plan Goal 1 Objective 2 Policy 1:*

1) The Foothills Land Use Map provides a generalized depiction of potentially buildable areas based upon slope. At the time of zone change or development application, the developer shall submit detailed documents depicting wildlife habitat areas, existing slopes, geology and soils. This data shall be used to make more detailed determinations regarding the extent of the buildable area governed by the policies of this plan and the Hillside and Foothill Area Development ordinance;

2) Figure 2-1 Wildlife Habitat Areas;

3) Deer and Elk migration corridors;

4) Boise City Heritage Preservation Committee: *Potential Public Preservation Sites*.

1. The proposed use; its bulk, height, intensity and location on the property; and all grading, paving and other associated site development modifications, are consistent with preserving the core values of the property as identified in the Comprehensive Plan or other appropriate guiding document, entitlement or deed restriction associated with the property.

2. The proposed use is consistent with the applicable open space requirements and allowances of the Foothills Planned Development Ordinance.

3. The use is compatible with, or can be conditioned to be compatible with, adjacent land uses. Conditions may include limitations on type, size, amount, location or operation of the use and all other property development modifications associated with the use.

(6472, Amended, 05/23/2006; 6023, Added, 12/05/2000)





**APPENDIX 2:  
HILLSIDE AND FOOTHILL AREAS  
DEVELOPMENT ORDINANCE**

Appendix 2

Chapter 11-14  
HILLSIDE AND FOOTHILL AREAS DEVELOPMENT ORDINANCE  
Sections:  
11-14-01 HILLSIDE AND FOOTHILL AREA; DEVELOPMENTS  
11-14-01.01 Purpose & Intent  
11-14-02 DEFINITION OF HILLSIDE AREAS & DEFINITIONS  
11-14-02.01 Definition of Hillside Areas  
11-14-02.02 Definitions  
11-14-03 JUSTIFICATION, APPLICABILITY & PROCEDURES  
11-14-03.01 Applicability  
11-14-03.02 Permit Required  
11-14-03.03 Completed Application Required  
11-14-03.04 Review Process  
11-14-03.05 Findings of Fact and Conclusions of Law  
11-14-03.06 Application Procedure  
11-14-03.07 Term of Permits  
11-14-03.08 Extensions  
11-14-03.09 Modification and Revocation  
11-14-04 HILLSIDE DEVELOPMENT AND STANDARDS  
11-14-05 PRELIMINARY REQUIRED INFORMATION  
11-14-06 PROJECT ENGINEER  
11-14-07 FINAL TECHNICAL REPORTS  
11-14-08 DEVELOPMENT RESTRICTIONS  
11-14-09 HILLSIDE DEVELOPMENT STANDARDS  
11-14-10 HYDROLOGIC CONTROLS  
11-14-11 ROADWAYS AND CIRCULATION  
11-14-12 INSPECTION AND ENFORCEMENT  
11-14-13 MAINTENANCE  
11-14-14 WAIVERS  
11-14-15 FILING FEES AND COSTS  
11-14-16 SEVERABILITY  
Section 11-14-01 HILLSIDE AND FOOTHILL AREA; DEVELOPMENTS

Section 11-14-01.01 Purpose & Intent

It shall be the purpose of these regulations to provide for the development of hillside and foothill areas in a manner consistent with the Metro Plan goals, objectives and policies. Development shall be undertaken in a manner which will protect life and property from hazards due to slope, erodible soils, unstable soils, earth movement and other geologic and hydrologic hazards.

It shall also be the intent of these regulations to promote the following:

- A. To maximize choice in types of environment available in the City and particularly to encourage variety in the development pattern of the hillsides.
- B. To use to the fullest current understanding of good civic design, landscape architecture, architecture, geology and civil engineering to preserve, enhance and/or promote the existing and future appearance and resources of hillside areas.
- C. To preserve or enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features, such as drainage gullies and swales, streams, slopes, ridge lines, rock outcrops, vistas and natural plant formations.
- D. To promote a safe means of ingress and egress for vehicular and pedestrian traffic to and within hillside areas while at the same time minimizing the scarring effects of hillside street construction. Roads shall follow natural topography wherever possible to minimize cutting and grading.
- E. To encourage the creation of buildings suited to the natural hillside surroundings through imaginative and innovative building techniques.

- F. To enhance surrounding neighborhood character.
- G. To encourage variation in architectural design to reduce grading.

(6119, Amended, 01/08/2002)

Section 11-14-02 DEFINITION OF HILLSIDE AREAS & DEFINITIONS

Section 11-14-02.01 Definition of Hillside Areas

The provisions of this section shall apply to any development proposal for properties when any topographical slope exceeds fifteen percent (15%) 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. Lands within the Boise City Limits, including but not limited to the foothills, hillsides, and the bench areas, shall be subject to this code.

(5916, Amended, 05/18/1999)

Section 11-14-02.02 Definitions  
APPENDIX, CHAPTER 33, UNIFORM BUILDING CODE:

Portion of the Uniform Building Code that specifically regulates grading on private property.

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 Ordinance, or as approved by a subdivision, conditional use permit, hillside and foothill development permit, grading permit or building permit. (Ord. 5427, 12-01-92)

BUILDING ENVELOPE:

The designated area on a lot within which a building or other structure (including footings) must be contained. (Ord. 5427, 12-01-92)

COMMON SPACE:

An areas jointly owned by all of the lot owners in a subdivision, and generally listed for specific uses i.e. recreation area, parking, landscaping or others.

CUT:

To grade into a hillside to create a flat area or to steepen a bank. The mechanical removal of earth material.

CUT & FILL:

The excavating of earth material in one place and depositing of it as fill in different place.

DEEP ROOTED PLANTS:

Shrubs and grasses that have an extensive root system and are useful for soils stabilization.

ENHANCE:

To heighten, improve and augment.

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.

ESSENTIAL GRADING:

The minimum amount of grading required to complete the project proposed and still provide safe access and development of building sites consistent with the concept of the development.

FILL:

A deposit of earth material placed by mechanical means.

FINAL PLAT:

A plan of a subdivision, dedication or any portion thereof prepared for filing and recording by the Ada County Recorder and containing those elements and requirements set forth in the Subdivision Ordinance (Section 9-20-6 B.C.C.). A final plat, upon its being filed and recorded by the Ada County Recorder, shall thereafter be known as an authorized plat, subdivision or dedication.

GRADING:

Any excavation, filling or movement of earth for purposes of changing the shape or topography of the land. (Ord. 5427, 12-01-92)

LIMITS TO GRADING:

The maximum extent of grading allowed on an individual lot or parcel. Limits to grading including but not limited to height and depth of cut or fill or both; side slope; amount of excavated material; engineering requirements; area of disturbance; and location (when lot is restricted by a building envelope.) (Ord. 5427, 12-01-92)

OPEN SPACE:

An open area for a visual amenity, and/or passive or active recreation.

PERCENT SLOPE:

Percent slope shall be defined as the vertical rise divided by the horizontal distance, within which the vertical rise takes place.

PRELIMINARY PLAT:

A preliminary plan of a proposed subdivision or dedication, that provides sufficient information to allow public review and evaluation. Minimum information required for a preliminary plat is identified under the City's Subdivision Ordinance (Section 9-20-6 B.C.C.) and the City's Hillside and Foothill Areas Development Ordinance (Section 11-14-5 B.C.C.).

PRESERVE:

To maintain and protect.

PROJECT ENGINEER:

Professional engineer registered in the State of Idaho retained by the developer to supervise a specific development or phase of a development.

PUBLIC PATHWAY:



A public path used by walkers and/or bicyclists.

REVEGETATE:

To replant an area with vegetation (trees and/or shrubs and/or grasses).

UNDISTURBED LAND:

Land whose topography has not been changed by acts of man.

(6119, Amended, 01/18/2002)

Section 11-14-03 JUSTIFICATION, APPLICABILITY & PROCEDURES

The hillside and foothill development permit process provides an opportunity for land development in hillside and foothill areas that protects the public health and welfare, preserves natural features, allows efficient provision of services and provides for common open space and other amenities as supported by adopted plans, goals and policies of Boise City. This permit process recognizes that hillside areas often have special environmental concerns including fragile soils, vegetation and habitat, and unique drainage and grading requirements. Therefore, the process allows for the notification of surrounding property owners and residents, and additional time for staff to review the project proposal for compliance with standards for hillside and foothill areas development.

Section 11-14-03.01 Applicability

A hillside and foothill development permit shall be required for all developments with slopes that exceed 15% or where adverse conditions associated with slope stability, expansive soils, high water table and springs, erosion or sedimentation are present as determined by the Planning Director or City Engineer. All lands within the Boise City Limits, including but not limited to the Boise Foothills and the bench areas, shall be subject to this code. This permit shall be in addition to and not in lieu of other applications that may be required or voluntarily submitted such as planned unit development (PUD), conditional use, and subdivision applications. Subdivision plat applications in hillside areas must be accompanied by a detailed or conceptual hillside and foothill development permit application. Submittal of a PUD application is not required but if submitted it must be accompanied by a hillside and foothill development permit application in either a detailed or conceptual form. Developers with projects that require conditional use approval must submit a conditional use application and a hillside and foothills development permit application. There are three categories of permits as described below.

- A. Category I Permit: Shall apply to all requests for exterior additions to existing structures; or for new construction; or for grading on any lot(s) or parcel(s) involving significant modification of the approved topography; including but not limited to the following:
1. Retaining walls over 4 feet in height; or, more than one retaining wall when the horizontal distance between retaining walls is less than 10 feet and the sum total of all retaining walls exceeds 4 feet in height. Such retaining walls shall be reviewed for structural integrity, impacts on drainage and soil stability and potential physical impacts on adjoining properties.
  2. Proposed cuts exceeding those described in Uniform Building Code Appendix Section 3306.2.8 and fills exceeding those described in Section 3306.2.9 as set forth below.
    - a. An excavation which (1) is less than 2 feet in depth, or (2) which does not create a cut slope greater than 5 feet in height and steeper than 11/2 horizontal to 1 vertical.
    - b. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 5 horizontal to 1 vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not

obstruct a drainage course.

- c. Projects which are within the limits defined in paragraphs a. and b. above may be considered as a Category III project.

3. Access roads or driveways in excess of 100 feet in length or in excess of 15% 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.
4. Multiple retaining walls located within setbacks, per Section 11-09-07.02.

- B. Category II Permit: Shall apply to all requests for PUDs, conditional use permits, preliminary subdivision plats, or for grading on any lot(s) involving modification of the approved topography that is beyond that allowed under Categories I and III Permits including but not limited to the following:

1. Projects where the Planning and Development Services Department determines that a lot or parcel may be subject to slope stability or drainage problems;
2. Projects involving modification of pre-graded lots in excess of 30% of the volume of previous excavation or fill or 30% of the surface area by square footage.
3. Projects involving modification of lots with natural topography in excess of 30% of the surface area of the lot.
4. Projects not defined as a Category I or III Permit but that fall under the purview of this chapter.

- C. Category III Permit: Shall apply to minor, routine construction on prepared building pads and other single lot projects that do not involve significant grading.

Examples of Category III Projects are:

1. For a single-family residential structure, or accessory structure, that is placed upon a prepared lot pad without significant modification, within a development which has previously been granted a Category II permit.
2. For a single-family residential structure or accessory structure, that is placed upon an existing lot of record; complies with previously approved building envelopes and limits to grading; and, for which the criteria identified in the Category I permit are not exceeded.

The Planning Director, with input from the City Engineer, shall determine whether or not an application may be processed as a Category III Permit. Upon submittal of documentation that a project is not a Category I or II Permit, approval may be granted by the Planning Director without a worksession, public hearing or formal application review.

- D. Concurrent Review: Hillside and Foothill Development Permits shall be reviewed concurrently and/or simultaneously with other zoning and development applications requiring Commission action whenever possible. The Planning and Development Services Department shall coordinate the scheduling of related applications to streamline the review process to the greatest extent possible.

(6315, Amended, 04/20/2004; 6119, Amended, 01/08/2002; 5916, Amended, 05/18/1999; 5895, Amended, 02/23/1999)

#### Section 11-14-03.02 Permit Required

If a request meets the definition of a Category I or II Permit or the request is a modification to an existing permit, an application and fee shall be filed with the Planning Director in accordance with Section 11-14-15 of this chapter. An application and fee shall not be required for Category III projects.

#### Section 11-14-03.03 Completed Application Required

Information and plans as required in Section 11-14-5 Preliminary Required Information, shall be submitted and accepted, if adequate, by the Planning Director and City Engineer. The difference in scope between Category I and II applications shall be recognized in the amount of information required. The time period for Planning Director or Commission action shall not be initiated until an application is deemed complete by the Planning Director and the City Engineer.

#### Section 11-14-03.04 Review Process

The review process for each permit category shall be as follows:

- A. Category I Hillside & Foothills Development Permits: An application, fee and all required reports and plans specified in this Chapter shall be submitted to the Planning Director. The Planning Director shall review and take action upon all Category I Hillside and Foothill Development Permit applications.

1. The Planning Director must approve or deny such application within fifteen (15) 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 technical findings required within this chapter and the findings that the applicant has demonstrated to the satisfaction of the City Engineer and Planning Director that the proposed alteration meets all applicable standards identified in this chapter.
2. Notice of approval of a Category I Hillside and Foothill Development Permit shall be sent to property owners and residents within 300 feet of the boundaries of the project advising them of the approval and of their appeal rights.
3. Property owners and residents shall have 10 calendar days from the postmark on the approval letter to appeal the decision to the Planning and Zoning Commission. All appeals must be in writing and must state clearly how the approval violates the requirements of this chapter. Failure to provide this information will render the appeal void.

- B. Category II Hillside and Foothill Development Permits: An application fee and all required reports and plans specified in this Ordinance shall be submitted to the Planning Director and scheduled for public hearing before the Planning and Zoning Commission.

1. A Category II Hillside and Foothill Development Permit involving more than one lot requires a public work session conducted by the Planning Director prior to public hearing. The worksession shall be held approximately thirty-three (33) calendar days after acceptance of a completed application. A public hearing shall be held no later than sixty-six (66) calendar days after acceptance of a completed application. Deferrals due to a lack of Commission quorum or a request by the applicant shall extend the time during which the hearing must be held.

A Category II Hillside and Foothill Development permit involving a single-family dwelling on a single lot shall not require a worksession but shall be subject to the notice and public hearing requirements of other Category II Permits.

2. Upon the determination of the Planning Director that an application is unusually complex and requires additional review, the date for the public worksession and for public hearing may be extended up to 33 additional days to a maximum of 66 days for the worksession





and 99 calendar days for the public hearing. This extended review period is to allow for adequate staff research and analysis, agency review and comment, public input, coordination with other city departments and coordination with the applicant.

3. Notice of Hearing and Publication: At least 15 days prior to the worksession and public hearing, notice of the time and place and a summary of the proposal shall be published in a newspaper of general circulation within the city. Notice shall be provided to property owners, purchasers of record and residents within 300 feet of the external boundaries of the project in accordance with Section 11-3-6.1 of the Zoning Ordinance.

The Planning Division shall also notify known interested parties such as organized neighborhoods, public agencies including land management agencies, environmental organizations (such as the Foothills coalition, the Wetlands Coalition, the Friends of Military Reserve Park, etc.), city departments, etc. Failure to notify any party claiming to be an interested party shall not be grounds for deferral of the scheduled hearing or for invalidation of the decision.

- C. Commission Action: Following the hearing, the Commission shall approve, deny or modify the application, and may impose conditions of approval to ensure conformance with the technical requirements of this chapter. The Commission may also approve changes from the base zoning district standards except for uses and density.

(5895, Amended, 02/23/1999)

**Section 11-14-03.05 Findings of Fact and Conclusions of Law**

- A. The findings of facts and conclusions of law to support decisions on hillside and foothill development permit applications must be based upon compliance with this chapter and may only be approved when the evidence presented supports the following finding of fact and conclusions of law:
1. That the proposed development is in compliance with the technical requirements of this chapter including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and
  2. That the proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and
  3. That the land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and
  4. That the project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.
  5. That the proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of this chapter and the Floodway and Floodplain Ordinance.
- B. The hillside and foothills development permit process is established to assure project compliance with this chapter and to provide a public notification and hearing process for all Category I and II projects. Annexations, zone changes, conditional use permits and subdivision applications submitted prior to or in conjunction with hillside and foothill development permit applications must comply with all respective zoning ordinance requirements including compliance with the Boise Metropolitan Plan.

**Section 11-14-03.06 Application Procedure**

A hillside and foothill development permit may be obtained by submitting an application(s) in one or two stages as follows:



- A. As a detailed hillside and foothill development plan, on an application form to be provided by the Planning Director and including all information required by this chapter.

- B. As a conceptual master plan.

1. The applicant must specify on the application form that concept approval is being requested and must be accompanied by a request for rezoning if the land is not zoned for the intended use. A concept approval is a statement by the City of Boise that a general development plan including the general arrangement of uses, density, location of major streets, open spaces, utilities, etc. is acceptable. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of preparing detailed building plans until after the concept approval. It provides the developer and the City with guidelines for the design of each phase of a project. Supporting information shall be required for concept applications as determined by the Planning Director.

2. A concept plan which falls under the purview of this chapter will by its nature require more detailed engineering studies than concept plans in less sensitive areas. Therefore, at least generalized plans for drainage, grading and utility service shall be provided with the application.

3. Each phase of a concept approval requires detailed hillside and foothill development approval through a new application, fee and public hearing. Conditions attached to applications for detailed hillside and foothill approval shall not exceed the parameters of the conditions of approval attached to the concept plan so long as the concept plan has not expired. Submittal requirements are the same as for a detailed hillside and foothill development application that is processed and reviewed in one step.

- C. Hearings: The concept and detailed Hillside and Foothill Development applications are both subject to the public hearing requirements of Section 11-14-14-4.2.

- D. The requirement for a public worksession on phases of a conceptual master plan may be waived by the Planning Director if:

1. The detailed submittal conforms to the approved concept plan.
2. The phase of the project involves development on slopes less than 15%.

**Section 11-14-03.07 Term of Permits**

- A. Because of the special problems related to hillside developments, the applicant/ developer shall have 36 months in which to affect a hillside and foothill development permit after approval by the Commission. Within this period, the holder of the permit must:

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 permit in accordance with the conditions of approval; or

3. For conceptual hillside and foothill development permits, submit an application for a detailed hillside and foothill development permit; or

4. For projects which require platting, the plat must be recorded within this time frame.

5. For phased projects each phase must be submitted within 24 months from the date of the concept approval or the date of approval of the previous phase, unless the Commission specifically approves a different phasing schedule.

- B. The Commission may also fix the time or period within which the permit shall be completed, perfected or bonded. If the conditions of approval are not completed or bonded within such period, said permit shall lapse.

**Section 11-14-03.08 Extensions**

- A. The Commission may, upon written request by the holder, grant a one-year time extension to an unexpired conceptual or detailed hillside and foothill development permit. A maximum of three extensions may be granted to initiate the project or a phase of a project. Additional conditions of approval may be required based upon the existence of legal requirements not existing at the time of the original approval. Upon receipt of written request for extension, the Planning Director shall determine if a hearing on the request is required, based on the following considerations:

1. Detailed Permits:
  - a. Whether there have been significant amendments to the Boise Metropolitan Plan or Title 11, Boise City Code, which will apply to the subject permit; or
  - b. If significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project; or
  - c. Whether hazardous situations have developed or have been discovered in the project area; or
  - d. If community facilities and services required for the project have become inadequate.
2. Conceptual Master Plans: Concept plans are encouraged to facilitate good planning in the Boise foothills. Developers must have some assurance that concept plans that have been initiated in accordance with existing ordinances and conditions of approval may be completed under the originally applied Standards. Therefore, approved conceptual master plans will not be subject to new ordinance requirements if the following findings are made:
  - a. The applicant has made significant on and off-site improvements that implement the overall plan such as the extension or on-site installation of water mains, sewer lines, streets, utilities, etc.
  - b. If development of previous phases of the plan have occurred in such a manner that it is physically impossible or economically unfeasible to comply with the new ordinance standards.
  - c. The applicant demonstrates that application of the new standards will make it impossible or totally unfeasible to complete the remaining phases of the concept plan.
  - d. If any of the considerations in a., b. or c. above are found to exist with regard to the project for which an extension is sought, a hearing shall be required.
3. If a hearing is required, notice shall be provided as described in Section 11-14-3.4 and a new application and fee must be submitted in compliance with current plans and ordinances and in accordance with the application procedures of this Chapter.

**Section 11-14-03.09 Modification and Revocation**

- A. Upon application by the holder of a hillside and foothill development permit, the Commission may modify the conditions and limitations of the permit in accordance with the limitations and requirements of Section 11-14-3.4, Boise City Code. The Commission may revoke or modify a hillside and foothill development permit, upon notice and hearing, for breach or violation of any

condition or limitation of said permit.

B. Administrative Review:

1. The Commission may delegate to the Planning Director authority to consider minor modification to approved hillside and foothill development permits. Modifications to Category I permits shall be limited to the following considerations:

- a. A reduction in development density which does not exceed 25% of the total units.
- b. A relocation of dwelling units, building pads, or building envelopes for some practical reason such as road alignment, topography, access, solar access or stability in hillside areas.
- c. A change in the approved phasing plan or schedule.
- d. A modification to recreation area or open space design, but not elimination or significant reduction.
- e. Minor change in proposed location of building envelope.

2. Prior to approving such minor modifications the Planning Director shall determine that the following are true:

- a. The requested modification was not specifically appealed during the public hearing process; and
- b. The requested modification will not cause adverse physical impacts on adjacent properties. (Repealed and Reenacted, Ord. 5427, 12-1-92)

**Section 11-14-04 HILLSIDE DEVELOPMENT AND STANDARDS**

All development proposals shall take into account and shall be evaluated by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, environmental and civic design, architectural and landscape design, and related disciplines are applied in hillside areas, including but not limited to:

- A. Planning of development to take into account the topography, soils, geology, vegetation, outstanding features such as outcropping and cliffs, hydrology and other conditions existing on the proposed site;
- B. Orientation of development on the site so that grading and other site preparation is kept to a minimum;
- C. Completion of essential grading during site preparation, rather than left for future lot owners so that:
  1. Shaping shall blend in with existing natural land forms to minimize the necessity of padding and/or terracing of building sites; and
  2. Building pads and terracing shall be graded with contour rounding and other techniques to blend into the natural contours.
- D. Projects shall be phased into workable units for which construction shall be scheduled to minimize soil disturbance and to control erosion in accordance with the approved erosion control plan.
- E. Completion of paving within sixty (60) days after final grading (final grading deemed to be the



grading done after the placement of utilities).

- F. Allocation for open spaces and recreational uses of areas not well suited for development because of soil, geology, vegetation or hydrology limitations.
- G. Minimizing disruption of existing plant and animal life.
- H. Minimizing soil disturbance.
- I. Inclusion of innovative concepts for slope and soil stabilization, grading, and landscaping is encouraged.
- J. Provision of multiple access points to meet requirements of Fire Department and Ada County Highway District.
- K. Provision of pedestrian access to and through the project.

**Section 11-14-05 PRELIMINARY REQUIRED INFORMATION**

The following information shall be required in conjunction with Conditional Use Permit and Preliminary Plat applications and shall be reviewed by both the Planning Director and the City Engineer.

This information shall be developed by a licensed, Idaho professional, competent to practice in the subject matter.

Technical reports as listed in this section will be required for all projects falling under the purview of this Section. The applicant may submit these reports in two (2) steps or as final technical reports accompanying the preliminary information stage (i.e., Conditional Use Permit, Design Review Permit, or Preliminary Plat applications), at the applicant's option.

A preliminary report, submitted with the Conditional Use Permit or Preliminary Plat applications may consist of information derived from existing documents. Sufficient information shall be provided to permit a determination by the City Engineer or his/her designee and the Planning and Zoning Commission of the probable adequacy of the site of the proposed development. Any Preliminary Plat approved based upon a preliminary report shall be subject to the findings of the final report. Further identification of preliminary report requirements are identified in Appendix 'A' Requirements for Technical reports, of this ordinance.

Applicants may request of the City Council extensions for submission of final plats within two (2) years after preliminary plat approval. The City Council may grant extensions on a one year basis with the number of time extensions being determined by the City Council. If extensions are approved, the City may update and add conditions based on policy and/or ordinance changes.

If the proposed use is an allowed use in the proposed zone and no Preliminary Plat is required, the applicant shall submit both the preliminary and final required reports at the discretion of the Building Department.

- A. Preliminary Geotechnical Engineering Reports: Any area proposed for development shall be investigated to determine its general soils characteristics. This report shall include conclusions and recommendations regarding the effect of soils conditions on the proposed development and opinions and recommendations covering the adequacy of site to be developed.  
  
Preliminary soils engineering reports shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of soil mechanics, and competent to practice in the subject matter.
- B. Preliminary Geology Report: Any area proposed for development shall be investigated to determine its general geological characteristics. This report shall include a complete description of the geology of the site, conclusions and recommendations regarding the effect of geologic

conditions on the proposed development and opinions and recommendations covering the capability of sites to be developed.

Preliminary engineering geology reports shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of engineering geology or geological engineering and competent to practice in the subject matter.

- C. Preliminary Hydrology Report: Any area proposed for development shall be investigated to determine its general hydrologic characteristics. This report shall include a complete description of the hydrology of the site, conclusions and preliminary recommendations regarding the effect of hydrologic conditions on the proposed development and opinions and recommendations covering the suitability of sites to be developed.

The preliminary hydrological engineering reports shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of hydrology and in the techniques of hydrologic investigation and competent to practice in the subject matter.

- D. Preliminary Grading and Drainage Plans: A preliminary grading and drainage plan shall be submitted with each preliminary proposal. The plan shall be designed to ensure that the lots within the development are able to conform to Appendix Chapter 33, of the Uniform Building Code. The plan shall cover the total site and include, but not be limited to, the following information:

- 1. Existing contours (two foot intervals) of property. Horizontal scale shall be 50 feet or less per inch.
- 2. Location of any existing buildings, structures, rock outcrops and other visual features on the property where the work is to be performed, and on land of adjacent owners within one hundred feet (100') of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjoining topography.
- 3. Approximate limiting dimensions, elevations and finish contours to be achieved by the grading, proposed elevations at lot corners and at 100' maximum intervals along centerline of street, delineation of cut and fill areas, steepness of all cut and fill slopes, proposed drainage channels and related construction.
- 4. Preliminary drainage plans showing approximate locations for all surface and subsurface drainage devices, retaining walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development and the estimated runoff of the area served by the drains.
- 5. A preliminary plan for erosion control.

- E. Preliminary Revegetation Plan: The preliminary revegetation plan/report shall identify the areas to be revegetated, existing vegetation, slope preparation, top soil conditioning and placement, seed mix and application rate, mulch application rate, time of seeding and proposed method of providing moisture for germination of seed and plant growth.

The plan/report shall be prepared by a licensed Idaho professional, who has experience with and knowledge of vegetation, soils and climate of the Boise Foothills, and competent to practice in the subject matter.

(6119, Amended, 01/08/2002)

**Section 11-14-06 PROJECT ENGINEER**





- A. To ensure the necessary coordination of the project, the developer shall retain a professional engineer registered in the State to serve as Project Engineer.
- B. It shall be the responsibility of the developer to ensure that the Project Engineer:
1. Submits all required reports (see Sections 11-14-5 (A-E) and 11-14-7 (A-E).
  2. Prepares the preliminary and final grading and drainage plans.
  3. Incorporates into the grading and drainage plans all appropriate recommendations contained in the soils, geology, hydrology and revegetation reports. The project engineer shall submit a detailed statement of how the recommendations of the various reports were incorporated in the final grading and drainage plans.
  4. Reviews the working drawings and specifications for all work within the project for compliance with approved plans and specifications except that work done by independent utility companies not under the control of the developer.
  5. Acts as coordinating agent if the need arises for liaison between other professionals, the developer, the City and other government entities.
  6. During construction phase, monitors construction activity on a daily basis, reviews compaction test data, submits periodic reports and holds periodic meetings as required by the City Engineer.
  7. Coordinates submittal to the City Engineer the final reports (as-graded grading plan, soils-grading report, geologic grading report) per Section 3318.1 of Appendix Chapter 33, Uniform Building Code.
  8. Field staking of the centerline of streets, top and toe of cuts and fills, and other features shall be provided if requested by the City Engineer of Planning Director.
- C. Prior to and during grading operations, compaction data, and any reports concerning changed conditions in soils, geology, hydrology shall be submitted by the Project Engineer to the City Engineer.
- D. If in the course of fulfilling his/her responsibilities, the Project Engineer discovers that the work is being accomplished below the standards required by this Chapter, or the latest approved plans and specifications; then he/she shall call them to the attention of the contractor and developer by written notice. If substantial progress toward correction has not begun within seven (7) calendar days, the problem shall be reported immediately in writing to the City Engineer.
- E. If the Project Engineer of record is changed during the course of the work, the developer shall not continue the work until the new Project Engineer has agreed to accept the responsibilities as herein defined.
- F. In the event of work stoppage, protection shall be provided for all open, vulnerable, unfinished work on the project, including drainage.

(6119, Amended, 01/08/2002)

#### **Section 11-14-07 FINAL TECHNICAL REPORTS**

Final reports shall consist of revisions and amplifications of the preliminary reports and shall include results of field investigation of the site. Any deviations requested from the requirements of UBC Appendix 33, Chapter 70 shall be addressed in these reports.

These reports shall be submitted for review and approval prior to the issuance of a Grading Permit and

signing of the final plat map by the City Engineer. A minimum of ten working days shall be allowed for review, after the submittal of the final reports and plans. The City Engineer shall notify the project engineer if more review time is needed. Further identification of final report requirements are identified in Appendix A, Requirements for Technical Reports, of this ordinance.

#### **A. Soils Engineering Geotechnical Report.**

1. This report shall include data regarding the nature, distribution, strength, stability, pH and nutrients of the soils, conclusions and recommendations for grading procedures, recommendations for frequency of soil compaction testing, design criteria for corrective measures, and opinions and recommendations covering the adequacy of sites to be developed.
2. The investigation and subsequent report shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of soil mechanics and competent to practice in the subject matter.

Recommendations included in this report and approved by the City Engineer shall be incorporated into the design plans and specifications.

#### **B. Geology Report.**

1. The investigation and subsequent report shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of engineering geology and competent to practice in the subject matter.

Any area in which the investigation indicates geologic hazards exist shall not be subjected to development unless the Project Engineer can demonstrate satisfactorily to the City Engineer, based on the required engineering reports, that these hazards can be overcome in such a manner as to minimize hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel or the natural environment.

#### **C. Hydrology Report.**

1. The investigation and subsequent report shall be completed by a licensed Idaho professional, experienced and knowledgeable in the practice of hydrology and in the techniques of hydrologic investigation, and competent to practice in the subject matter.
2. Any area in which the investigation indicates hydrologic hazards exist shall not be subjected to development unless the Project Engineer can demonstrate satisfactorily to the City Engineer based on the required technical reports that these hazards can be overcome in such a manner as to minimize hazard to life or limb, hazard to property, adverse effects on the safety, use or stability of a public way, drainage channels or the natural environment.
3. An analysis of flood hazard shall be provided for the area proposed for development and downstream properties.

#### **D. Final Grading and Drainage Plans and Specifications.**

1. The final grading and drainage plans and specifications shall include the following information and meet the following requirements:
  - a. Be prepared, dated and signed by a licensed Idaho professional, competent to practice in the subject matter;
  - b. Be based on a field survey or an aerial topographic map of sufficient accuracy to indicate on the plans two foot contour intervals on slopes of 50% or less and ten foot contour intervals on slopes above 50%;





- c. Location and elevation of the bench mark to be used on the project and a development survey control grid for project monitoring if requested by the Boise City Engineer;
- d. Be drawn to a scale of 50 feet or less per inch and include street center line data, street right-of-way widths, and bearings and distances of the project property boundary;
- e. Vicinity map identifying the location of the property.
- f. Limiting dimensions, elevations, and finished contours to be achieved by the grading, areas of cut and fill, including all proposed cut and fill slopes and proposed drainage channels and related construction. Cut and fill slopes shall be clearly designated on the plans, indicating the limits and the lopes of cut or fill.  
  
Finish grade elevations shall be shown at each lot corner, each lot pad corner, and at maximum 100 intervals on centerline of streets. Location and height of retaining walls including detailed plans for each wall shall be included.
- g. Detailed drainage plans showing locations of all surface and subsurface drainage devices, retaining walls, dams, sediment basins, water table, storage reservoirs and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainage ways which may be affected.
- h. A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
- i. The drainage plans shall be in conformance with a Master Drainage Plan for the drainage basin in which the proposed development is located;
- j. The haul route for excess or borrowed material shall be designated and approved by the Ada County Highway District for routes on public streets and the Boise City Engineer for all other areas;
- k. Location of all geologic hazards on the site as identified by the final engineering geology and soils reports;
- l. Location of all temporary structures, ditches, settling ponds, etc., required during construction to prevent runoff of excessive storm water and sediment onto adjacent public and private property;
- m. Specifications for clearing and grubbing, topsoil handling, preparation of existing ground for placement of fill, compaction requirements, and finish grading;
- n. A roof drainage plan showing how roof drainage from each lot is to be disposed;
- o. The final plans shall be accompanied by the engineering calculations for pipe sizing, detention pond design, and the volume of earth work.
- p. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected.

E. Revegetation Plan and Report.

- 1. A revegetation plan and report shall be completed by a licensed Idaho professional,

competent to practice in the subject matter. Unless otherwise approved by the City Engineer, the recommendations in the Idaho Department of Transportation Surveys and Plans manual, Section 14-529 Seeding and Planting Design (as amended) shall be followed.

- 2. The revegetation report shall include a discussion of the following site factors and provide recommendations for the revegetation work.
  - a. Steepness, height and aspect of slopes and topography of land above the slope;
  - b. Adequacy of topsoil on the site. The topsoil shall be tested to determine recommended fertilizer and amendments;
  - c. Recommended thickness of topsoil to be placed on cut and fill slopes;
  - d. Recommended preparation of slopes for placement of topsoil, i.e. minibenching and serration;
  - e. Recommended means of application of topsoil and preparation for seeding;
  - f. Seed mixture and application rate. Consideration shall be given to establishment of deep rooted plants.
  - g. Planting procedures and time of planting;
  - h. Use of supplemental watering.
  - i. Mulch type, application rate and means of application;
  - j. Minimum coverage/plant density needed to control erosion;
  - k. Erosion control measures to be used until vegetation becomes established.
- 3. The revegetation plan shall show the recommended revegetation and erosion control work for all of the slopes on the project site (see also revegetation and erosion control, Section 11-14-9-C).

(6119, Amended, 01/08/2002)

**Section 11-14-08 DEVELOPMENT RESTRICTIONS**

Any area which presents one or more of the following limiting factors shall not be subjected 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 twenty five percent (25%).
- E. High water table and springs.



(6119, Amended, 01/08/2002)

**Section 11-14-09 HILLSIDE DEVELOPMENT STANDARDS**

**A. General.**

1. The owner and/or developer shall provide a bond/surety agreement or an irrevocable letter of credit in an amount of 110% of the cost estimated by the City Engineer to enable restoration of the cite if the owner/developer does not complete the project or deviates substantially from the approved plans. The bond or letter of credit shall be in a form acceptable to the City Engineer. This bonding shall be provided prior to the issuance of a grading permit or signing of the final plat by the City Engineer.
2. Prior to issuance of a grading permit, the owner and/or developer shall provide a legally binding easement allowing the City of Boise and/or its agents to enter upon the property to do work, as deemed necessary by the City Engineer, to restore the site's appearance and drainage in case of noncompletion or substantial deviation from the approved plans of the project by the developer/owner.
3. All work must be performed in accordance with the latest approved contract plans and specifications. Work not in accordance may not be accepted. Revisions to the plans and specifications shall be submitted to the City Engineer and Planning Director, allowing sufficient time for review, comment, revision and approval.
4. A construction project schedule shall be submitted to the Boise City Engineer for approval and shall be periodically updated.
5. During periods of inclement weather, the Project Engineer shall take extra care in monitoring the construction activities to ensure that the work meets the requirements of the plans, specifications and this ordinance and that storm water runoff from the site is controlled to not adversely affect adjacent property and public facilities. The Project Engineer shall keep the City Engineer appraised of the status of the work.

**B. Grading.**

1. No grading, filling, clearing or excavation of any kind in excess of fifty (50) cubic yards or stripping of vegetation shall be initiated until the final grading plan and reports required in Section 11-14-7 are approved by the Public Works Department and a grading permit is obtained from the Boise City Planning and Development Services Department.
2. Fill areas shall be prepared by removing organic materials, such as vegetation and rubbish and any other material which is determined by the licensed professional, who prepared the geotechnical report, to be detrimental to proper compaction or otherwise not conducive to stability.
3. 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.
4. All retaining walls or facing used as an alternative to cut and fill with a total vertical projection in excess of four feet (4') shall be designed by a licensed, professional engineer and engineered as structural members keyed into stable foundations and capable of sustaining the design loads.
5. All slopes which are stabilized by mechanical or chemical means shall be adapted to conform to the surrounding terrain and shall be given proper aesthetic treatment.
6. Construction shall be scheduled to minimize soil disturbance. All disturbed soil surfaces

shall be stabilized. Temporary treatment adequate to prevent erosion shall be installed on those surfaces.

7. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by ASSHTO T99 or ASTM D698, or greater as recommended by the geotechnical report. The frequency of compaction testing shall be as recommended by the licensed professional, who prepared the geotechnical report, and approved by the City Engineer.

8. Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the Project Engineer that steeper slopes are feasible, taking into account safety, stability, erosion control, and revegetation; subsurface drainage shall be provided as necessary for stability.

9. Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical unless it can be shown by the project engineer that steeper slopes are safe, stable, erosion resistant, and can be adequately revegetated; fill slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toe out within twelve feet (12') horizontally of the top of an existing or planned cut slope.

Prior to placement of fill, the ground shall be prepared in accordance with Appendix, Chapter 33 as amended by the Uniform Building Code. Subsurface drainage shall be provided as necessary for stability.

10. Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of Appendix 33 Chapter 29 as amended of the Uniform Building Code. Tops and toes of cut and fill slopes shall be set back from structures in accordance with the requirements of Chapter 18 as amended of the Uniform Building Code.

**C. Revegetation and Erosion Control:**

1. Existing vegetation should not be disturbed or removed beyond the limits of the cuts and fills of the approved grading plan.
2. Revegetation and erosion control work shall be done in accordance with the approved revegetation and erosion control plan and report.
3. The topsoil which is removed during construction shall be conserved for later use on areas requiring revegetation or landscaping, e.g., cut and fill slopes.
4. Topsoil shall be placed on all slopes at a minimum thickness of four inches (4").
5. Minimum acceptable plant coverage is 80 percent 2 years after planting.
6. Seed mix shall include deep rooted plants. Subsequent planting of seedlings is also encouraged.
7. Erosion shall be controlled to prevent deposition of sediment on adjacent public right-of-way and private property. On sensitive slopes, the City Engineer may require placement of erosion control geotextile blankets.
8. Revegetation is weather dependent and may require remedial work during the establishment period. If vegetation has not become established by the second growing season (spring or fall), the owner/developer shall do additional revegetation/erosion control work as recommended by the licensed professional who prepared the revegetation plan, and approved by the City Engineer. The City Engineer may require extension of a portion of the bond required in Section 9-19-9A-1 until the vegetation becomes established.



(6119, Amended, 01/08/2002; 5895, Amended, 02/23/1999)

**Section 11-14-10      HYDROLOGIC CONTROLS**

- A. Interceptor ditches or other approved methods as applicable and as approved by the Boise City Engineer, shall be established above all cut/fill slopes, and the intercepted water conveyed to a stable channel with adequate capacity. These ditches shall be maintained in perpetuity by the property owners, homeowners' association or the development itself, provided the responsibility has not been assumed by a public entity.
- B. Curb, gutter and pavement design and lot grading shall be such that water on roadways is prevented from flowing off the roadway, except in conveyance conduits.
- C. Natural stream channel shall be riprapped or otherwise stabilized below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- D. Runoff from areas of concentrated impervious cover (e.g., roofs, driveways, roads) shall be retained on site or collected and transported to a channel with sufficient capacity to accept the discharge without undue erosion or flooding. Provision should be made for the cleaning of drainage facilities, by the owner/developer, from the onset of construction through the completion of the project.
- E. Waste material from construction, including soil and other solid materials, shall not be deposited within the one hundred (100) year flood plain (defined as lands within a catchment which are subject to the one hundred [100] year flood) unless the City Engineer concurs that there is no reduction in storage and flow capacity of the flood plain.
- F. Drainage systems in general shall be designed for the maximum one hundred (100) year flood event. That part of a drainage system that acts as a conveyance (pipeline, channels, etc.) shall be designed for 100 year peak flows. That part of a drainage system that serves to detain or retain water shall be designed for 100 years peak volumes in accordance with Section 11-14-10.L of this ordinance.
- G. With the exception of road crossings, approved drainage structures and recreation and open space uses which do not involve the destruction of vegetal cover, development shall be prohibited within the one hundred (100) year floodway.
- H. 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.
- I. The overall drainage system shall be completed and made operational at the earliest possible time during construction.
- J. Alterations of major floodways shall only be made with approved drainage conveyance systems and structures as approved by the Boise City Engineer, Army Corps of Engineers and FEMA.
- K. Natural streams or improved open channels shall be preserved or provided for in major catchments (ten acres or more in size), except that at road or other crossings where conduits may be permitted or in those areas approved by the City Engineer. In minor catchments drainage shall be permitted to be enclosed in conduits.
- L. 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 above creates more adverse impacts to the overall drainage area than other drainage alternatives.

- M. Drainage facilities shall be designed to coordinate with any Master Drainage Plan for the drainage basin in which the proposed development is located.
- N. Special drainage facilities and/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 culdesac which 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.

**Section 11-14-11      ROADWAYS AND CIRCULATION**

- A. Roads shall be designed to create the minimum feasible amounts of land coverage and the minimum feasible disturbance of the soil.
- B. Existing vegetation of the deep-rooted perennial variety shall be preserved to the greatest extent possible in the location of roads.
- C. Variations in right-of-way standards shall be sought through the Ada County Highway District to prevent the dedication of unnecessarily large parcels of land.
- D. Variations in road design and road construction shall be sought through Ada County Highway District in order to keep grading and cut/fill slopes to a minimum.
- E. Road alignments should follow natural contours where possible unless the Project Engineer can justify additional cuts or fills. Use of cul-de-sacs and common driveways is encouraged.
- F. 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 ft. for the passage of emergency vehicles.
- G. If the sidewalk is to be installed parallel to the roadway, on fills, the slope shall be rounded for four feet (4') from the back of the sidewalk.
- H. A pedestrian pathway shall be required as approved by the Boise City Planning & Zoning Commission. (See 11-14-5.k)
- I. 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.

**Section 11-14-12      INSPECTION AND ENFORCEMENT**

All construction subject to these regulations shall be subject to inspection by the City Engineer and Planning and Development Services Department in addition to inspections by the Project Engineer and consultants. When required by the City Engineer, special inspections and special testing shall be performed to verify conformance with these regulations. The cost of special inspections and special testing shall be borne by the developer.

If the City Engineer determines that any portion of the project is not in conformance with the requirements of this Chapter and no waiver of such requirements has been granted, the City Engineer shall notify, in writing, the Project Engineer and/or Developer. The Project Engineer and/or Developer shall take prompt action to resolve the problem(s) enumerated. If corrective action is not taken to the satisfaction of the City Engineer then the City Engineer shall cause a stop work order be issued by the Planning and Development Services Department, notify the agency issuing the bond or irrevocable letter of credit, shall cause the necessary work to be performed at the developer's expense, not sign the final plat, cause the Planning and Development Services Department to not issue any additional building permits for this development and/or collect on the bond or irrevocable letter of credit.



(5895, Amended, 02/23/1999)

**Section 11-14-13 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 this Chapter 14 (Hillside & Foothill Areas/Development Ordinance), or a building permit granted by the Boise City Planning and Development Services Department, within a subdivision approved under this Chapter, 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 Ada County Highway District, 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.

(5895, Amended, 02/23/1999)

**Section 11-14-14 WAIVERS**

The developer, the project engineer or the developer's representative, may request a waiver of any of the provisions of this Chapter 14 (Hillside & Foothill Areas/Development Ordinance), to both the Planning Director and the City Engineer. The Planning Director and City Engineer shall notify the public of the request for waiver in accordance with the provisions of Sections 11-3-6.1 and 11-3-6.2. After public notice and comment on the waiver request, the City Engineer and Planning Director will review and decide on the proposed waiver. This decision may be appealed to the City Council for Council approval or denial.

**Section 11-14-15 FILING FEES AND COSTS**

For all developments falling under this Hillside and Foothill Areas Development Ordinance Chapter, filing fees shall be in accordance with the Boise City Subdivision Ordinance. In addition the actual and/or estimated costs of the City associated with the review and inspection of the hillside requirements for the development shall be reimbursed to the City. Any developer proposing a hillside subdivision development shall deposit with the Boise City Public Works Department a Hillside Review Deposit to cover the costs associated with the review and inspection of the hillside development. The Hillside Review Deposit shall be deposited by the procedures and amounts as set forth by Resolution of the Boise City Council. The costs of the grading permit from the Planning and Development Services Department shall be set at the minimum charge.

(Ord. No. 5538, Amended, 04/26/94)

(5895, Amended, 02/23/1999)

**Section 11-14-16 SEVERABILITY**

If any section or provision of this ordinance is declared invalid for any reason, it shall not affect the validity of all remaining provisions of this chapter and ordinance. (BCC 11-14 Reenacted, Ord. 5301, 4-2-91; BCC 11-14-3 Reenacted, Ord. 5427, 12-1-92)

