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CHAPTER 11-01: GENERAL PROVISIONS

11-01-01. TITLE AND AUTHORITY

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

2. AUTHORITY FOR CODE
   This Code is adopted under the authority for Local Land Use Planning established in Title 67, Chapter 65, of the Idaho State Statutes; Plats and Vacations established in Title 50, Chapter 13 and Preservation of Historic Sites established in Title 67, Chapter 46.

11-01-02. PRIOR RIGHTS AND PERMITS

1. The enactment of this Code shall not terminate or otherwise affect rights, variances, and permits acquired or authorized under prior Code.

2. Where a building permit and a zoning certificate have been issued for the construction of a building or structure, and for an authorized use and occupancy thereof, in accordance with the law prior to [the effective date of this Code], the building or structure may be completed in conformance with the approved plans and on the basis for which the building permit and zoning certificate had been issued, provided construction of the building or structure is commenced within 60 days of the effective date of the building permit and diligently pursued to completion.

3. Detailed conditional use applications based upon concept plans approved prior to the effective date of this revised Code shall be subject to the terms and conditions of this revised Code. Upon showing an undue hardship, an applicant may be allowed by the Planning and Zoning Commission to process such detailed conditional use applications under the terms and conditions of the previous Code.

11-01-03. PURPOSE

To promote the public health, safety, and general welfare of present and future residents, and to bring about coordinated and efficient development that encourages affordable and fair housing stimulates economic opportunity, and promotes diverse, inclusive communities with a variety of housing choices for residents.

11-01-04. APPLICABILITY

1. UNIFORM APPLICABILITY
   A. Except as otherwise provided in this Code, land, buildings, and premises in any district shall be used only in accordance with the regulations established for the base zoning district.
   B. No property shall be allowed to maintain an attractive or public nuisance as defined by this Code at any time.

2. PUBLIC SERVICES EXCEPTED
   This Code shall not limit or interfere with the temporary use of any property as a public voting place, or with the construction, installation, or operation of the following by any public agency or private corporation, when such construction is otherwise in conformity with all federal, state, county, and city regulations:
A. Public street or highway.
B. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, wells, valves, or any other similar distributing and transmitting equipment for telephone or other communications; electric power, gas, water, and sewer lines, provided that the installation shall conform when applicable with the rules and regulations of any federal or state commissions and agencies, or any other authorities having jurisdiction and subject to other city ordinance provisions, rules, and regulations; except that poles, towers, or similar installations of a height of 70 feet or greater are subject to the standards in Section 11-06-04.5, Utility Uses. Electrical substations are considered a major utility facility and are subject to the requirements of this Code.
C. Railroad right-of-way, excluding yards and stations.
D. Incidental appurtenances to any of the above.

11-01-05. RELATIONSHIP TO OTHER LAWS

1. OTHER LAWS
   A. All of the provisions of this Code shall be liberally construed in favor of the governing body and shall not be deemed to limit or repeal any other powers granted under state statutes. Where this Code imposes greater restrictions than that imposed by other law or by private restrictions, this Code shall prevail.
   B. The stricter provisions of the Boise Air Terminal regulations, Central District Health, and other regulating ordinances or codes shall apply in the enforcement of this Code.

2. PRIVATE RESTRICTIONS
   This Code is not intended to impair or interfere with other regulations of private restrictions on the use of land improvements and structures. The provisions of this Code shall be in addition to, and shall not be deemed to repeal, abrogate, or impair any other ordinance, regulation, easement, covenant, or deed restriction. Where this Code imposes greater restrictions than that imposed by private restrictions, this Code shall prevail.

3. MOST RESTRICTIVE REGULATIONS GOVERN
   Wherever the regulations made under the authority of this Code require a greater width or size of yards or courts, are more restrictive as to height of building or permit of a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose standards which are more restrictive than are required by any other City ordinance or regulation, the provisions of this Code shall govern. Wherever the provisions of any other City ordinance or regulation require a greater width or size of yards or courts, or are more restrictive as to the height of buildings or permit of a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other standards which are more restrictive than are required by the regulations contained herein, the provisions of such ordinance or regulation shall govern.

11-01-06. SEVERABILITY
   Each section, clause, and provision of this Code is declared severable. If a court of competent jurisdiction declares that any section, clause, or provision of this Code is invalid, the same shall not affect the validity of the remainder of this Code as a whole, or any other part of this Code, or the application of the provisions to other persons or circumstances, and the remainder shall continue in full force and effect.

Supplement No 58 Ord-45-1, Ord-23-15, Amended; Ord-4-15, Amended
March 2013
11-01-07. AREA OF CITY IMPACT

1. ANNEXATION AREA

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

2. AREA OF CITY IMPACT BOUNDARY MAP

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

3. APPLICABLE PLAN POLICIES AND ORDINANCES

   A. The adopted Comprehensive Plan, including the Comprehensive Park and Recreation System Plan, shall apply within the unincorporated part of the Boise Area of City Impact.

   B. The Ada County Code, Title 8, The Zoning Ordinance, shall be used to implement the Boise City Comprehensive Plan within the Area of City Impact. All land use applications shall also comply with the provisions of this chapter.

   C. The Boise City Uniform Street and Address Number Ordinance shall apply to all property within the Area of Impact. Street names and addresses shall be assigned by Boise City. Existing street names and addresses in the Area of Impact, not in compliance with the Boise City Uniform Street and Address Number Ordinance at the time this section goes into effect, shall not be changed until address changes are necessary for address continuity.

   D. The Title 4, Chapter 12, Boise City Code, known also as the Boise City Impact Fee Ordinance as amended by Boise City Ordinance No. 6144, adopted December 11, 2001, shall be applicable within the Area of City Impact in accordance with the AGREEMENT FOR THE COLLECTION OF BOISE CITY PARK IMPACT FEES FOR DEVELOPMENT IN THE BOISE CITY AREA OF CITY IMPACT. Development of parks by Boise City within the Area of Impact shall be subject to the provisions of the agreement, adopted by Boise City and Ada County and made a part of this Code by this reference.

4. COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS, AND ZONING APPLICATIONS

   A. At least 30 days prior to a planning and zoning commission hearing all County and City amendments to their respective Comprehensive Plans and zoning ordinances which apply within the Boise City Area of City Impact shall be sent by the entity considering such amendment to the other entity. The City shall send all zoning ordinance amendments to the county.

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

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

D. The Title 4, Chapter 12, Boise City Code known also as the Boise City
Impact Fee Ordinance as amended by Boise City Ordinance No. 6144,
adopted December 11, 2001, shall be applicable within the Boise City
Area of City Impact in accordance with the AGREEMENT FOR THE
COLLECTION OF BOISE CITY PARK IMPACT FEES FOR DEVELOPMENT IN
THE BOISE CITY AREA OF CITY IMPACT.

E. Development of parks by Boise City within the Boise City Area of City
Impact shall be subject to the provisions of the AGREEMENT FOR THE
COLLECTION OF BOISE CITY PARK IMPACT FEES FOR DEVELOPMENT IN
THE BOISE CITY AREA OF CITY IMPACT which is hereby adopted by Boise
City and Ada County and made a part hereof by this reference.

5. RENEGOTIATION

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

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

11-01-08. ENFORCEMENT

1. VIOLATION

Any violation of the provisions of this Code or any conditions of approval required under an issued permit
or certificate, or any work in excess of the authority granted by the issuance of a permit, shall constitute a
misdemeanor. A separate offense occurs for each day during which a violation is committed, continued, or
permitted.

2. PERMITS SHALL CONFORM

A permit or business license issued in conflict with the provisions of this Code shall be null and void.
3. **MINIMAL PROPERTY MAINTENANCE**

A. **Purpose**

To help prevent urban blight by establishing minimal property maintenance standards.

B. **General**

Damaged, dilapidated, or unfinished buildings shall be restored or finished to eliminate detrimental visual impacts. A property owner shall take steps to restore or finish the building per approved plans. No building or premise shall detrimentally impact the surrounding neighborhood due to dilapidation, deterioration, decay, abandonment, or unfinished construction.

C. **Restoration of a Damaged or Dilapidated Building or Completion of an Unfinished Building**

Restoration of a damaged or dilapidated building or work toward completion of an unfinished building shall begin within six months of the building becoming damaged or dilapidated or being deemed unfinished. The city may require that such buildings that are also unoccupied be secured (fenced or boarded up) during the six-month period. This deadline may be extended by the Director upon submission of documentation of insurance settlement delays or similar complications beyond the owner’s control. Restoration of a damaged or dilapidated building or work on an unfinished building shall be completed within one year from commencement.

D. **Due Process Hearing**

The City shall advertise and conduct a public hearing as to why the building has not been restored or completed when:

1. It has not been maintained at a minimal property maintenance standard for six months; or
2. Efforts to restore or finish the building have not been completed within one year after restoration or construction work has begun.

E. **Notice**

At least 15 days prior to the date of the public hearing, notice shall be sent via certified mail to the property owner and by first class mail to residents and property owners within 300 feet of the property, and a public notice of the hearing shall be advertised in the official newspaper of the City.

F. **Required Findings**

1. Removal or restoration of the building shall be ordered if the following findings are made:
   
   (a) The building meets the definition of a damaged or dilapidated building, or of an unfinished building;
   
   (b) The building has existed in a damaged or dilapidated or unfinished state for a period of at least six months or has not been maintained at the minimal property standards for a period of six months; and
   
   (c) The property owner has previously received written notice as required in E, above.

2. If removal or restoration is ordered, the City shall obtain bids to restore the building or clear the site of the offending building.

3. The fact that a building is not a danger or attractive visual nuisance shall not be a defense for failing to restore or finish it.
G. Restoration and Demolition

(1) Fund
The City shall establish a revolving fund to be designated for building restoration and demolition pursuant to this Code. Payments shall be made out of this fund upon the demand of the Director to defray the costs and expenses associated with restoration or demolition.

(2) Recovery of Cost of Restoration or Demolition:
The property owner shall be billed for the costs of restoration or demolition. If the property owner does not respond within 60 days, then the city may recover costs of the abatement in a civil action or by filing an assessment with the Ada County Recorder on or before the first day of August of the year. Assessments remaining unpaid after 30 days from the date of recording on the assessment roll shall become delinquent and shall bear interest at the rate of ten percent per annum, or the current interest rate if higher, from and after said date. All money recovered from the sale of the property at a foreclosure sale shall be returned to the restoration and demolition fund.

4. INSPECTION AND ENFORCEMENT

A. The Director shall maintain an enforcement program to abate nuisances as defined in this Code and to provide assistance in the prosecution of violations.

B. The Director of Building Division shall enforce the provisions of this Code pertaining to the erection, construction, reconstruction, moving, conversion, alteration, addition, location, or razing of a building or structure.

5. REMEDIES AND PENALTIES
Any violation or noncompliance with the provisions of this Code shall be subject to all of the remedies, penalties, and enforcement available under Title II, Chapter 1, of the Boise City Code and Title 67, Chapter 65, of the Idaho Code, including but not limited to criminal misdemeanor and civil injunction action.

A. Revocation of Permits and Certificates
The Director or a review body shall have the authority to revoke any permit or zoning certificate that has been granted under this Code when it has been determined that the structure or use authorized by the permit has been constructed or is being maintained in violation of this Code or of the conditions and limitations of an issued permit or zoning certificate. In order to revoke the permit or certificate, the Director shall follow the following procedures:

(1) A notice of intent to revoke a permit shall be sent to the holder of the permit, or to one of his representatives; or, if this is not possible, the notice shall be posted in a conspicuous position at the entrance to the premises and by the certified mailing of another copy of the notice to the last known address of the permit holder.

(2) The permit shall be revoked within 15 days of the posting of the notice of intent to revoke unless the cause of the violation has been removed and evidence of the same has been present to the Director within that period.

(3) Any action of permit revocation may be appealed to the Planning and Zoning Commission by filing a written notice of such appeal with the Director within ten days after the revocation of the permit.
B. **Abatement**

The city may abate any nuisance in violation of the Boise City Code.

1. Following a determination by the Director that a nuisance as defined in this Code is being maintained, notice shall be given to the owner or owner’s representative either in person or by certified mail to abate the nuisance or violation within a time specified in the notice.

2. If the owner or owner’s representative fails to comply with the requirements of the notice within the period specified, the Director may take action including abatement or cleanup.

3. The city may recover the cost of abatement or cleanup as allowed under Idaho State Code 50-1008 as a lien upon the property or as a city tax for costs incurred in the abatement or cleanup.

4. Proceeding under this Code will not preclude the city from proceeding under other sections of the Boise City Code or under any other applicable provisions of state or federal statutes.
C. Assurance of Discontinuance

As an additional means of enforcing this Code, the Director may accept an "Assurance of Discontinuance" of an act or practice deemed in violation of this Code or any rule or regulation adopted pursuant to this Code from a person engaging in, or who has engaged in such act or practice. The assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of the assurance shall constitute prima facie proof of a violation for the purpose of securing injunctive relief from a court of competent jurisdiction.
CHAPTER 11-02: REVIEW AND DECISION BODIES

11-02-01. PURPOSE
To identify the roles and responsibilities of appointed and elected boards, as well as the duties of the city staff, in the administration of this Code.

11-02-02. CITY COUNCIL

1. DUTIES, JURISDICTION, AND AUTHORITY
The Boise City Council (“the Council”) is the final legislative authority on zoning and land use decisions. The Director and all commissions and committees indicated in this Code function at the direction of the Council. Duties and authority of the Council are as follows:

A. Confirm the Mayor’s appointments to the memberships of the Planning and Zoning Commission, the Design Review Committee, the Historic Preservation Commission, and the position of Hearing Examiner;

B. Hear and decide applications as indicated in Table 11-03.1 and in Chapter 11-03, Review and Decision Procedures;

C. Hear and decide appeals of decisions of the Planning and Zoning Commission, and the Historic Preservation Commission; and

D. After receiving a recommendation from the Planning and Zoning Commission or Historic Preservation Commission, hear and decide all legislative matters including but not limited to adoption of and amendments to the comprehensive plan, amendments to the Land Use Map, amendments to this Code, annexations, re-zones, Area of Impact provisions, emergency ordinances and moratoriums.

2. MEMBERSHIP
The membership of the Council shall be as set forth in Title 1, Chapter 1-07, Election of Council Members by Designated Seat, of the Boise Municipal Code.

3. PROCEDURES

A. General
Rules of procedure for the Council are set forth in Title 1, Chapter 1-02, Council, of the Boise Municipal Code.

B. Emergency Ordinances

(1) If the Council finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances, or adoption of a moratorium upon the issuance of certain permits, or both, it shall issue a written statement containing the reasons therefore. The Council may then proceed to a hearing, without recommendation of a commission and upon any abbreviated notice of hearing that it finds practical to adopt the ordinance or moratorium.

(2) An emergency ordinance or moratorium may remain in effect for no more than 182 days. Restrictions established by an emergency ordinance may not be imposed for consecutive periods. Further, an intervening period of not less than one year shall exist between an emergency ordinance and passage of another emergency ordinance. To sustain restrictions established by an emergency ordinance beyond the 182 day period, the Council must adopt an interim or
regular ordinance, following the notice and hearing procedures in Section 11-03-03, Procedures.

C. **Interim Ordinances**

(1) If the Council finds that a plan, plan component, or amendment to a city plan is being prepared, it may adopt interim ordinances as required or authorized under this chapter following the notice and hearing procedures provided in Section 11-03-03, Common Procedures. The Council may also adopt an interim moratorium upon the issuance of certain permits if, in addition to the foregoing, the Council finds that an imminent peril to the public health, safety, or welfare requires the adoption of an interim moratorium.

(2) An interim ordinance shall state a definite period of time, not to exceed one calendar year, during which it shall be in effect. To sustain restrictions established by an interim ordinance, the Council must adopt a regular ordinance, following the notice and hearing procedures provided in Section 11-03-03, Common Procedures.

**11-02-03. PLANNING AND ZONING COMMISSION**

1. **DUTIES, JURISDICTION, AND AUTHORITY**

   For enabling legislation for the Planning and Zoning Commission (PZC) generally, see Title 2 of the Boise Municipal Code. Duties, jurisdiction, and authority of the PZC are as follows:

   A. Prepare and recommend a Comprehensive and at least annually review the provisions of said plan and report its findings and recommendations to the Council;

   B. Review and decide applications as indicated in Table 11-03.1 and in Chapter 11-03, Review and Decision Procedures;

   C. As indicated in Table 11-03.1 and Chapter 11-03, Review and Decision Procedures, submit to the Council, following a public hearing, a report of findings and a recommendation to approve, approve with modifications, or deny each application;

   D. Initiate, from time to time, a review of the provisions of this Code, report its findings and recommendations to the Council; and

   E. Petition the Council requesting an amendment of this Code or the Boise City Comprehensive Plan; provided that it shall first have held public hearings thereon in the manner prescribed in Chapter 11-03, Review and Decision Procedures.

2. **MEMBERSHIP**

   A. **Composition**

   The PZC shall consist of the Mayor and one person who is, at the time of appointment, under 18 years of age, as a non-voting ex-officio member; and in addition, not less than three nor more than 12 voting members, to be appointed by the Mayor and confirmed by the Council. Persons living within the Area of City Impact shall be entitled to representation on the PZC. Such representation shall as nearly as possible reflect the proportion of population living within the area of impact.
B. **Term of Office**
Appointment to such office shall be for the period of four years. No person shall serve more than two full consecutive terms without specific concurrence by two-thirds of the Boise City Council adopted by motion and recorded in minutes. If a vacancy shall occur during any unexpired term, the Mayor, with the confirmation of the Council, shall appoint a member for the balance of the term.

(Ord. 42-13, 10/29/13)

C. **Chairman**
The PZC shall appoint one of its members as Chairman of the PZC, who shall hold office as Chairman for such term as the PZC shall so designate, and the PZC may elect a Vice-Chairman who shall act as Chairman in the absence of the Chairman of the PZC.

3. **PROCEDURES**

A. **The rules of procedure for the PZC are as set forth in Title 2, Chapter 2-07, Planning-Zoning Commission, of the Boise Municipal Code and the by-laws adopted by the PZC.**

B. **Compensation**
The members of the PZC shall serve and act without compensation, except that their actual and necessary expenses shall be allowed by the Council and the city shall provide the necessary and suitable equipment and supplies to enable the PZC to properly transact and perform its business.

C. **Quorum**
A majority of the appointed members of the PZC shall be necessary to constitute a quorum for the transaction of business.

D. **Meetings and Attendance**

(1) The PZC shall meet in regular hearing once per 30 days on the first Monday of the month for at least nine months of the year. The PZC may hold additional hearings following the regular monthly hearing if required by the volume of applications received during the previous cut-off period, and at such other times as may be called by the Chairman or by the Mayor.

(2) The members of the PZC are expected to attend scheduled meetings. Members may be excused from attendance due to personal illness, family emergency, or out of town business trips. PZC members whose attendance at scheduled meetings falls below 60 percent without cause within any given year may be removed from the PZC by the Mayor with the approval of Council.

E. **Conflict of Interest Prohibited**
Members of the PZC shall honor the Code of Ethics within Chapter 1-21 of the Code and shall not participate in any proceeding or action when the member or his employer, business partner, business associate, or any person related to him by affinity or consanguinity within the second degree has an economic interest in the procedure or action. Any actual or potential interest in any proceeding shall be disclosed at or before any meeting at which the action is being heard or considered.
11-02-04. DESIGN REVIEW COMMITTEE

1. DUTIES, JURISDICTION, AND AUTHORITY

The Design Review Committee (DRC) is a standing committee of the PZC. The duties, jurisdiction, and authority of the DRC are as indicated in Table 11-03.1 and Chapter 11-03, Review and Decision Procedures and as follows:

A. Protect property rights and values, enhance important environmental features of the city, and to ensure that the general appearance of buildings and structures along with development of the land does not impair or preclude the orderly and harmonious development of the community;

B. Review all development proposals within the design overlay zoning districts established by this Code. Within these districts the DRC, with input from other jurisdictions, shall regulate landscaping, review building design, site planning, signs, grading, development and beautification, including but not limited to the regulation and restriction of the type, number of stories, size, construction, reconstruction, alteration, repair, or use of buildings and structures to ensure compliance with the requirements of the respective overlay district; and

C. Develop and recommend to the PZC for Council adoption, special design criteria districts that describe additional requirements relating to bulk and design regulations to be imposed or that establish design standards for specific uses, types of uses, parking standards, streetscapes, or other similar items. Where a special district has been adopted, it shall be designated on the zoning maps.

2. LIMITATIONS

A. The DRC is specifically prohibited from requiring reduction in density, reduction in floor area ratio, or other general bulk regulations that cannot specifically be shown to be required by reason of public safety, health, or destruction or diminution of property values. Unless the proposed structure is determined to be detrimental to health, safety, or adjoining property values, the DRC shall not require reduction in building height or floor area ratio to less than that allowed in the respective use district, except as allowed per Section 11-09-02.1.B(2) for development on substandard original lots of record.

B. Denial of a design review permit or approval of a design review permit with conditions unacceptable to the landowner may be appealed to the PZC.

3. MEMBERSHIP

A. Composition

The DRC shall be composed of up to eight members. Members of the DRC shall be appointed with due regard to the proper representation of such fields as architecture, landscape architecture, engineering, planning (environmental, urban, and town), and the visual arts. Only one member may reside outside of the city limits and within the Area of Impact. One member may be, at the time of appointment, under 21 years of age. The student member shall be appointed to a term of up to
one year and may be reappointed up to two successive terms. The Mayor, in the same manner, shall appoint a member to fill an unexpired term in case of a vacancy.

B. Term of Office
Members shall be appointed by the Mayor and confirmed by the Council for a four-year term, with the exception of the PZC representative who shall serve a term of one year or less as defined by the PZC.

C. Chairman
The DRC shall appoint one of its members as chairman who shall hold office for such term as designated. The DRC shall elect a co-chairman to act as the chairman in the absence of the chairman.

(Ord. 42-13, 10/29/13)

4. PROCEDURES

A. Quorum
Four of the eight appointed members of the DRC shall be necessary to constitute a quorum for the transaction of business.

B. Meetings
The DRC shall meet in regular hearing once per 30 days on the second Wednesday of each month. The DRC may hold additional hearings following the regular monthly hearing if required by the volume of applications received during the previous cut-off period, and at such other times as may be called by the Chairman or by the Mayor.

C. Rules
The DRC shall adopt rules of procedure as necessary to conduct its duties. The PZC must approve all rules of procedure that are adopted by the DRC.

11-02-05 HISTORIC PRESERVATION COMMISSION

1. DUTIES, JURISDICTION, AND AUTHORITY
The duties, jurisdiction, and authority of the Historic Preservation Commission (HPC) are as indicated in Section 11-05-09; Table 11-03.1, and Chapter 11-03, Review and Decision Procedures, and as follows:

A. Conduct a survey of local historic properties and landmarks;
B. Recommend acquisition of fee and lesser interest in historic properties and landmarks, including adjacent or associated properties and lands, by purchase, bequest, or donation;
C. Preserve, restore, maintain, and operate historic properties under the ownership or control of the city;
D. Recommend the lease, sale, transfer, or disposition of public historic property subject to the rights of public access and upon such terms and conditions that will ensure the preservation of the property;
E. Recommend contracting with the state or federal governments in the pursuit of the objectives of historic preservation;
F. Cooperate with the federal, state, and local governments in the pursuit of the objectives of historic preservation;
CHAPTER 11-02: Review and Decision Bodies
Section 11-02-05: Historic Preservation Commission
Subsection 2: Membership

G. Participate in the conduct of land use, urban renewal, and other planning processes undertaken by the city, the county, or any other governmental entity;

H. Recommend ordinances and otherwise provide information for the purposes of historic preservation within the city;

I. Promote and conduct an educational and interpretative program on historic properties within the jurisdiction of the city;

J. After having received prior consent of the owner, occupant, or person in charge, and solely in performance of official duties and only at reasonable times, enter upon private lands for the examination or survey such lands; and

K. Review all development proposals within the HD overlay district and decide applications for a certificate of appropriateness.

2. MEMBERSHIP

A. Composition
The HPC shall consist of up to nine members who shall be appointed by the Mayor with the advice and consent of the Council. Members of the HPC shall be appointed with due regard to the proper representation of such fields as history, architecture, urban planning, archeology and law. In addition, one member may be, at the time of appointment, under 21 years of age. One member may reside outside of the city limits and must reside within the Area of City Impact.

B. Term of Office
All appointments shall be made for a term of three years, provided that the student member shall be appointed to a term of up to one year. If a vacancy occurs, the Mayor with the consent of the Council shall appoint a member to fill an unexpired term or may be appointed for a full term.

C. Chairman
The HPC shall appoint one of its members as chairman of the HPC who shall hold office as chairman for a consecutive period not to exceed two years. The HPC may also appoint a co-chairman who shall act as the chairman in the absence of the HPC chairman.

(Ord. 42-13, 10/29/13)

3. PROCEDURES

A. Compensation
The members of the HPC shall serve without pay but shall be reimbursed by the city for necessary expenses incurred in connection with their duties.

B. Quorum
A quorum shall consist of five or more members.

C. Meetings
The HPC shall meet monthly to review development proposals. A quorum is required for the conduct of HPC business.

D. Staff
The Director shall designate a staff member from the Planning Division to serve as the technical staff for the HPC.
**11-02-06. HEARING EXAMINER**

This Section authorizes the PZC to use the services of a Hearing Examiner pursuant to the authority granted in Idaho Code §67-6520 ("the Local Planning Act").

1. **DUTIES, JURISDICTION, AND AUTHORITY**

   The Hearing Examiner may conduct hearings on behalf of the PZC on matters as indicated in Table 11-03.1. The Director will assign applications to the Hearing Examiner or to the PZC for review, recommendation, and decision.

2. **QUALIFICATIONS**

   A person filling the position of Hearing Examiner shall be experienced in the field of planning and zoning, and shall have legal training and/or experience. The hearing examiner shall serve at the pleasure of the Council and shall not be a city staff member.

3. **PROCEDURES**

   A. The Hearing Examiner shall review all information supplied by the department prior to the hearing.

   B. The hearing shall be conducted in accordance with Boise City Code §11-3-6.4 and applicable state law.

   C. At the completion of each hearing, the Hearing Examiner shall produce a report that includes a summary of testimony, findings of fact, conclusions of law, and a final order. Such report shall be filed at the Planning and Development Services Department. It shall be available to the applicant and the public no later than ten working days after the close of each hearing.

**11-02-07. PLANNING DIRECTOR**

The Director refers to the Planning Director or his/her designee throughout this Code.

1. **DUTIES OF THE DIRECTOR, GENERALLY**

   It shall be the duty of the Director to provide for the administration of this Code and the Boise City Comprehensive Plan. The Director and his designees shall serve as the technical staff on planning and zoning issues

2. **SPECIFIC DUTIES AND RESPONSIBILITIES**

   The specific duties and responsibilities of the Director shall be as indicated in Table 11-03.1, Chapter 11-03, Review and Decision Procedures, and elsewhere in this Code, and as follows:

   A. Provide and maintain a continuing program of public information on zoning matters and provide planning and zoning assistance to the public as requested;

   B. Submit a written report evaluating applications, to the appropriate bodies;

   C. Review building permit applications for zoning compliance;

   D. Provide public notice of hearings;

   E. Maintain records and files of all zoning applications;

   F. Maintain a zoning enforcement program;
CHAPTER 11-02: Review and Decision Bodies
Section 11-02-07: Planning Director
Subsection 2: Specific Duties and Responsibilities

G. Prepare an annual annexation program;
H. Initiate revisions and amendments of this Code and the Comprehensive Plan;
I. Prepare special studies and plans;
J. Make interpretations of the provisions of this Code and the Comprehensive Plan;
K. Coordinate applications with the appropriate city departments and agencies;
L. Determine the classification of uses not specifically identified in this Code;
M. Serve as Flood Plain Administrator.
### Chapter 11-03: Review and Decision Procedures

#### 11-03-01. Purpose

This chapter describes procedures for review of applications for development.

#### 11-03-02. Summary Table

Table 11-03.1: Summary Table of Decision Responsibilities

<table>
<thead>
<tr>
<th>Procedure</th>
<th>Description</th>
<th>Director</th>
<th>HE*</th>
<th>DRC</th>
<th>HPC</th>
<th>PZC</th>
<th>Council</th>
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<tr>
<td>CODE AMENDMENT, DEVELOPMENT AGREEMENT &amp; REZONE</td>
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<td>Code Text Amendment</td>
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<td>R</td>
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<td>Development Agreement</td>
<td>To establish a design district</td>
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<td></td>
<td>If in “H” or “HD” overlay</td>
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<td>R</td>
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<tr>
<td>Split-zoned substandard parcel of record</td>
<td>To allow less restrictive zone to apply to entire parcel if more than 50%</td>
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#### Subdivision

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<tr>
<th>Procedure</th>
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<th>HPC</th>
<th>PZC</th>
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<tr>
<td>Major Subdivision Plat</td>
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<tr>
<td>Minor Land Division</td>
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#### Development Permits & Zoning Certificate

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<td></td>
<td>Child care, drive-through, and parking reduction</td>
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<td>Expansion &lt; 20%</td>
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<td>Exception, General (including height)</td>
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<td>Planned Unit Development Two or fewer acres</td>
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Exceptions to these general rules apply. Subsequent sections of this chapter contain details on each procedure.
Table 11-03.1: Summary Table of Decision Responsibilities

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<tr>
<th>Procedure</th>
<th>Description</th>
<th>Director</th>
<th>HE*</th>
<th>DRC</th>
<th>HPC</th>
<th>PZC</th>
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NOTES
Director = Planning Director, HE = Hearing Examiner, DRC = Design Review Committee, HPC = Historic Preservation Commission, PZC = Planning and Zoning Commission, Council = City Council

11-03-03. PROCEDURES
This section describes procedures for processing and reviewing applications for development.

1. STEP 1: PRE-APPLICATION MEETING
A pre-application meeting with Director is required for subdivisions over 40 lots, conditional use permits, annexations, variances, special exceptions, rezones, and land use map amendments.

   A. Timing
   Must be held not more than six months nor less than one day prior to the submission of an application.

   B. Verification
   A pre-application meeting verification form submitted with the application.

   C. Waiver
   The Director may waive this step for projects that are not complex and have little potential to substantially impact neighboring properties.

2. STEP 2: NEIGHBORHOOD MEETING
The applicant shall hold a meeting allowing the public to review the proposed project.

   A. Timing and Location
   Must be held not more than six months nor less than five days prior to submission of the application and within two miles of the project site, Monday through Thursday, excluding holidays; and start between 6:00 P.M. and 8:00 P.M.
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Section 11-03-03: Procedures
Subsection 3: STEP 3: Application Submittal

B. Notification
Notice shall be sent or delivered to residents and property owners within 300 feet of the site and to the registered neighborhood association. For variances only adjacent (including across streets and alleys) residents and property owners need be notified. Mailed notices shall be postmarked at least seven days prior to the meeting. Hand-deliveries must occur at least five days prior to the meeting.

C. Waiver
The Director may waive this step for projects that are not complex and have little potential to substantially impact neighborhood properties.

(Ord. 42-13, 10-29-13)

3. STEP 3: APPLICATION SUBMITTAL
Applications shall be submitted on a prescribed form, accompanied by the appropriate filing.

A. Application Requirements
Application requirements shall be indicated on forms available in the Planning Division. Additional submittal requirements necessary to evaluate the application may be required, as determined by the Director.

B. Application Fees
The Director shall maintain a list of fees as established by the Council.

C. Conceptual Approval
Conceptual approval may be requested for planned development conditional use permits. A concept approval signifies that a general development plan including the general arrangement of uses, density, location of major streets, open spaces, utilities, etc. is acceptable. The effect is support for a general development plan without preparation building plans. It provides the developer and the city with guidelines for the design of each phase of a project.

(1) When indicated in Section 11-03-04, Specific Procedures, an application may be submitted and processed as a conceptual approval.

(2) Submittal requirements are the same, except that detailed building plans are not required. Supporting information may be required for concept applications as determined by the Director.

(3) After concept approval, detailed approval is required through a new application, fee, and public hearing except concept approval specifically authorized by the PZC may proceed to design review without a detailed approval. Otherwise development or building permits may not be issued on the basis of a conceptual approval without a detailed approval.

D. Application Resubmittal
Except as indicated in Section 11-03-04, no application that has been denied shall be resubmitted in substantially the same form – as determined by the Director - in less than one year unless approved to do so by the reviewing body.

4. STEP 4: NOTICE

A. Application Referrals
Applications requiring public hearings shall be referred to all political subdivisions providing services to the site, including school districts, and registered neighborhood associations for review and comment. Application referrals to the registered neighborhood association shall be in addition to, and not in lieu of, mailed public hearing notice.

Supplement No 58 Ord-45-1, Ord-23-15, Amended; Ord-4-15, Amended)
March 2013
B. Published Notice
At least 15 days prior to the hearing, notice of the time and place and a description of the proposal shall be published in the official newspaper of Boise City. A notice shall also be made available to other newspapers, radio, and television stations servicing the city for use as a public service announcement.

C. Mailed Notice
Notice shall be mailed to the applicant and to property owners, purchasers of record, and residents:

(1) Within the subject property;
(2) Within 300 feet of the external boundaries of the subject property; for variances, adjacent; for Boise River System permits both sides of the river or channel 500 feet upstream and 1,000 feet downstream from project site;
(3) For a height exception exceeding 100 feet, within a distance that is three times the proposed height;
(4) Any additional area that may be impacted by the proposed change as determined by the Director when:
   (a) The application could result in significant adverse traffic, environmental, aesthetic, noise, pollution, or population density impacts occurring outside the minimum 300-foot notice area.
   (b) The public interest would be better served by expanding the notification area.

D. Posted Notice
Notice shall be posted in a conspicuous place on the premises not less than fifteen days prior to the hearing. The Director shall be responsible for the timely posting of all sites and for the documentation of such postings.

E. Alternate Forms of Notice
When mailed notice is required to 200 or more property owners, purchaser of record, or residents, an alternative form of notice may be provided as follows:

(1) In lieu of mailed notices, two additional newspaper notices as described in subsection B, Published Notice, above; and
(2) The general area may be posted with notice in lieu of posted notice on each premise.

F. Notice of Material Change
Following the hearing, if the PZC recommends a material change to the proposal, it shall give notice and conduct another public hearing before sending a recommendation to Council.

G. Notice of Continued Hearing
At any public hearing, the review body may order the hearing to be continued by publicly announcing the time and place of continuance. No further notice thereof shall be required.

5. STEP 5: APPLICATION PROCESSING
The Director shall review the application materials and prepare a report of findings, including a recommendation to the review body to approve, approve with modifications, or deny the application, based on the applicable criteria in this Code.
6. **STEP 6: PUBLIC HEARING**

   **A. Types of Public Hearings**

   (1) **Legislative**
   Legislative hearings include hearings on amendments to, or enactments of, any ordinance or enactment. They also include revisions or amendments to the Boise City Comprehensive Plan, or applications to establish a new zoning or overlay district. In legislative hearings, the record is not limited to the record developed by the review body. Any and all new evidence may be received by Council during a legislative hearing regardless of whether the evidence was introduced in prior procedural steps.

   (2) **Quasi-judicial**
   Quasi-judicial hearings are hearings in which the review bodies are making decisions on the development of a specific property.

   **B. Timing of Public Hearings**
   The date for hearings shall be established by the Director based upon published cut-off and hearing dates, and as follows:

   (1) The application shall be scheduled at the next available hearing.

   (2) The Director may extend the review time for applications that are unusually large or complicated.

   (3) Deferrals due to lack of quorum, lateness of the hour or a request by the applicant shall extend the time during which the hearing must be held.

   **C. Public Hearings by the City Council**
   Council hearing dates shall be established at a Council meeting.

7. **STEP 7: DECISION**

   The decision body shall approve, approve with modifications, or deny an application based upon the applicable standards and criteria in this Code and the Boise City Comprehensive Plan. The decision shall be deemed to have been made on the date that the review body adopts a reasoned statement. A decision is final unless appealed.

   **A. Timing of Decision**

   (1) **Administrative Approval**
   Within 15 calendar days after receipt of a complete application the Director shall approve, approve with modifications, or deny the application and shall notify the applicant, in writing, of the decision and the reasons for modification or denial.

   (2) **Review Body or City Council Approval**
   A review body shall take action within 60 days from the date of the initial hearing unless the applicant agrees to a deferral for a longer period of time, or unless otherwise provided in this Code.

   (3) **Extended Review**
   The Director may extend the review/processing period for large planned development applications up to 66 days from date prior the application was submitted. This extended review period is to allow for adequate staff research and analysis, agency review and comment, coordination with other city departments, and coordination with the applicant.
B. **Reason Statement**
The approval or denial of an application shall be in writing and accompanied by a statement that explains the applicable criteria and standards, states the relevant facts relied upon, and explains the rationale for the decision based on the applicable provisions of the Boise City Comprehensive Plan, relevant and statutory provisions, pertinent constitutional principles, and factual information contained in the record.

C. **Criteria**
A decision body authorized to act under this Code shall base a decision on the following criteria and any additional criteria indicated in Section 11-03-04, Specific Procedures:

1. The approval is consistent with the policies of the adopted Boise City Comprehensive Plan;
2. The approval is consistent with the general purpose of this Code stated in Section 11-01-03; and
3. The approval shall not confer a special privilege on the property owner.

D. **Conditions**
A decision body authorized to act under this Code may impose conditions as needed to ensure that the approval is consistent with the purposes of the Boise City Comprehensive Plan and the general purpose of this Code stated in Section 11-01-03.

E. **Effective Date of Approval**
An approval shall become final upon the issuance of a written decision and after ten days have elapsed from the date following the decision, provided however, that such effective date shall be stayed by the filing of an appeal. ORDINANCES SHALL BE EFFECTIVE UPON PUBLICATION.

F. **Notice of Public Review Body Decisions**
The Director shall mail notice of each decision and of the appeal deadline to the applicant, appellant, and registered neighborhood association within three business days. The notice shall indicate that a reason statement can be reviewed in the Planning and Development Services Department and that the landowner can request a taking analysis.

G. **Reconsiderations of Review Body Decisions**
1. **Purpose**
   To minimize the number of appeals, prevent new information from being presented on appeals, and resolve disputes at the lowest possible level.
2. **Applicability**
   Upon request the review body may reconsider a decision for good cause. Good cause includes:
   a. The party requesting reconsideration has relevant information;
   b. The relevant information was not brought up at the previous hearing; and
   c. The information was not previously available.
3. **Procedure**
   a. A request for reconsideration shall include supporting information and shall be made prior to the deadline for filing an appeal.
   b. A decision on a reconsideration is not appealable.
(c) If reconsideration is granted, the time to appeal and any pending appeal shall be stayed. If reconsideration is granted and the appeal is withdrawn, the appeal fee shall be refunded in its entirety.

(d) If the applicant has modified the application, the review body shall determine if the revised application shall be reconsidered or if a new application is required.

8. **STEP 8: MODIFICATION**

For some procedures, as indicated in Section 11-03-04, the holder of an approval may request modification.

A. **Notice of Approval**

A letter stating the nature of a conditional use modification approval and findings of fact on which the approval was based shall be provided by mail to the applicant. A notice, stating the nature of the modification shall be provided by mail to the property owners, purchasers of record, and residents within a 300-foot radius of the external boundaries of the subject property.

9. **STEP 9: APPEAL**

A. **Appeals, Generally**

A decision of the Director or a review body may be appealed.

1. Appeals to the City Council can only be made by a party of record. Administrative appeals can be made by anyone.

2. Appeals must be in writing, accompanied by the appropriate fee, and prior to the established deadlines or the next working day thereafter if the appeal deadline falls on a weekend or holiday.

3. Appeals must specify the issues, items, or conditions that are being appealed.

B. **Appeal of Administrative Decisions**

1. Types of Appeals of Administrative Decisions

   (a) **Interpretation of Code and Administrative Design Review Decisions**

   A person aggrieved by the Director’s interpretation of this Code or by an Administrative Design Review decision may file an appeal with the Director. The appeal shall be submitted within ten days of the decision. Upon receipt, the Director shall schedule the hearing before the appropriate review body at the next available public hearing.

   (b) **Other Administrative Level Decisions**

   A person aggrieved by a decision on administrative level applications other than design review, or by a decision of the DRC, may appeal to the PZC, or in cases involving historic review to the HPC, within ten days of the decision. Upon receipt of the appeal, the Director shall establish a hearing and shall notify the appellant, applicant, registered neighborhood association, and property owners and residents within 300 feet of the property. The review body, may sustain, deny, or modify the decision and conditions.

2. **Acceptance of Filed Appeal**

   The Director shall transmit to the appeal body the record of the subject hearing. The filing of an appeal stays further action (subdivision, design review, conditional use, etc.) unless the Director determines that a stay would cause imminent peril to life or property.
CHAPTER 11-03: Review and Decision Procedures

Section 11-03-03: Procedures

Subsection 9: STEP 9: Appeal

(3) **Timing**

The appeal shall be heard at the next available public hearing. Notice for the public hearing shall be as in Step 5, *Notice*.

(4) **Open Record on Appeal of Administrative Decisions**

A review may consider any evidence, regardless of whether it was presented previously. The decision is accorded weight to the extent it is the result of the application of special administrative and technical expertise. The record shall be fully developed at the commission level.

(5) **Waiver of Appeal Period**

The Director may waive the appeal period upon receipt of a written request accompanied by the signatures of adjacent property owners indicating no objection to the approval.

C. **Appeals of Review Body Decisions (Quasi-Judicial)**

Review body decisions may be appealed to the Council in accordance with following:

(1) **Appeal Procedures**

(a) **Standing to Appeal**

A final decision of a review body may be appealed by the applicant, the owner, those who have testified orally or in writing at the hearing, and those who sign up to testify. Such persons shall be deemed parties of record, as shall any person who had a right to notice, but did not receive it. The City Clerk’s and Director’s proof of publication, mailing, and posting shall constitute proof of notice.

(b) **Timing of Appeal**

The appealing party shall file a signed appeal form and fee within ten days of the review body decision and adoption of a reason statement.

(c) **Notice of Filed Appeal(s)**

The Director shall mail notice that an appeal has been received to the parties of record and the registered neighborhood association. Failure of delivery or delay of receipt of the notice shall not extend the appeal period or be grounds for appeal. The mailed notice shall include instructions on submitted and reviewing memoranda.

(d) **Scheduling of Appeal to City Council**

The application for appeal shall be forwarded to the City Clerk and Council shall set a date for a public hearing. The hearing date shall not be sooner than 28 days after the appeal is filed to allow for submission of memoranda. Notice shall be in accordance with the requirements of this Code.

(e) **Supplemental Documents**

For the purposes of this section, staff reports to the City Council are not considered memoranda.

   i. The parties to the appeal and the Director may file written arguments (memoranda) within 14 days after the appeal deadline.

   ii. Replies to memoranda must be filed within 21 days of the appeal deadline.
iii. Memoranda and responses may not contain new facts or evidence or discuss matters outside the record but rather are limited to why the record does or does not support the decision.

iv. The Council may modify the schedule if the hearing date on the appeal is deferred.

(2) Standards of Review for Appeals

(a) Because the review bodies are recognized as having expertise in their substantive areas, the Council shall give due consideration to their decisions.

i. The Council may find error on the following grounds:

ii. The decision is in violation of constitutional, state, or city law. An example would be that the review body’s decision would be a taking.

iii. The review body’s decision exceeds its statutory authority

iv. The decision is made upon unlawful procedure. An example would be if notice of a required public hearing was inadequate. In such cases, the matter may be remanded to correct the error.

v. The decision is arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented. Where there is room for two opinions, action is not arbitrary and capricious when exercised honestly and upon due consideration.

vi. The decision is not supported by substantial evidence.

(b) If error is found, the review body decision may be reversed or modified.

(c) If no error is found the appeal shall be denied and the decision upheld.

(3) Administrative Record Review and Correction

(a) The Director and City Clerk shall make the full administrative record available to the public.

(b) If a party believes that information has been omitted from the administrative record, it shall bring it to the attention of the Director no later than ten days prior to the date for the appeal hearing. If information has been omitted from the record, the Director shall determine if the information was presented to the review body and, if so, shall include it in the record provided to the Council.

(4) City Council Deliberation on Appeal; Contents of Decision

(a) Following the close of the appeal hearing, the Council shall deliberate in public to a decision. The decision shall be based on the standards of review set forth in subsection (4), above.

(b) The Council shall adopt a written reason statement in support of its decision and shall identify:

i. The ordinance, standards, and criteria set forth in the Comprehensive Plan and this Code used in evaluating the application;

ii. The reasons for approval or denial; and

iii. The actions, if any, that the applicant could take to obtain a permit.
(5) Notice of Decision on Appeal
The Director shall mail to the applicant, the appellant, and the registered neighborhood
association notice of the decision together with the reason statement and a notification of
the right to seek judicial review.

10. STEP 10: TERM OF APPROVAL

A. Term of Approval
(1) Unless otherwise indicated in Section 11-03-04, Specific Procedures, the term of
an approval shall not exceed 2 years. The approval shall lapse if the holder of
the permit has not completed one or more of the following actions:
(a) Acquired construction permits and commenced placement of permanent footings
and structures. (structures include sewer lines, water lines, streets, and building
foundations); or
(b) Commenced the use; or
(c) For conceptual conditional use permits, submitted an application for a detailed
conditional use permit; or
(d) For projects that require platting, recorded a subdivision plat.
(2) The Commission may set a term within which the project must be completed. That
term shall not be less than 6 years.

B. Extension of Approval Term
(1) The Commission may, grant up to 2-year time extension to an unexpired
conditional use permit. Extensions to conditional use permits shall also extend any
associated zoning approvals such as variances and design review approvals. The
Commission shall hold a public hearing to decide the extension request if:
(a) There have been significant amendments to the Comprehensive Plan or Zoning
Ordinance which will affect the conditional use permit; or
(b) There have been significant land use changes in the vicinity which would adversely
impact the project or the adversely impacted by the project; or
(c) There are hazardous situations which have developed or have been discovered
in the area;
(2) If a hearing is required, notice shall be provided as per Section 11-03-03.4. A
new application and fee are required and shall be reviewed for compliance with
current plans and ordinance.

11. MEDIATION
A mediation option is available, in accordance with Section 67-6510 of the Idaho Code.

A. Timing of Mediation Request
Mediation may occur at any point during the decision making process or after a final decision has
been made. If a mediated resolution is agreed to by the participating parties after a final decision
has been made, the revisions resulting from such resolution shall be the subject of a new public
hearing before the decision-making body. However, the mediation record shall not be part of the
official record for the application.
B. **Written Request Required**

Mediation may be requested by the PZC, the Council, the applicant, or any Affected Person by submission of a written request to the Director. An affected person is one having an interest in real property which may be adversely affected by the issuance or denial of a permit. The request shall include a statement of concerns and issues and the desired outcome of the mediation.

C. **Notification of Willingness to Participate**

The Director shall forward the request to the applicant or Affected Persons on the other side of the issue. These parties shall be notified that they have seven days to notify the city as to whether or not they will participate in mediation. The Director shall determine the appropriate parties to notify.

D. **Participation**

The parties shall participate in at least one mediation session if requested by the PZC or Council. If the applicant or Affected Person declines to participate in mediation and the Council declines to direct mediation, the mediation process and the tolling of time limits are ended.

E. **Expenses of Mediation**

The Council shall select and pay the expenses of the Mediator for the first session. Any additional sessions shall be paid for by participating parties.

F. **Tolling of Time Limits**

Once mediation is agreed to, all time limits related to hearings, and appeals are tolled (i.e., delayed). Such tolling of time shall cease when:

1. All parties on one side of an issue decline further participation in the mediation process; or

2. No mediation session is scheduled for a period of 28 days from the date the request for mediation is received.

G. **Mediation Not Part of the Application Record**

The mediation process shall not be part of the official application or project record, and shall not be disclosed or used in any subsequent city hearings on the application or appeal of a decision on such application, except that any resolution resulting from mediation shall be subject to a new public hearing.

12. **TAKING ANALYSIS**

Notice to an applicant of a final decision rendered by City Council concerning a site-specific land use request shall include notice of the right to request a regulatory taking analysis.

A. **Procedure**

A request for a regulatory taking analysis must be submitted to the Director within 28 days from the date of the final decision.

1. Upon request, the city shall prepare a written taking analysis of any decision or condition(s) of approval on any site specific zoning or development application. The regulatory taking analysis shall comply with the process set forth in this Code including use of the most current guidelines developed by the Idaho Attorney General and be provided to the real property owner within 42 days of the request. The request for a taking analysis and the analysis shall be part of the application record. During the preparation of a taking analysis, any time limitations related to the application or action shall be tolled (i.e., delayed).
(2) If the taking analysis concludes that a taking occurred, Council shall take corrective action.

(3) The decision being challenged is voidable if a written taking analysis is not prepared after a request has been made pursuant to this Section. Where the city fails to prepare a required requested taking analysis pursuant to this Section, a private real property owner whose land is the subject of city action and is affected by the city’s action may seek judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. A suit seeking to invalidate a city action for noncompliance with paragraph (2) of this section must be filed in a district court in the county in which the private property owner’s affect real property is located.

B. Guidelines

The city shall use the most current regulatory taking guidelines of the Idaho Attorney General to prepare the takings analysis. The following guidelines are current as of the adoption date of this Code:

1. Does the regulation or action result in a permanent or temporary physical occupation of private property?
2. Does the regulation or action require a property owner to dedicate a portion of property or to grant an easement?
3. Does the regulation deprive the owner of all economically viable uses of the property?
4. Does the regulation have a significant impact on the landowner’s economic interest?
5. Does the regulation deny a fundamental attribute of ownership?
6. Does the regulation serve the same purpose that would be served by directly prohibiting the use or action; and does the condition imposed substantially advance that purpose?

13. CONDUCT OF HEARINGS BEFORE REVIEW BODIES

The following provisions govern the conduct of hearings before a review body. Except where limited to a specific review body, this section applies to the following review bodies: Hearing Examiner; the Planning and Zoning Commission; the Design Review Committee and the Historic Preservation Commission.

A. Requirements

(1) Sign-in Roster
A sign-in roster shall be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application or issue.

(2) Allotted Time
In order to accommodate all participants, the Chair may determine the time allotted to each speaker within the parameters set forth in this section.

(3) Recordation
All proceedings shall be recorded and all material presented shall be maintained by the City. The record shall be made and maintained in a manner such that the hearing record may be transcribed.
(4) **Disclosure and Inquiry**  
Review body members shall disclose any comments received or observations they have made, or discussions they have had regarding the application. Disclosure shall be on the record prior to the time for testimony to allow parties of record to address them. Disclosure shall include from whom the comments were received, with whom the person making the comments is affiliated and the nature of the comments, as well as any documents related thereto.

(5) **Order of Presentation**  
(a) In the case of an appeal, the order of presentation before the review body shall be staff, appellant, applicant (unless the appellant is the applicant) and then the other parties to the appeal and the general public. Questions by the review body shall be held until after the staff report and the presentations by the appellant(s) and/or applicant. The appellant, the applicant and the registered neighborhood association representative may each be given up to 30 minutes for their presentation. The other parties to the appeal and the general public shall be given 3 minutes to testify. Following the close of public testimony the applicant and appellant shall be allowed up to 5 minutes each for rebuttal, with the appellant providing the last rebuttal.

(b) In the case of an initial review body hearing, the order of presentation shall be staff, applicant, the designated neighborhood association if it chooses to testify, and then the general public. The applicant may be given up to 30 minutes for her/his presentation. The designated neighborhood association shall have an equal amount of time as the applicant to testify if requested. The general public may be limited to 3 minutes each. The applicant shall be allowed up to 5 minutes for rebuttal following public testimony.

(c) Only the representative of such registered neighborhood association who has been authorized by the association in accordance with such association's established procedures to represent the association in the matter before the review body shall be allowed the amount of time identified above. Any other member of such association shall be limited to 3 minutes.

(6) **Submission of Written Documents and Evidence to a Review Body**  
(a) Every document referred to by any person during testimony (including charts, maps, photographic evidence or any other evidence) shall be identified and entered into the record of the proceeding. Such exhibits shall be maintained in the Planning and Development Services Department. In most cases, a decision will be made at the end of the hearing; therefore it is strongly encouraged that documents be given to the Planning and Development Services Staff as early as possible before the hearing so that all evidence will be adequately reviewed by staff and the decision maker.

(b) A review body cannot review substantial written documents handed to them during the hearing while listening to verbal testimony. Further, the submission of such documents does not allow other parties time to address the material. Therefore, the submission of substantial written information to a review body is restricted as set forth below.

i. Written testimony may be accepted to the extent that it is a copy of the testifying party’s oral testimony presented to the review body.

ii. All other written testimony and documents must be submitted to the Planning Director by 5:00 P.M. on the Thursday preceding the review hearing.
ii. Written testimony submitted to the review body during the hearing shall be accompanied by a one-page summary of the document, a statement of why the testimony or document could not be submitted by the Thursday deadline, and a request that such testimony or document be accepted for the record. The review body shall have the options of rejecting the information, reviewing the information during the hearing, taking a recess to review the information, or deferring the hearing and/or action until the testimony or document can be reviewed. The action to be taken on such request shall be by a majority vote of the review body membership. In deciding whether or not to accept the information the review body shall consider prejudice to other parties if the information is accepted.

iv. The information submitted, and the review body’s decision on whether to accept or reject it, shall be forwarded with an appeal. The appeal review body may add the document or testimony at issue to the record if it determines the initial review body erred in rejecting it.

v. Nothing in this ordinance shall prevent a citizen from presenting a verbal summary of substantial documents, in accordance with the hearing procedures and time limits for oral testimony.

(7) Public Testimony

(a) Following the staff report and the presentations by the applicant and/or appellant, the review body may ask questions of the staff, applicant or appellant. Following any such questions and responses, the Chair shall open the hearing for public testimony and shall invite the public to address the review body in the order of names found on the sign-in roster. A roster shall be maintained at the podium or similar suitable place for anyone who was not included on the sign-in roster, but who wishes to become a party of record, to provide in writing her or his name and address.

(b) The Chair may limit public testimony to three minutes for each member of the public. The applicant, (including an applicant's representative(s), appellant, and representatives of the registered neighborhood association within which the applicant’s project is located, may not be allowed more than 30 minutes each for their presentations. Neighborhood associations who demonstrate a substantial impact from an application, even though their association is outside the application boundaries, shall be given equivalent time as those associations within the boundaries, but such associations together shall be limited to no more than the amount of time allowed for the applicant. Only the representative of such registered neighborhood association who has been authorized by the association in accordance with such association's established procedures to represent the association in the matter before the review body shall be allowed the amount of time identified above. Any other member of such association shall be limited to 3 minutes.

(c) Each person testifying before the review body shall state, for the record, her or his full name and address.

(d) Before the close of the public testimony, in a hearing before the initial decision maker, the Chair shall ask if any persons attending the hearing who did not sign the roster wish to be heard and any such person shall be given the opportunity to testify.
(e) Members of the review body may question any person who has finished testifying or may, upon unanimous consent of the members present, recall a person for further testimony.

(8) **Final Comments**

(a) If the review body is conducting a hearing where it will make the initial decision, at the close of public testimony, the Chair may solicit comments from staff for additional facts or clarifications. After comments from staff, any member of the public who wishes to do so may address those additional facts and comments. The applicant shall be given an opportunity to address any additional facts or comments during rebuttal.

(b) If the review body is hearing an appeal, the appellant shall be given an opportunity to make final statements to the review body. The Chair shall re-open testimony to allow the applicant, neighborhood association, or public participants to address any additional matters raised by the review body’s questions. The applicant and appellant shall address such additional matters during rebuttal.

(9) **Closing of Public Hearing**

After all testimony, the Chair shall declare the public hearing closed and shall bring the matter before the review body for discussion and action.

B. **Review Body Consent Agenda**

(1) **Criteria for Consent Agenda**

Routine, uncontested applications may be placed on a consent agenda in accordance with the procedures set forth herein. Based upon a recommendation from the Planning Staff, the Chair, at the beginning of the public hearing, shall identify all items proposed for the consent agenda. Only applications that meet the following criteria shall be considered for the consent agenda:

(a) There has not been any written or oral opposition to the application.

(b) The Planning Staff and the applicant are in agreement on the findings and conclusions and recommended conditions of approval.

(c) The application complies with the City Comprehensive Plan and Zoning Ordinance as proposed or as it will be modified by conditions of approval.

(d) The review body has no concerns with the application.

(2) **Questions to Consider for Consent Agenda**

To make a determination on whether or not the application should be placed on the consent agenda, the Chair shall ask the following questions:

(a) Does the review body have any questions on the application (provide agenda number and applicant’s name)?

(b) Is there anyone present who has adverse testimony related to the application (provide agenda number, applicant’s name, and location of site)?

(c) Is the applicant or a representative of the applicant present?

(d) Is the applicant in agreement with the Staff recommendation, findings and conclusions, and conditions of approval?
(3) **Opposition to Consent Agenda**

If there is any opposition from any party or member of the public, regarding an application, or if no-one is present to testify, but written testimony was provided, that item shall not be placed on the consent agenda. Once the consent agenda is established, the review body may approve all items on the consent agenda with one motion.

C. **Review Body Deferral Procedure**

(1) **Deferral Allowed**

Applications that have been placed on the review body public hearing agenda may be deferred for no more than 60 days unless the applicant agrees to a longer period.

(2) **Lack of Quorum or Lateness of Hour**

If the review body makes a specific finding at the public hearing that a limited delay is necessary due to the lack of a quorum or the lateness of the hour, then a delay can be granted to the next scheduled meeting of the review body. A request for deferral may be initiated by a member of the review body, the applicant, the Planning Staff or the public. Scheduled agenda items shall only be deferred by the review body and only during the public hearing.

(3) **Guidelines**

Pursuant to the following guidelines, requests for deferral submitted prior to or at the start of the public hearing must be ruled upon by the review body:

(a) If the applicant and the Planning Staff are in agreement on the deferral, including the requested length of deferral, and there is no public opposition, the review body may consider the request to be routine. Such requests should be deferred to a date specific when possible to avoid the requirement for re-advertising.

(b) The review body shall act on requests for deferral only after soliciting input from the applicant, staff and any concerned public. If a deferral is granted, any member of the public who cannot or will not return for a deferral hearing shall be provided an opportunity to testify.

(4) **Considerations**

In addition to the testimony on the issue the review body shall consider the following:

(c) Have there been previous deferrals?

(d) Are additional studies, redesign or other development alternatives being considered for which the time to complete cannot be accurately estimated?

(e) The number of citizens present to testify and their input on a date specific deferral.

(f) Does the review body have before it a written deferral request from the applicant?

(5) **Deferral Process**

(g) **Indefinite Deferral Process**

When action on an application has been deferred indefinitely at the applicant’s request, the applicant shall pay an additional fee to cover the cost of re-advertising before the application is scheduled for a public hearing. Such fee shall be determined by the Planning Director.
(h) **Deferrals for Sexually Oriented Business Applications**

Unless the applicant agrees to a deferral, applications for Sexually Oriented Businesses and Bikini Bars must be decided within 45 days following the public hearing. Failure of the Commission to decide such application within 45 days following the hearing shall result in its approval.

D. **Inclusion on Agenda**

An application shall be considered as being on the agenda upon the mailing of radius notices to impacted property owners and residents. Prior to the placement of an application on the public hearing agenda, the applicant may submit a request for rescheduling to the Planning Staff. The Planning Director may reschedule the hearing to an appropriate date if the applicant has requested rescheduling or if there are procedural or logistical reasons that justify rescheduling.
CHAPTER 11-03: Review and Decision Procedures
Section 11-03-04: Specific Procedures
Subsection 1: Code Text Amendment

11-03-04. SPECIFIC PROCEDURES
This Section sets out the purpose, applicability, and steps for specific procedures.

1. CODE TEXT AMENDMENT

A. Purpose
This Code may be amended whenever Council deems it is required for public convenience or necessity, or for general welfare.

B. Procedures
Figure 11-03.1 shows the procedural steps in the review of applications for a code text amendment. The common procedures of Section 11-03-03 shall apply, with modifications as indicated below.

(1) Step 1: Pre-Application Conference
Not required.

(2) Step 2: Neighborhood Meeting
Not required.

(3) Step 3: Application Submittal
The applicant shall submit an application pursuant to Section 11-03-03.4 and the specific procedures of this section.

(4) Step 4: Notice
The Director shall provide notice for hearings pursuant to Section 11-03-03.4.

(5) Step 5: Application Processing
The Director shall prepare a report of findings and recommendations pursuant to Section 11-03-03.4.

(6) Step 6: Public Hearing(s)
Hearings shall be held pursuant to Section 11-03-03.4 and this Section.

(a) Planning and Zoning Commission Hearing
i. The PZC shall hear each application and prepare a recommendation to the Council.

ii. In the case of a code text amendment to establish a conservation district, the City may require the HPC, DRC, or other board or commission, review the application and make a recommendation. The PZC hearing shall be within 60 days after the transmittal date of the required report in Step 3, Application Submittal.

Figure 11-03.1
Code Text Amendment Procedure

Supplement No 58 Ord-45-1, Ord-23-15, Amended; Ord-4-15, Amended
March 2013
(b) City Council Hearing
The Council shall hear each application pursuant to Section 11-03-03.4.

(7) Step 7: Decision
(a) The Council shall approve, approve with modifications, or deny pursuant to Section 11-03-03.4 and this Section. To approve it must be found that the amendment:
(b) Complies with and conforms to the Comprehensive Plan.
(c) Is required for public convenience or general welfare.

(8) Step 8: Modification
Not applicable.

(9) Step 9: Appeal
A decision of the Council is final.

(10) Step 10: Term of Approval
A code text amendment approval does not lapse.

2. DEVELOPMENT AGREEMENT

A. Purpose
To provide a vehicle for development that will assure compliance with rezone findings where, in the opinion of the Council or the PZC, approval of a rezone by itself does not meet those findings.

B. Applicability
Development agreements can be used after a determination has been made that a rezone does not meet required findings without additional restrictions to those imposed by the proposed zoning district. Nothing in this section shall be construed as relieving the property that is subject to development agreement restrictions from further compliance with all other permit and code requirements applicable because of the zoning designation of the property. A development agreement cannot convey a use or right. Restrictions are in addition to all other requirements of this Code.

C. Procedures
Figure 11-03.2 shows the review procedure. The common procedures of Section 11-03-03 shall apply, with modifications as indicated below.

(1) Step 1: Pre-Application Conference
Required.

(2) Step 2: Neighborhood Meeting
Required.
(3) **Step 3: Application Submittal**

Required.

(a) **Initiation of Application**

i. A request to enter into a development agreement may be:
   A. Submitted by the rezone applicant;
   B. Required by Council at Council’s rezone hearing, or
   C. Required by Council upon recommendation from the PZC.

ii. If the PZC recommends a development agreement, action on the rezone should be deferred to advertise for a new hearing. But if the applicant chooses to proceed to Council without a development agreement, the PZC should recommend denial of the rezone.

iii. If the Council determines a development agreement is necessary the matter shall be remanded to PZC for a new application and hearing.

iv. When requested by an applicant, the PZC shall conduct a hearing and forward a recommendation to the Council.

v. In the event of (ii) or (iii) above, time limits may be stayed if so directed by the Council or PZC.

(4) **Step 4: Notice**

The Director shall provide notice for advisory and decision hearings pursuant to Section 11-03-03.4.

(5) **Step 5: Application Processing**

The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4 and this Section.

(a) The development agreement may address: density, bulk, site design, mitigation of impacts on the surrounding neighborhood, appearance, provision of utilities or public facilities, and restrictions on use.

(b) The draft development agreement shall be reviewed by the City Attorney as to form prior to being sent to the PZC.

(6) **Step 6: Public Hearing(s)**

Following a hearing the PZC shall forward a recommendation to the Council pursuant to Section 11-03-03.4 for a decision.

(7) **Step 7: Decision**

The Council shall make a decision pursuant to Section 11-03-03.4 and this Section.

(8) **Step 8: Modification**

Development agreements may only be modified after public hearing by the City Council. Major modifications as determined by the Director require a hearing and recommendation from the PZC prior to a Council hearing.

(9) **Step 9: Appeal**

A decision of the Council is final.

(10) **Step 10: Term of Approval**

A development agreement approval shall lapse or may be terminated as follows:
Chapter 11-03: Review and Decision Procedures

Section 11-03-04: Specific Procedures

Subsection 3: Rezone

(a) **Lapse**

The lapse period shall be as indicated in the development agreement or as provided for in this section.

1. Within one year from the date of approval it shall be recorded. Failure to do so shall render the rezone null and void. Proof of recording must be submitted prior to the first reading of the rezone ordinance.

2. The development agreement or any modification thereto, shall run with the land and shall be considered continuing obligations of the owner, co-owners, and anyone acquiring an interest in the property.

(b) **Termination**

A development agreement may be amended or terminated by the Council, after public hearing, for failure to comply. Upon termination, the Council shall rezone the property to the prior zone or in the case of an initial zone at annexation, to a zone deemed appropriate.

3. **REZONE**

A. **Purpose**

To establish procedures to change district boundaries, establish or disestablish districts, or to change the district designation of a parcel.

B. **Procedures**

Figure 11-03.3 shows the rezone review procedure.

1. **Step 1: Pre-Application Conference**

   Required.

2. **Step 2: Neighborhood Meeting**

   Required.

3. **Step 3: Application Submittal**

   Required.

4. **Step 4: Notice**

   The Director shall provide notice for hearings pursuant to Section 11-03-03.4.

5. **Step 5: Application Processing**

   The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4.
(6) **Step 6: Public Hearing(s)**

(a) The PZC shall conduct a public hearing and prepare a recommendation to the Council to approve, approve with modifications, or deny pursuant to Section 11-03-03.4.

(b) The Council shall conduct a public hearing pursuant to Section 11-03-03.4.

(7) **Step 7: Decision**

Decision authority is as follows:

(a) **City Council**

The Council shall approve, approve with modifications, or deny the application pursuant to Section 11-03-03.4.

(b) **City Council Approval Requires Ordinance**

A rezone, including the establishment of a new overlay district, shall become effective when the Council adopts an ordinance amending the zoning classification.

(c) Any recommendation of the PZC shall be in writing and shall specify that the rezone meets the following criteria:

i. Is in compliance with the Comprehensive Plan.

ii. Is in the best interests of the public convenience and general welfare.

iii. Maintains and preserves compatibility of surrounding zoning and development.

(8) **Step 8: Modification**

Not applicable.

(9) **Step 9: Appeal**

In cases where the action taken by the Council is protested by a petition signed by the owners of 50 percent or more of either the area to be rezoned or of those within a 300-foot radius of the exterior boundaries of the area to be rezoned, a decision to rezone requires a vote of two-thirds of the Council.

(10) **Step 10: Term of Approval**

A rezoning approval does not lapse.

4. **SUBDIVISION PLAT**

A. **Purpose**

To create and record legal divisions of land. A subdivision plat is intended to promote coordinated and efficient development.

B. **Applicability**

A plat shall be drawn for each subdivision as provided below. Plats shall be recorded in the office of the Recorder after certification of compliance with Idaho State Code and this Code.
CHAPTER 11-03: Review and Decision Procedures
Section 11-03-04: Specific Procedures
Subsection 4: Subdivision Plat

(1) **General**
The regulations of this Section apply to all subdividing
of all land except minor subdivisions as defined in
Section 11-012-05, Other Terms Defined.

(2) **Condominiums**
(a) The provisions of the Condominium Property
Act as provided in Chapter 15, Title 55, Idaho
Code, as amended, and the provisions of
Section 11-07-06.5 of the Boise City Code, as
amended, for planned unit developments are
adopted and incorporated by reference.
(b) Condominium and subdivision of land,
including dedication of public right-of-way,
may be recorded on the same plat.
(c) Condominium units shall be provided ingress
and egress either over common area or by an
 easement which shall be delineated on the
 plat or defined in the recorded condominium
declarations with a note on the plat stating
that the condominium declarations provide
 ingress and egress easements for the units. The
 condominium declarations shall be reviewed
and approved by the City Attorney and the
 ingress and egress provisions cannot be
 removed or modified without the written
consent of the city.

C. **Procedures**

Figure 11-03.4 shows the subdivision platting procedure.

(1) **Step 1: Pre-application Conference**
   Required for subdivisions of 40 or more lots or
dwelling units.

(2) **Step 2: Neighborhood Meeting**
   Required for subdivisions of 40 or more lots.

(3) **Step 3: Application Submittal**
The applicant shall submit an application pursuant to
Section 11-03-03.4 and this Section.
(a) A preliminary plat application may be
submitted with or without a final plat.
(b) A final plat shall be prepared in accordance
with Title 50, Chapter 13 of the Idaho Code
and with this Code and shall be submitted
within two years of approval of a preliminary
plat. The final plat must conform to
preliminary plat approved by the Council.

Figure 11-03.4 Subdivision Plat
Procedure

| 1. Pre-Application Conference |
| 2. Neighborhood Meeting       |
| 3. Application Submittal      |
| 4. Notice                     |
| 5. Application Processing     |
| 6. Public Hearing PZC or Hearing Examiner |
| 7. Decision Council           |
| 8. Modification               |
| 9. Appeal                     |
| 10. Term of Approval          |

**KEY**

- Step is applicable
- Step is not applicable
- Step is optional
- Hearing

Figure illustrates typical
procedure. Exceptions may
apply as noted in the text.
(c) **Complete Application**
Incomplete applications will not be scheduled for review by PZC or Council.

(4) **Step 4: Notice**
Not applicable.

(5) **Step 5: Application Processing**
The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4 and this Section.

(6) **Step 6: Hearing**

(a) **Recommendation**
The Hearing Examiner or the PZC shall prepare a recommendation to the Council pursuant to Section 11-03-03.4 and this Section.

(b) **Delays to Hearing Examiner or Planning and Zoning Commission Action**
The 60-day limit applies unless the applicant agrees to a longer time period, or there are extenuating circumstances, other associated development applications that should be considered at the same time, such as,

i. Annexation;

ii. Conditional Use;

iii. Change to the Area of City Impact;

iv. Developments under the Hillside Ordinance; and

v. Highway District or other critical agency conditions have not yet been received.

(c) **Decision**
The Council shall consider the recommendation of the PZC.

(7) **Step 7: Decision**
Council makes the final decision.

(a) **Certification**
Within two years of approval, the applicant shall obtain the City Engineer’s signature on final plats was evidence of conformance with this Code and the Council’s conditions of approval.

(b) **Recording**
The applicant shall record the final plat with the Ada County Recorder within one year from date of the City Engineer’s signature.

(c) **Other Concurrent Application Deadlines**
Where a subdivision is approved subject to a conditional use permit and the CUP expires or lapses, the plat applications shall be void.

(8) **Step 8: Modification**
Amendments to approved preliminary plats must be reviewed by PZC and approved by City Council in accordance with procedures of this section.

(9) **Step 9: Appeal**
Not applicable.
(10) **Step 10: Term of Approval**

As follows:

(a) **Lapse Period**

Approval shall lapse for failure to comply with step 7 above and the plat shall be null and void. Extensions of time may be granted by the Council as in subsection (c), below.

(b) **Phasing**

i. Preliminary plats may be phased and do not need time extensions as long as at least one phase of the plat is approved annually.

ii. For phased developments, Council may modify or add conditions for phases submitted after two years following preliminary plat approval.

(c) **Extensions**

i. The Council may grant an extension of a preliminary or final plat for up to one year, provided an application for extension is filed at least 20 days prior to the expiration of either the first two year period or a previous extension.

ii. In granting a time extension, the Council may modify or add conditions to the final plat to conform with adopted policies or Code changes since initial approval.
5. RECORD OF SURVEY

A. Purpose and Applicability

To provide a review procedure for the following:

(1) A division of any original tract into up to four parcels that comply with Code requirements;

(2) A property line adjustment that establishes modifies the boundaries of buildable parcels with boundaries that differ from existing buildable parcel and/or buildable lot boundaries; or

(3) The consolidation of two or more existing, contiguous buildable parcels into one buildable parcel.

B. Procedures

See Figure 11-03.5.

(1) Administrative Review

A decision to approve or deny shall be rendered within 10 days. The Director shall sign notices of buildable parcels.

(2) Evidence required for Permit

Evidence of recordation of a notice of buildable parcel is required for a building permit to be issued.

(3) Appeal

Decisions may be appealed to the PZC, pursuant to Section 11-03-03.4.

C. Application Requirements

Along with items listed on the application form the following shall be included:

(1) A separate original notice of Buildable Parcel in recordable form for each buildable parcel created by the Record of Survey incorporating the following:

(a) The notarized signatures of all owners,

(b) A statement that the original lot or parcel is no longer a buildable parcel,

(c) A complete legal description of the buildable parcel established by the Record of Survey,

(d) A note regarding the requirement to vacate easement before building on the easement areas, if appropriate, and

(e) A certification for execution by the Planning Director evidencing the establishment of the new buildable parcel in accordance with this section.
CHAPTER 11-03: Review and Decision Procedures
Section 11-03-04: Specific Procedures
Subsection 6: Conditional Use Permit

(f) Notification of the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application stating the adjacent property owners and occupants have been notified of the applicant’s intent to divide the parcel. Certified Mail is an acceptable means of notifying adjacent owners and occupants. This notification is not required for Record of Surveys that do not create a new buildable parcel.

6. CONDITIONAL USE PERMIT

A. Purpose
To review conditionally allowed uses for compliance with the comprehensive plan, availability of services and possible adverse impacts.

B. Applicability
As per Table 11-06.1, Allowed Uses, in Chapter 11-06, Use Standards.

C. Procedures
See Figure 11-03.6. The common procedures of Section 11-03-03 shall apply, with modifications as indicated below.

(1) Step 1: Pre-Application Conference
Required.

(2) Step 2: Neighborhood Meeting
Required.

(3) Step 3: Application Submittal
(a) Required.
(b) May be submitted under the detailed plan or conceptual plan approval process.

(4) Step 4: Notice
Required.

(5) Step 5: Application Processing
The Director shall refer the application to other agencies and prepare a report pursuant to Section 11-03-03.4.

(6) Step 6: Public Hearing
Required, except for minor modifications.

(7) Step 7: Decision
Decision authority shall be as follows:
(a) The Hearing Examiner or the PZC shall review pursuant to Section 11-03-03.4 and according to the following criteria:
CHAPTER 11-03: Review and Decision Procedures
Section 11-03-04: Specific Procedures
Subsection 6: Conditional Use Permit

i. The location is compatible to other uses in the general neighborhood;

ii. The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;

iii. The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;

iv. The proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity;

v. The proposed use is in compliance the Comprehensive Plan;

vi. A multi-family building (any building containing more than two residential units) is designed to comply with the Citywide Design Standards and Guidelines; and

vii. A drive-up window in a C-5 District, if it complies with all conditions imposed, will not adversely affect pedestrian traffic or create an unsafe pedestrian environment and that the location and design of the drive-up window provides proper on-site vehicle stacking based on peak hours, and minimizes potential circulation issues or other negative impacts to pedestrians or traffic.

(Ord. 42-13, 10/29/13)

(b) Conditions

It is not the intent of this Section to restrict or specify design proposed or to specify the exterior detail or design, color, or materials, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings. The PZC may condition the approval of a conditional use permit on compliance, including but not limited to the following:

i. Conformity to approved plans and specifications;

ii. Provision of open spaces, pathways, buffer strips, walls, fences, landscaping, and lighting;

iii. Volume of traffic generated, requirements for off-street parking, service drive design, and construction standards, vehicular movements within the site, and points of vehicular ingress and egress;

iv. Performance characteristics related to noise, vibration, and other potentially dangerous or objectionable elements;

v. Limit hours of operation;

vi. The term of a permit, or the period of time for which a permit is issued;

vii. Guarantees as to compliance with the terms of the approval;

viii. Number, location, color, size, height, lighting, and landscaping of outdoor signs and structures;

ix. Public improvements, including the installation of street lights, in accordance with the requirements of the Public Works Department;

x. Requiring irrigation or drainage facilities to be covered or fenced for safety’s sake.
CHAPTER 11-03: Review and Decision Procedures
Section 11-03-04: Specific Procedures
Subsection 6: Conditional Use Permit

(c) **Variance to Development Standards Included in Permit**

As part of a conditional use, the PZC may approve, in accordance with notice and approval criteria in Section 11-03-03.4, a change from required setbacks, off-street parking, fence heights, and other standards. The application must specify the changes being requested.

(8) **Step 8: Modification (Administrative)**

Applicable.

(a) **Minor Modification**

i. A reduction in density that does not exceed 25 percent of the total units.

ii. A relocation of dwelling units or building pads for some practical reason such as road alignment, topography, access, solar access, or stability in hillside areas.

iii. A change in the phasing plan.

iv. A modification to the recreation area or open space design, but not including elimination or significant reduction.

v. An increase or decrease in the proposed setback as long as Code requirements are met.

vi. A change in building elevations.

vii. Similar changes as determined by the Director.

viii. The requested modification was not the subject of an appeal during the public hearing process.

(b) **Major Modification (Commission)**

i. Any increase in density.

ii. A density decrease exceeding 25 percent of the total approved by the conditional use.

iii. Any change that will impact the neighborhood such as a change in traffic generation or flow, impacts to river or foothills areas, or increases in soil erosion.

iv. A change that was the subject of an appeal during the public hearing.

v. A change that would affect some other condition such as a condition regarding greenbelt, streets, schools, floodplain, foothills, etc.

vi. A request for greater than 20 percent increase in building square footage.

vii. A request to change the nature of the approved use.

viii. A request to change or delete a condition of approval.

ix. A request that would increase or cause impacts to a foothill or river area.

x. Similar changes as determined by the Director.

(9) **Step 9: Appeal**

Appealed to the Council, pursuant to Section 11-03-03.4.
(10) Step 10: Term of Approval
As follows:
(a) Lapse Period
Pursuant to Section 11-03-03.4.
(b) Extension
Pursuant to Section 11-03-03.4.

7. PLANNED UNIT DEVELOPMENT

A. Purpose
To provide an opportunity for land development that preserves natural features, allows efficient provision of services, and provides common open spaces or other amenities not found in traditional lot-by-lot development. Planned developments are intended to provide certain benefits to the public and to the developer.

B. Applicability
(1) Benefits and Incentives
Planned developments are intended to provide certain benefits to the public and to the developer through allowance of creative designs. To provide the developer with an incentive to utilize the planned unit development process, the following allowances may be:
(a) A variety of housing types may be used including attached units, detached units, single family units, and multi-family units.
(b) The minimum lot size of the zoning district may be reduced within the density limits of the district.
(c) Planned developments may use private streets and service drives that are designed and constructed to the standards of this Code, however, no such roadway shall be permitted unless it is found to be in compliance with Sections 11-03-03.4, Private Streets, and 11-07-04.3.B, Service Drives, of this Code.
(d) Modified building setbacks may be allowed.
(e) The conditions of approval applied to a large planned unit development concept plan shall be applied consistently to each subsequent phase unless otherwise agreed to by both the applicant and the PZC.
(f) Uses that are not allowed within the zoning district may be allowed subject to the 20 percent exception requirements of Section 11-03-04.7.B(2)(d).
(g) Buildings may be clustered to preserve foothills, river areas, and other environmentally sensitive areas as open space.
(2) **Use Exceptions within a Planned Development**

In the case of planned developments greater than five acres in size, the PZC may authorize specified uses not permitted in the zoning district. The purpose is to promote a mix of uses that are functionally integrated with and provide services to the primary use. Criteria include:

(a) The uses permitted by exception should be strongly related to the primary use and are intended to provide services or facilities useful and convenient to the primary use.

(b) The uses permitted by the exception should be integrated into the project through the following:

i. The use exception site shall be located within reasonable walking distance of all areas of the primary use.

ii. One or more of the vehicular accesses to the primary site shall serve as access for the use exception site.

iii. Pedestrian and/or bicycle pathway connections shall be provided from the primary use.

iv. Buildings on the use exception site shall be oriented to facilitate access from the primary use.

v. Architecture and building bulk shall reflect or compliment the primary use.

vi. Landscaping concepts from the primary use shall be continued onto the site of the use exception.

vii. Signage shall be low profile and consistent with any sign package submitted for the primary use.

(c) The uses permitted by the exception are neighborhood or community-serving in scale and do not constitute a regional use.

(d) No more than 20 percent of the total area of the planned unit development shall be devoted to the exception.

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**Figure 11-03.7 Planned Unit Development Procedure**

1. Pre-Application Conference
2. Neighborhood Meeting
3. Application Submittal
4. Notice
5. Application Processing
6. Public Hearing
7. Decision Council
8. Modification
9. Appeal
10. Term of Approval

**KEY**

- Step is applicable
- Step is not applicable
- Step is optional
- Public Hearing

*Figure illustrates typical procedure. Exceptions may apply as noted in the text.*
The development is phased so that the construction of the excepted use or uses will be justified by the construction of all or a proportionate phase of the permitted use.

That the conceptually approved excepted uses shall be subject to design review approval prior to issuance of a building permit.

C. Procedures

Every planned unit development shall be processed as a conditional use application.

1. Step 1: Pre-Application Conference
   The applicant shall request and attend a pre-application conference pursuant to Section 11-03-03.4.

2. Step 2: Neighborhood Meeting
   The applicant shall request and attend a neighborhood meeting pursuant to Section 11-03-03.4.

3. Step 3: Application Submittal
   (a) The applicant shall submit an application pursuant to Section 11-03-03.4.
   (b) A planned unit development conditional use application may be submitted under either the detailed plan approval or conceptual plan approval process.
   (c) Concurrent review of related applications may be required. In cases where subdivision platting is being proposed or would be required, concurrent review of the conditional use and subdivision plat is required when the Director determines that subdivision regulations, including but not limited to private streets standards, apply to the design of the proposed development.

4. Step 4: Notice
   The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4.

5. Step 5: Application Processing
   The Director shall provide notice for advisory and decision hearings pursuant to Section 11-03-03.4.

6. Step 6: Public Hearing
   The PZC shall hear every application pursuant to Section 11-03-03.4.

7. Step 7: Decision
   The PZC shall approve, approve with modifications, or deny each application pursuant to Section 11-03-03.4 and the following criteria:
   (a) The location is compatible to other uses in the general neighborhood;
   (b) The proposed use will not place an undue burden on transportation and other public facilities in the vicinity;
   (c) The site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;
   (d) The proposed use, if it complies with all conditions imposed, will not adversely affect other property of the vicinity;
   (e) The proposed use is in compliance the Comprehensive Plan;
(f) A multi-family building (any building containing more than two residential units) is designed to comply with the Citywide Design Standards and Guidelines;

(g) A drive-up window in a C-5 District, if it complies with all conditions imposed, will not adversely affect pedestrian traffic or create an unsafe pedestrian environment and that the location and design of the drive-up window provides proper on-site vehicle stacking based on peak hours, and minimizes potential circulation issues or other negative impacts to pedestrians or traffic. Recommended conditions of approval submitted to a review body and made available to the public shall not be altered by city staff or any other party prior to the public hearing. The decision body may alter or modify conditions of approval.

(8) **Step 8: Modification**
Not applicable.

(9) **Step 9: Appeal**
The applicant or an aggrieved party may appeal a decision of the PZC to the Council, pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
A planned unit development permit approval shall lapse after 24 months pursuant to Section 11-03-03.4.

8. **NONCONFORMING USE**

A. **Purpose and Applicability**
To provide clear and consistent regulations for the establishment, maintenance, expansion and conversion of uses and structures that were legally established but that no longer conform to this Code due to a subsequent ordinance amendment, annexation, change of zoning or similar action.

B. **Procedures**
Figure 11-03.8 shows the procedural steps in the review of applications for a nonconforming use certificate. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.
(1) **Step 1: Pre-Application Conference**
Required for greater than 20% expansion.

(2) **Step 2: Neighborhood Meeting**
Required for greater than 20 percent expansion.

(3) **Step 3: Application Submittal**
Required. CUP application for greater than 20 percent expansion.

(4) **Step 4: Notice**
Required for greater than 20 percent expansion.

(5) **Step 5: Application Processing**
The Director shall prepare a statement of findings.

(6) **Step 6: Public Hearing**
Required for greater than 20 percent expansion.

(7) **Step 7: Decision**
Required.

(a) The Director shall approve, approve with modifications, or deny an application for a non-conforming use permit requesting establishment or expansion of the use by not more than 20 percent pursuant to Section 11-03-03.4.

(b) The Hearing Examiner or the PZC shall approve, approve with modifications, or deny an application for a non-conforming use expansion of greater than 20 percent pursuant to Section 11-03-03.4.

(c) See Chapter 11-011, Nonconformance for criteria.

(8) **Step 8: Modification**
Not applicable.

(9) **Step 9: Appeal**
The applicant or an aggrieved party may appeal a decision of the Director to the PZC, or a decision of the PZC to the Council, pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
A non-conforming use status shall lapse as indicated in Section 11-01-08, Nonconformance.
9. SIGN PERMIT

A. Purpose
To allow review and approval of signs in conformance with the sign regulations of this Code.

B. Applicability
Except as otherwise provided in this Code, it shall be unlawful to erect, construct, enlarge, move, or convert any sign without first obtaining a sign permit. A permit shall not be required for a change of copy on a sign, nor for the repainting, cleaning, or other normal maintenance or repair for which a permit has previously been issued provided that the sign or sign structure is not altered in any way.

C. Procedures
Figure 11-03.9 shows the procedural steps in the review of applications for a sign permit. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

1. Pre-Application Conference
Not required.

2. Neighborhood Meeting
Not required.

3. Application Submittal
The applicant shall submit an application pursuant to Section 11-03-03.4 and this Section.

4. Notice
Not required.

5. Application Processing
Required.

6. Public Hearing
Not required.

7. Decision
Required.
   (a) Unless otherwise indicated in this Section, the Director shall approve or deny a sign permit application within five days.
   (b) The Hearing Examiner or the PZC shall decide a sign permit application for an off-premise sign or a sign variance.
   (c) See Chapter 11-010, Sign Standards.

8. Modification
Not applicable.

9. Appeal

10. Term of Approval

Figure 11-03.9
Sign Permit Procedure

KEY
Step is applicable
Step is not applicable
Step is optional
Public Hearing

Figure illustrates typical procedure. Exceptions may apply as noted in the text.
(9) **Step 9: Appeal**
The applicant or an aggrieved party may appeal a decision of the Director to the PZC, or a decision of the PZC to the Council, pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
Approval shall lapse after one year.

10. **TEMPORARY USE PERMIT**

   **A. Purpose**
   To allow, on a temporary basis, uses of a short term or seasonal nature that are compatible with surrounding uses.

   **B. Applicability**
   Any use with a planned duration of 180 days or less.

   **C. Procedures**
   Figure 11-03.10 shows the procedural steps in the review of applications for a temporary use permit. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

   (1) **Step 1: Pre-Application Conference**
   Not required.

   (2) **Step 2: Neighborhood Meeting**
   Not required.

   (3) **Step 3: Application Submittal**
   Pursuant to Section 11-03-03.4.

   (4) **Step 4: Notice**
   Not required.

   (5) **Step 5: Application Processing**
   Required.

   (6) **Step 6: Public Hearing**
   Not required.

   (7) **Step 7: Decision**
   The Director shall require guarantees to assure timely removal of temporary uses and of any debris or refuse, so as to restore the premises to its prior condition.

   (8) **Step 8: Modification**
   Not applicable.

   (9) **Step 9: Appeal**
   The applicant or an aggrieved party may appeal the decision of the Director to the PZC pursuant to Section 11-03-03.4.
CHAPTER 11-03: Review and Decision Procedures
Section 11-03-04: Specific Procedures
Subsection 11: Zoning Certificate /APPROVAL CRITERIA FOR OTHER ADMINISTRATIVE APPLICATIONS

11. ZONING CERTIFICATE /APPROVAL CRITERIA FOR OTHER ADMINISTRATIVE APPLICATIONS

A. Purpose
To allow for review and approval of uses and to ensure compliance of each use with the applicable standards and regulations of this Code and for consistency with the intent and purpose of the Comprehensive Plan.

B. Applicability
(1) Required
A zoning certificate shall be required for every permit affecting the use of land or development of a structure, except for minor accessory uses not requiring any other permit or license.

(2) Prohibited
No zoning certificate shall be issued, granted or approved for multi-family residential use, child care facility, school, manufactured home community or mobile home park unless all irrigation ditches, laterals and canals crossing, intersecting and lying adjacent, or contiguous to, such uses are covered or fenced. Upon application, the Commission or Council may waive this restriction in whole or in part if it is found that covering or fencing will not serve the public purpose in an individual case.

C. Procedures
Figure 11-03.11 shows the procedural steps in the review of applications for a zoning certificate and administrative applications. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

(1) Step 1: Pre-Application Conference
Not required.

(2) Step 2: Neighborhood Meeting
Not required.

(3) Step 3: Application Submittal
Required. Every application for a permit or license affecting the use of land or of a structure shall be deemed to be also an application for a zoning certificate. In the case of a new use where no other permit or license is required, an application for a zoning certificate shall be filed on a separate form.

(4) Step 4: Notice
Not required.

Figure 11-03.11
Zoning Certificate Procedure

KEY
Step is applicable
Step is not applicable
Step is optional
Public Hearing

Figure illustrates typical procedure. Exceptions may apply as noted in the text.
(5) **Step 5: Application Processing**
Required.

(6) **Step 6: Public Hearing**
Not required.

(7) **Step 7: Decision**
The Director shall approve, approve with conditions, or deny each application pursuant to Section 11-03-03.4 and this Section.

Uses classified as “A**” on the use table in Chapter 11-06-01 of this ordinance are allowed uses but require administrative review. The review of “A**” uses for which specific approval criteria are not provided shall be based on the general conditional use approval criteria set forth in Section 11-03-04.6(C)(7).

(8) **Step 8: Modification**
Not applicable.

(9) **Step 9: Appeal**
The applicant or an aggrieved party may appeal the decision of the Director to the PZC pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
Applicable. A zoning certificate approval shall become void whenever the building permit or license either lapses or is revoked, or whenever the use of occupancy specified has ceased to exist, or has been suspended for 180 calendar days or longer. An administrative approval shall be valid for two years from the date of approval.

12. **DESIGN REVIEW**

A. **Purpose**

(1) Ensure the general appearance of development is in compliance with the Comprehensive Plan.

(2) Enhance important environmental features of the city and the physical characteristics of the land; and

(3) Ensure the orderly and harmonious development of the community.

B. **Applicability**

(1) **D and DD Districts**
Within the D and DD Districts, any visible exterior improvement to a site, building, or structure shall require design review. Accessory single family residential parking areas containing more than three parking spaces within D overlay districts shall be subject to administrative design review.

(2) **Minor Design Review**
The following design review applications are considered minor and may be reviewed by the Director.

(a) **In D Districts**

1. A two story or less residential building containing two to six units.
ii. A residential planned unit development of less than 50 dwelling units that has been approved by the PZC.

iii. An office or commercial building not exceeding 5,000 square feet gross floor area that is not adjacent to a residential district or use.

iv. An industrial building not exceeding 10,000 square feet gross floor area that is not adjacent to a residential district or use.

v. A non-residential planned unit development less than two acres in size that has been approved by the PZC.

vi. Signs.

vii. Modification to an existing building.

viii. Parking lots.

ix. Modifications to approved plans as per Step 8, Modification.

(b) In all DD Districts

i. All minor alterations to existing buildings.

ii. Signs designed in conformance with the provisions of the sign regulations.

iii. Parking lots.

iv. Any canopies and awnings.

C. Procedures

Figure 11-03.12 shows the procedural steps in the review of applications for design review. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

(1) **Step 1: Pre-Application Conference**
Not required.

(2) **Step 2: Neighborhood Meeting**
Not required except for substandard lot applications.

(3) **Step 3: Application Submittal**
Applicable.

(4) **Step 4: Notice**
Applicability shall be as follows:
(a) Required when the DRC or HPC holds a public hearing for design review. The Director shall provide notice pursuant to Section 11-03-03.4 and this Section.

(b) When the Director has decision authority as indicated in Step 7, Decision, no hearing notice is required. However, if it is determined that there is a potential for adverse impact, the Director shall send a copy of the approval letter to adjacent property owners and residents (including those across a street or alley) informing them of the decision and of the right to appeal.

(5) Step 5: Application Processing
Pursuant to Section 11-03-03.4, the Director shall:

(a) Determine whether the application meets the criteria for administrative review or must be reviewed by the DRC or HPC;

(b) Refer the application to other agencies; and

(c) Prepare a report with findings and a decision.

(6) Step 6: Public Hearing
Required, except when the Director has decision authority as indicated in Step 7, Decision. The DRC and the HPC shall hold public hearings pursuant to Section 11-03-03.4.

(7) Step 7: Decision
Decision authority is as follows:

(a) D, C, or DC Designations
Except for minor design review applications, approvals shall be granted by the DRC.

(b) H Designations
Except for minor design review applications, approvals shall be granted by the HPC together with a Certificate of Appropriateness.

(c) Limitations of Design Review Authority
Except for development on substandard lots of record, the DRC and the HPC are prohibited from requiring reductions in height, density or floor area ratio, or other general bulk regulations unless for reasons public safety, health, or diminution of property values.

(d) Findings

1. Site Design
   A. Traffic Impact
      That traffic impact is minimized and the pedestrians and cyclists have been provided for through the use of sidewalks, pathways, landscaping, and safe parking lot design.
   B. Landscaping, Stabilization, and Screening
      That landscaping screens buffer adjacent uses, and screen or conceal unsightly areas.
   C. Grading and Drainage
      That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.
   D. Signage
      That signs provide for business identification, minimizes clutter comply with the sign regulations.
E. **Utilities**
That utility systems do not detract from building design and that their size and location are appropriate and maintainable.

ii. **Structure Design**
The design (architecture) of buildings in the D and DD districts shall be in accordance with the following:

A. **Building Mass**
The building mass should be consistent with development in the immediate area.

B. **Building Facades**
The height to width relationship should be compatible and consistent with the architecture in the area.

C. **Openings in the Facades**
Openings in the facade shall be consistent with the architecture in the area. (For example, balconies, bays, and porches are encouraged with a minimum of monotonous flat planes to provide shadow relief).

D. **Exterior Materials**
Exterior materials that complement surrounding development in terms of color and relief should be utilized.

E. **Commercial/Industrial Buildings Adjacent to Residential**
The design shall minimize impacts on adjoining (including across a street or alley) residential uses and districts.

iii. **Adopted Plans and Design Guidelines**
Adopted plans and design guidelines in the appendix, including the Citywide and Downtown Design Standards and Guidelines as adopted by the City Council, are to be used in reviewing applications.
(Ord 40-13 Amended 10/15/13; Ord. 13-13 amended)

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(8) **Step 8: Modification**
Applicable.

(a) **Minor Modification**
The following minor modifications may be approved by the Director:

i. Modifications to administrative design reviews.

ii. Relocation of building pads or dwelling units provided that the modification does not significantly alter the site in terms of parking layouts, vehicular circulation, landscaping, etc.

iii. Increase or decrease in a setback in compliance with Code.

iv. Change in materials, colors, window and door locations, and mechanical units, provided building design remains essentially the same.

v. Modification to a recreation area or open space design, but not to include a significant reduction in area or elimination.

vi. A change in landscape design or plant types, minor parking lot revisions, or minor site revisions.
(b) **Major Modification**
The following major modifications must be approved by the DRC or HPC:

i. Those impacting an adjoining residential neighborhood.

ii. Any that was a subject of appeal.

iii. Those that would, in the opinion of the Director, significantly alter site or building design.

iv. Modification of a condition of approval.

(9) **Step 9: Appeal**

Applicable.

(a) Appeals of Director decisions are to the DRC or HPC; HPC appeals are to the Council; and DRC appeals are to the PZC pursuant to Section 11-03-03.4.

(b) **Grounds for an appeal may include:**

i. Inconsistency with the purpose and objectives of this Code;

ii. Unreasonable economic hardship;

iii. Undue interference with the design integrity of the proposal;

iv. Discriminatory prevention of an allowed land use; and

v. Prohibition or unwarranted restriction of building type, material, or method.

(c) A waiver of the appeal period may be required in accordance with Section 11-03-03.9.B(5).

(10) **Step 10: Term of Approval**

A design review permit shall lapse after 24 months pursuant to Section 11-03-03.4.

13. **EXCEPTION**

A. **Purpose**

To allow certain uses that are not permitted in a given district per the use table, but that with special consideration and under certain conditions, may be of equal or less impact than allowed uses and benefit the immediate community. Special exceptions are also intended to promote infill.
B. Applicability

(1) General Exception

(a) A general exception is intended to allow cohesive development of a mixed zoned project by allowing the predominating zone to apply to the entire project.

(b) When a lot or parcel has one-half or less of its area in a district more restrictive than the remainder, the Commission may permit the regulation of the less restrictive district to be applied to the entire lot or parcel. More than one property owner may combine lots or parcels as a planned development and receive consideration.

(c) Where a lot located in an R-1A, R-1B, R-1C or R-2 District has a lot line that abuts property zoned for multi-family, commercial or industrial uses, the Commission may permit up to 75-feet of adjoining portion of such lot to be used for any use permitted in the Multi-Family R-3 District.

(2) Special Exceptions

(a) A Special Exception is intended to allow uses of equal or lesser impact than those permitted in the district and shall not increase density in a residential district.

(b) A Special Exception shall be non-transferrable through assignment, sale or other means of conveyance without written acknowledgement by the assignee, purchaser or conveyee in writing of agreement to be bound by conditions which were set forth in the approval of the application pursuant to Section 11-03-04.13. Special Exceptions shall not be considered as establishing binding precedent upon the City. A Special Exception shall become void if not utilized within 18 months of issuance, or if the authorized use is abandoned for more than a period of 6 months.

(ord. 42-13, 10/29/13)

C. Procedures

Figure 11-03.13 Exception Procedure shows the procedural steps in the review of applications for an exception. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

(1) Step 1: Pre-Application Conference
Required.

(2) Step 2: Neighborhood Meeting
Required.

(3) Step 3: Application Submittal
Required.
(4) **Step 4: Notice**
Required.

(5) **Step 5: Application Processing**
The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4.

(6) **Step 6: Public Hearing(s)**
Required.

(a) For special exceptions, the PZC shall hold a public hearing and make a recommendation to Council. For general exceptions, the PZC shall render the final decision.

(b) The Council shall hear the application pursuant to Section 11-03-03.4.

(7) **Step 7: Decision**
Decision authority shall be as follows:

(a) **PZC Approval**
The PZC may approve general exceptions based on the conditional use criteria in Section 11-03-03.4

(b) **City Council Approval**
Special exceptions shall be decided by the Council pursuant to Section 11-03-03.4 on recommendation from the PZC.

(c) **Approval Criteria for Special Exceptions**
The PZC must make the following findings to recommend approval of a special exception:

   i. The Code does not anticipate that the use could be in the zone under special circumstances (the "special circumstances" must be specified);

   ii. The use will produce an equal or reduced impact upon the site or neighborhood than would an allowed use;

   iii. The location of the proposed use is compatible to other land uses in the general neighborhood area and does not place an undue burden on existing transportation and service facilities in the vicinity;

   iv. The site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, fences, parking, loading, landscaping, and such other features as are required by this Code;

   v. Proper zoning for the proposed use is not available in the general neighborhood;

   vi. The proposed use is in compliance with and supports the goals and objectives of the Comprehensive Plan.

(d) **Conditions**
The PZC may make recommendations as to specific conditions that would allow establishment of the proposed use in manner so as to be compatible with the neighborhood.
(8) **Step 8: Modification**
Applicable. Modifications for a general exception may be approved by the PZC in accordance with the procedures and findings for a CUP modification. Modifications for a special exception go directly to Council for approval.

(9) **Step 9: Appeal**
Not applicable, except for decisions of the PZC on general exceptions. The applicant or an aggrieved party may appeal a decision of the PZC to the Council pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
An exception approval shall lapse if not utilized after 18 months of issuance, or, once utilized, if the authorized use is abandoned for more than a period of six months.

14. **VARIANCE**

A. **Purpose and Applicability**
A variance shall not be considered a right or special privilege but may be granted upon a showing of undue hardship because of characteristics of the site, unique circumstances relating to the intended use, and that the variance is not in conflict with the public interest. The PZC may grant a variance as part of a conditional use permit without requiring a separate application and hearing as long as notice and findings requirements in this Section are made. The Planning Director may grant variances where it can be shown that strict application of these standards may create an undue hardship or where there is an exceptional circumstance related to the intended use of the property and where there is no opposition. Conditions may be attached to the granting of a variance to prevent adverse impact to surrounding properties.

B. **Administrative Variances**

(1) **Director Authority**
The Director may grant variances to the standards of this title where it can be shown that strict application of this ordinance creates an undue hardship or where there is an exceptional circumstance related to the intended use of the property and where there is no opposition. Conditions may be attached to the granting of a variance to prevent adverse impact to surrounding properties.

(2) **Scope of Administrative Variances**
Requests for relief from the following may be considered under the administrative variance process:

(a) Fence and wall height.

(b) Sign variances as defined in Section 11-03-04.14.C(7)(c).

(c) Any variance in a residential zone that is not associated with a project requiring conditional use approval.

(d) Dimensional standards in non-residential zones, including setbacks that vary no more than 35 percent from the zone standard.

(3) **Application**
Applications must include the following:

(a) A completed variance application form and supporting information.

(b) The appropriate fee.
(c) A written document bearing the signatures and addresses of all owners and residents of adjacent properties (including across streets or alleys) indicating no objections to the variance.

(4) **Opportunity to Be Heard**
The Director shall cause a notice to be sent to adjacent owners and residents and the neighborhood association inviting comments on the request within ten calendar days. If adverse comments are received, the Planning Director may not consider the variance application. If no adverse comments are received, the Planning Director shall decide the issue within 21 days of acceptance of the application.

(5) **Appeals**
An appeal of an administrative decision by the Director shall follow the procedures as set forth in Section 11-03-03.4, Appeals.

C. **Procedures**
Figure 11-03.14 shows the procedural steps in the review of applications for non-administrative variances. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

1. **Step 1: Pre-Application Conference**
   Required.

2. **Step 2: Neighborhood Meeting**
   Required. Only the residents immediately adjacent (including those across a roadway, street, or alley) project and the registered neighborhood association need be notified.

3. **Step 3: Application Submittal**
   Required.

4. **Step 4: Notice**
   Required. The Director shall provide notice for advisory and decision hearings pursuant to Section 11-03-03.4, except as indicated in this Section. Mailed notice for a variance is required only to the applicant and to each property owner, purchaser of record, or resident within the subject property and adjoining the subject property (including those properties across a street, alley, canal, or other right-of-way).

5. **Step 5: Application Processing**
The Director shall refer the application to other agencies and prepare a report and recommendation pursuant to Section 11-03-03.4.
(6) **Step 6: Public Hearing**
Applicable. The Hearing Examiner or the PZC shall hold a public hearing pursuant to Section 11-03-03.4 and this Section.

(7) **Step 7: Decision**
(a) The Hearing Examiner or the PZC shall render a final decision.
(b) **Approval Criteria, All Variance Applications**
A variance may be granted when it is found that:

   i. There is either a hardship associated with the property itself or an exceptional circumstance relating to the intended use of the property that is not generally applicable in the district;

   ii. Granting of the variance will not be in conflict with the Comprehensive Plan and will not affect a change in zoning; and,

   iii. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements of other property owners, or the quiet enjoyment thereof.

(c) **Additional Approval Criteria, Sign Variance**
A sign variance is a modification of the sign standards for background area, height, illumination, number, location, projection and clearance prescribed in the sign regulations. In addition to the approval criteria for variances in subsection (b), above, when granting a sign variance it shall be established that:

   i. A sign variance may not be applied to sign that is prohibited.

   ii. Non-conforming signs in the vicinity surrounding the subject site may not be used as justification for a special circumstance.

(8) **Step 8: Modification**
Not applicable.

(9) **Step 9: Appeal**
(a) The applicant or an aggrieved party may appeal a decision of the Hearing Examiner or the PZC to the Council pursuant to Section 11-03-03.4.

(b) The ten-day appeal period may be waived pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
A variance approval shall lapse after 24 months pursuant to Section 11-03-03.4.

15. **ANNEXATION**

   A. **Purpose**
   The corporate boundary of the city may be expanded whenever the Council deems it to be for the public convenience or necessity or for the general welfare.

   B. **Applicability**

   (1) Boise City shall limit its annexation to those lands within its Area of City Impact. If Boise City wishes to annex lands outside of its Area of City Impact, it shall first renegotiate its Area of City Impact Boundary with Ada County in accord with Idaho Code 67-6526(d) unless renegotiation is not required pursuant to Idaho Code 50-222, Annexation by Cities, Category A.
(2) There are three categories of annexations. The Director shall determine the category into which an application request falls.

(3) **Category A**
Annexations in which all private landowners raise no objection to annexations or residential enclaved lands of less than 100 privately owned parcels, irrespective of surface area, that are surrounded on all sides by land within Boise City or that are bounded on all sides by lands within the city’s limits and by lands for which owner approval must be given pursuant to 11-03-04.15.B(4)(b)iv of this Section, or that are bounded on all sides by lands within Boise City and by the boundary of the city’s Area of City Impact.

(a) Criteria
The City may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

(4) **Category B**

(a) **Category B annexations are those in which:**

i. The subject lands contain less than 100 separate private ownerships and platted lots of record and where not all such landowners have consented to annexation;

ii. The subject lands contain more than 100 separate private ownerships and platted lots of record and where landowners owning more than 50 percent of the area have evidenced their consent to annexation at the outset of the annexation process; or

iii. The lands are the subject of a development moratorium or a water or sewer connection restriction imposed by state or local health or environmental agencies; provided such lands shall not be counted for purposes of determining the number of separate private ownerships and platted lots of record aggregated to determine the appropriate category.

(b) Criteria
Boise City may annex lands that would qualify under the requirements of Category 'B' annexation if the following requirements are met.

i. The lands are contiguous or adjacent to the city limits and lie within the Area of City Impact.

ii. Land division of parcels to be annexed is as follows:

A. The land is laid off into lots or blocks containing not more than five acres of land each, whether the same shall have been or shall be laid off, subdivided, or platted in accordance with any statute of the State of Idaho or otherwise, or whenever the owner or proprietor or any such person by or with his authority has sold or begun to sell off such contiguous or adjacent lands by meets and bounds in tracts not exceeding five acres, or whenever the land is surrounded by the city.

B. Splits of ownership that occurred prior to January 1, 1975, and that were the result of placement of public utilities, public roads or highways, or railroad lines through the property shall not be considered as evidence of an intent to develop such land and
shall not be sufficient evidence that the land has been laid off or subdivided in lots or blocks.
C. A single sale after January 1, 1975, of five acres or less to a family member of the owner for the purpose of constructing a residence shall not constitute a sale within the means of this Section. For purposes of this section, “family member” means a natural person or the spouse of a natural person who is related to the owner by blood, adoption, or marriage within the first degree of consanguinity.

iii. A written annexation plan has been prepared and published that is appropriate to the scale of the annexation contemplated and includes, at a minimum, the following elements:
A. The manner of providing tax-supported municipal services to the lands proposed to be annexed;
B. The changes in taxation and other costs, using examples, that would result if the subject lands were to be annexed;
C. The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;
D. A brief analysis of the potential effects of annexation upon other units of local government that currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and
E. The proposed future land use plan and zoning designations, subject to public hearing, for the lands proposed to be annexed.

iv. In addition to the criteria set forth elsewhere in this Section, annexation of the following lands must meet the following requirements:
A. Property owned by Ada County or any entity within the County, that is used as a fairgrounds area under the provisions of chapter 8, Title 31, Idaho Code, or chapter 2, Title 22, Idaho Code, must have the consent of a majority of the Board of County Commissioners of Ada County; and
B. Property owned by a nongovernmental entity that is used to provide outdoor recreational activities to the public and that has been designated as a planned unit development of fifty acres or more and does not require or utilize any city services must have the express written permission of the nongovernmental entity owner.

v. After considering the written and oral comments of property owners whose lands would be annexed and other affected persons, the Council may proceed with the enactment of an ordinance of annexation and zoning. In the course of the consideration of any such ordinance, the city must make express findings, to be set forth in the minutes of the Council meeting at which the annexation is approved as follows:
A. The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section.
B. The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city.
C. The annexation is reasonably necessary for the orderly development of the city.
vi. Notwithstanding any other provision of this section, railroad rights-of-way property may be annexed pursuant to this section only when property within the city limits adjoins or will adjoin both sides of the rights-of-way.

(5) Category C

(a) Category C annexations are those in which the subject lands contain more than 100 separate private ownerships and platted lots of record and where landowners owning more than 50 percent of the area of the subject private lands have not evidenced their consent to annexation at the outset of the annexation process.

(b) Criteria

Boise Council may annex lands that would qualify under the requirements of Category ‘C’ annexation if the following requirements are met:

i. Evidence of consent to annexation shall be established according to the following procedures:

ii. Following completion of all procedures required for consideration of a Category ‘B’ annexation, but prior to enactment of an annexation ordinance and upon an affirmative action by the Council, the city shall mail notice to all private landowners owning lands within the area to be annexed, exclusive of the owners of lands that receive water or sewer service and owners of lands that are subject to a recorded consent to annex. Such notice shall invite property owners to either give written consent or express written opposition to the annexation, include a description of how that consent or opposition can be made and where it can be filed, and inform the landowner where the entire record of the subject annexation may be examined. Such mailed notice shall also include a legal description of the lands proposed for annexation and a simple map depicting the location of the subject lands.

iii. Each landowner desiring to consent to or oppose the proposed annexation must submit the consent or opposition, in writing, to the City Clerk by a date specified in the notice, which shall not be sooner than 21 days after the date of the mailing of such notice.

iv. After the date specified in the notice for receipt of written consent or opposition, the City Clerk shall compile and present to the Council a report setting forth the total physical area sought to be annexed and the total physical area of the lands, as expressed in acres or square feet, whose owners have consented in writing to the annexation, plus the area of all lands receiving water or sewer service from the city and the area of all lands subject to a recorded consent to annex.

v. Objections shall be considered, except that:

A. Objections received after the conclusion of the 21-day period shall not be considered unless the late objection is due to the city’s failure to follow the procedures provided herein.

B. Objections received from owners of lands subject to a recorded consent to annex, or from owners receiving water or sewer service from the city, shall not be considered objections for purposes of this section.
C. Upon receiving the City Clerk’s report, the Council shall review the report and may thereafter confirm whether consent was received from the owners of a majority of the land areas and those providing written consent, in addition to all lands subject to the implied consent provisions set forth herein and those subject to consent of record in the office of the Ada County Recorder. The results of the report shall be reflected in the minutes of the Council. If the report, as accepted by the Council, confirms that owners of more land area have consented to annexation than oppose such annexation, the Council may enact an ordinance of annexation, that shall be published and become effective according to the terms of the ordinance. If the report confirms that owners of more land area oppose annexation than consent to such annexation, the Category ‘C’ annexation shall not be authorized.

(6) Evidence of Consent to Annexation

(a) For purposes of this section, prior consent to annex shall be deemed given when:
   i. Consent is evidenced by written authorization or approval executed by the owner or the owner’s authorized agent.
   ii. Implied consent: In category B and C annexations, valid consent to annex is implied for the area of lands connected to a water or
waste water collection system operated by the city if the connection was requested in writing by the owner, or the owner’s authorized agent, or completed before July 1, 2008.

(b) Written consent to annex lands, if recorded in the Ada County Recorder’s office, shall be binding upon subsequent purchasers, heirs, or assigns of lands addressed in the consent. Lands need not be contiguous or adjacent to the city limits at the time the landowner consents to annexation for the property to be subject to a valid consent to annex; provided however, no annexation of lands shall occur, irrespective of consent, until such land becomes contiguous or adjacent to Boise City.

C. Procedures

Figure 11-03.15 shows the procedural steps in the review of applications for annexation. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated below.

1. **Step 1: Pre-Application Conference**
   Required.

2. **Step 2: Neighborhood Meeting**
   Required.

3. **Step 3: Application Submittal**
   A request for the annexation of property into the city may be initiated by the Council, the PZC, or by property owners or holders of valid purchase. When the annexation request is initiated by the property owner, the PZC may expand or modify the annexation request.

4. **Step 4: Notice**
   (a) The Director shall provide notice for advisory and decision hearings pursuant to Section 11-03-03.4 and this Section.
   (b) For Category B lands, compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in Section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city as designated in Section 1-20-01 and mailed by first class mail to every property owner with lands included in such annexation proposal not less than 28 days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one page summary of the contents of the city’s proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

5. **Step 5: Application Processing**
   The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4 and this Section.

6. **Step 6: Public Hearing(s)**
   Public hearings shall be as follows:
(a) **Planning and Zoning Commission**

The PZC shall hold at least one public hearing for each annexation request. The PZC shall file its recommendation with the City Clerk. The PZC’s recommendation shall be that the annexation will:

i. Incorporate the Boise sewer planning area;

ii. Honor negotiated area of impact agreements;

iii. Attempt to balance costs of services with anticipated revenues; and

iv. Promote other goals of population balance, contiguous development, and prevention of costs due to leap frog development.

(b) **City Council**

The Council shall hear an annexation request in a public hearing pursuant to Section 11-03-03.4.

(7) **Step 7: Decision**

The Council shall render a decision in a public hearing pursuant to Section 11-03-03.4 and this Section. The implementation of a decision to annex shall conclude with the passage of an ordinance of annexation.

(8) **Step 8: Modification**

Not applicable.

(9) **Step 9: Appeal**

(a) The general provisions of Section 11-03-03.49 are not applicable.

(b) In accordance with Idaho Code 67-6526(d), a renegotiation may be initiated by the Boise Council or the Board of Ada County Commissioners.

(10) **Step 10: Term of Approval**

An annexation approval does not lapse.

16. **COMPREHENSIVE PLAN AMENDMENT**

A. **Purpose and Applicability**

The Council may amend the Comprehensive Plan pursuant to this Section in order to address changed conditions, to implement changes in public policy, or to advance the general welfare.

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**Figure 11-03.16 Comprehensive Plan Amendment**

- 1. Pre-Application Conference
- 2. Neighborhood Meeting
- 3. Application Submittal
- 4. Notice
- 5. Application Processing
- 6. Public Hearing
- 7. Decision
- 8. Modification
- 9. Appeal
- 10. Term of Approval

**KEY**

- Step is applicable
- Step is not applicable
- Step is optional
- Hearing

*Figure illustrates typical procedure. Exceptions may apply as noted in the text.*
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Section 11-03-04: Specific Procedures
Subsection 16: Comprehensive Plan Amendment

B. Procedures

Figure 11-03.16 shows the procedural steps in the review of applications for a comprehensive plan amendment. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated in this Section. The PZC may recommend amendments to the Land Use Map component of the Comprehensive Plan not more frequently than every six months. Amendments to the text of the plan may be recommended by the PZC at any time.

1) Step 1: Pre-Application Conference
   Required for area specific map amendments.

2) Step 2: Neighborhood Meeting
   Required for area specific map amendments.

3) Step 3: Application Submittal
   Required. The Director shall establish deadlines for comprehensive plan amendment applications.

4) Step 4: Notice
   Required for area specific map amendments.

5) Step 5: Application Processing
   Required. Criteria as follows:
   (a) The Director shall prepare a report indicating whether the proposed amendment is consistent with the other elements of the Comprehensive Plan; the predicted effect of the proposed development on the future growth of the city and the existing goals, objectives, and policies of the Comprehensive Plan; and listing any revisions to this Code that would be needed to implement the proposed amendment.
   (b) No amendment to the Comprehensive Plan may be recommended by the PZC or approved by the Council unless such amendment is consistent with the other elements of the Comprehensive Plan and the Comprehensive Plan Land Use Map, or where the other components of the plan are changed to create internal consistency.

6) Step 6: Public Hearing(s)
   (a) The PZC shall hear each application and prepare a recommendation to the Council.
   (b) The Council shall render a final decision.

7) Step 7: Decision
   The Council may approve a Comprehensive Plan amendment based on the following criteria:
   (a) Is required for the public convenience or necessity, or for the general welfare of the community;
   (b) Is necessary to address changes in conditions within the community that have occurred since the Boise City Comprehensive Plan was adopted or is necessary to correct one or more goal, objective, or policy that exist in the plan;
   (c) Is in compliance with and will further the goals, objectives, and policies of the Boise City Comprehensive Plan;
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Subsection 17: Hillside Development Permits

(d) Will not create inconsistencies between the goals, objectives, and policies within or between any chapter of the Boise City Comprehensive Plan; and

(e) Will not place an undue burden on transportation or other public facilities in the planning area, and does not adversely impact the delivery of services by any political subdivision providing services.

A comprehensive plan amendment shall become effective when enacted by resolution by the Council.

(8) **Step 8: Modification**
Not applicable.

(9) **Step 9: Appeal**
A decision of the Council is final.

(10) **Step 10: Term of Approval**
A comprehensive plan amendment approval does not lapse.

17. **HILLSIDE DEVELOPMENT PERMITS**

   A. **Purpose and Applicability**
   To ensure development of sloped land occurs in a manner consistent with Comprehensive Plan goals and objectives. Applies to any development proposal for properties when any topographical slope exceeds fifteen percent or where adverse conditions associated with slope stability, expansion soils, high water table and springs, erosion or sedimentation are present as determined by the Director or City Engineer.
B. Procedures

Figure 11-03.17 shows the procedural steps in the review of applications:

1. **Step 1: Pre-Application Conference**
   - Not required.

2. **Step 2: Neighborhood Meeting**
   - Not required.

3. **Step 3: Application Submittal**
   - Required except for Category I.

4. **Step 4: Notice**
   - Required.
   - (a) Category I - no notice required.
   - (b) Category II - approval notice mailed to owners within a minimum of 300’ radius.
   - (c) Category III - public hearing notice shall be sent in compliance with Section 11-03-03.4.

5. **Step 5: Application Processing**
   - (a) Category I is processed as part of building permit application.
   - (b) For Category II and III the Director shall refer the application to other agencies and prepare a report pursuant to Section 11-03-03.4 for Category III applications.
   - (c) Category III – a public work session shall be held approximately 33 days after acceptance of application.

6. **Step 6: Public Hearing(s)**
   - Category III - a public hearing is required pursuant to Section 11-03-03.4.

7. **Step 7: Decision**
   - The PZC may approve a Hillside development based on the following criteria:
   - (a) The proposed development is in compliance with the technical requirements of Section 11-07-08 including those related to grading, drainage, hazardous areas, revegetation, preservation of outstanding and unique features; and
   - (b) The proposed development, if it complies with all conditions imposed, will not adversely affect other property in the vicinity; and
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Subsection 18: Floodplain Permits

(c) The land itself is capable of the volume and type of development proposed as determined by geological, hydrological and soils engineering analysis; and

(d) The project does not create a potential hazard of flooding, soil instability, fire, erosion, etc.

(e) The proposal complies with all requirements of the Zoning Ordinance for foothills gulches including the requirements of Section 11-07-08 and the Floodway and Floodplain Ordinance.

(8) Step 8: Modification
Applicable.

(9) Step 9: Appeal
As per 11-03-03.4.

(10) Step 10: Term of Approval
A hillside approval shall lapse after 36 months.

18. FLOODPLAIN PERMITS

A. Purpose and Applicability
To promote public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas.

B. Procedures
Figure 11-03.16 shows the procedural steps in the review of applications.

(1) Step 1: Pre-Application Conference
Required for variance to floodplain application only.

(2) Step 2: Neighborhood Meeting
Required for variance to floodplain application only.

(3) Set 3: Application Submittal
Required.

(4) Step 4: Notice
Required per Section 11-03-03.4 for variances.

(5) Step 5: Application Processing
Must be processed concurrently with other development applications.

(a) Any request for an allowed or permitted use or structure within the floodplain, shall be reviewed and acted upon by the Director.

(b) For variance requests the application is referred to other agencies and report prepared pursuant to Section 11-03-03.4.

Figure 11-03.16
Floodplain Permit

1. Pre-Application Conference
2. Neighborhood Meeting
3. Application Submittal
4. Notice
5. Application Processing
6. Public Hearing
7. Decision Director
8. Modification
9. Appeal
10. Term of Approval

KEY

- Step is applicable
- Step is not applicable
- Step is optional
- Public Hearing

Figure illustrates typical procedure. Exceptions may apply as noted in the text.
(6) **Step 6: Public Hearing**
Required for variance request only. Heard by PZC.

(7) **Step 7: Decision**
Per Chapter 11-08 Flood Hazard Regulations.

(8) **Step 8: Modification**
Not applicable.

(9) **Step 9: Appeal**
Appeal of applications is per Section 11-03-03.4.

(10) **Step 10: Term of Approval**
Approval shall lapse after 24 months.

### 19. RIVER SYSTEM PERMITS

#### A. Purpose and Applicability
To protect public health, safety and general welfare and implement the Comprehensive Plan and the Boise River Plan. The regulations of this District shall apply to all lands and waters and all aquatic, wetland, riparian and upland environments within the jurisdiction of Boise City that lie:

1. Within the 100-year Floodplain boundaries adjacent to the Boise River, or
2. Within the Setback Lands and Waters (Section 11-05-06.1.E), or
3. Within Class A, Class B and Class C areas covered by Section 11-05-06.1.E.

#### B. Procedures
Figure 11-03.19 shows the procedural steps for this application.

1. **Step 1: Pre-Application Conference**
Not Required.

2. **Step 2: Neighborhood Meeting**
Not Required unless application determined to be complex by Director.

3. **Step 3: Application Submittal**
(a) Required.
(b) **Conceptual Applications may be submitted as follows:**
   i. A concept approval request must be accompanied by an entitlement application for the intended use. A concept approval is a statement by the City of Boise that a general development plan including the
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Subsection 19: River System Permits

general arrangement of uses, open spaces, location of streets and other infrastructure, etc. is acceptable.

ii. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of preparing detailed plans and studies until after the concept approval.

iii. Applications shall include at least the following:
A. Location of floodway and floodplain boundaries,
B. The 6500 cfs flow line,
C. Greenbelt (70'), eagle habitat (200') setbacks and delineation of all setback lands and waters
D. Visible wetlands and surface features.
E. Each phase of a concept approval requires a detailed Boise River System permit.

(4) Step 4: Notice
Property owners and residents on both sides of the river or channel 500' upstream and 1000' downstream shall be noticed in accordance with the agency referrals and timelines set forth in Section 11-03-03.4.

(5) Step 5: Application Processing
(a) Parks Board review is required when it is adjacent to or includes the Greenbelt setback lands and waters.
(b) Extended review may be required.
(c) Concurrent review of related applications is required.

(6) Step 6: Public Hearing
Public hearing is required pursuant to Section 11-03-03.4 unless decision made by Director.

(7) Step 7: Decision
(a) Decision authority rests with the PZC except the Director may approve applications that:
   i. Do not affect more than 100 lineal feet of river bottom or bank, nor more than one-half acre of Class A or B lands; and,
   ii. Do not materially alter, fully restores, or enhances the existing surface and groundwater hydrology, soils, plan and animal communities and habitats present within or adjacent to the project; and,
   iii. Provide for the maintenance of storm water detention/sedimentation basins and stabilization structures.
(b) Approval Criteria
   i. The proposed development is in compliance with the applicable Standards for Uses in Class A, B or C lands and waters.
   ii. The proposed development complies with all the policies and standards of the Boise Comprehensive Plan, the Boise River Plan, the Floodplain Ordinance and the Boise River System Ordinance.
iii. The proposed development includes measures designed to insure that natural resources functions and values are preserved or enhanced and maintained.

iv. The proposed development complies with or shall comply with all local, State and Federal laws and regulations.

(8) **Step 8: Modification**
Applicable.

(9) **Step 9: Appeal**
Applicable pursuant to Section 11-03-03.4.

(10) **Step 10: Term of Approval**
Approval shall lapse after 24 months unless otherwise conditioned.

20. **CERTIFICATE OF APPROPRIATENESS**

A. **Certificate of Appropriateness Required for Alteration, Demolitions or Relocations, Changes in Zoning Classification or Changes in Use in Historic Districts or Historic Districts-Residential**

(1) **Alterations in Historic Districts**

(a) **General Rule**

i. After the designation by ordinance of an historic district, no exterior feature, as defined within this chapter, of any building, site, structure or object (including, but not limited to, walls, pavement or other appurtenant features), nor above ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within such district until after an application for a Certificate of Appropriateness has been submitted and approved by the Commission. A certificate will be required whether or not a Building Permit is required, and a Certificate of Appropriateness must be granted in all cases before an applicant can obtain any other permit.

ii. Confirmation of Classification - As part of the application process for a Certificate of Appropriateness, the Planning Staff shall confirm the contributing or non-contributing classification of the property based on the criteria set forth in the definitions of Section 11-012-04. In the event that the property’s level of significance may have changed since the last survey, staff shall prepare a report stating why the property should be reclassified and provide a copy to the applicant. A change in classification shall be subject to approval in accordance with Section 11-05-09.7 by vote of the Commission prior to considering the applicant’s request for a Certificate of Appropriateness.

iv. The Commission may delegate to the Planning Director review of Certificates of Appropriateness that are listed as “staff level” under the Certificate of Appropriateness Matrix adopted by the Historic Preservation Commission and are in compliance with the design guidelines on file in the Planning and Development Services Department.

(b) **Exceptions**

No Certificate of Appropriateness is required for the following items:
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Subsection 20: Certificate of Appropriateness

1. Interior arrangement of any building or structure.

2. Temporary structures and features that do not remain in existence for a time period greater than a total of 45 days in any consecutive 12 month period.

3. A site or building improvement that does not require a certificate in the Certificate of Appropriateness Matrix as adopted by resolution by the Historic Preservation Commission and on file in the Planning and Development Services Department.

(2) Demolition or Relocation in Historic Districts or Historic Districts-Residential

After the designation by ordinance of an historic district, or historic district - residential, no building, site, structure or object which is a part of such district shall be demolished or moved until after an application for a Certificate of Appropriateness relating to the demolition or moving of such building, site, structure or object has been submitted to and approved by the Commission. A certificate will be required whether or not a Building Permit is required and a Certificate of Appropriateness must be granted in all cases before an applicant can obtain any other permit required for the demolition or moving of any building, site, structure or object which is part of an historic district or historic district - residential.

(3) Change in Zoning Classification or Change in Use in Historic Districts or Historic Districts-Residential

Any change in zoning classification or change in use that requires a Conditional Use Permit or Administrative Review as set forth in Chapter 11-04, Zoning Districts or a Record of Survey as required by Section 11-03-04.5 within a designated Historic District or Historic District - Residential shall first require approval of a Certificate of Appropriateness.

B. Procedures

Figure 11-03.20 shows the review procedure. The common procedures of Section 11-03-03.4 shall apply, with modifications as indicated in this Section.

1. Step 1: Pre-Application Conference

Required. For applications that will be heard by the Historic Preservation Commission, the applicant is required to do the following prior to submittal of the application: Not more than 6 months, nor less than one day prior to submittal of the application, hold a pre-application staff conference(s) with the Planning Director and invited referral agencies. The staff must complete a pre-application conference verification form provided by the Director during the conference, have the applicant sign it, obtain the Director’s signature, and the applicant shall submit it with the application.

2. Step 2: Neighborhood Meeting

Not required.

3. Step 3: Application Submittal

(a) General Rule

Required. An application for a Certificate of Appropriateness shall be submitted by the owner of the property, or by a representative of such person, on a form designated by the Commission and containing such information as required by the Commission.
(b) Demolition or Relocation
Required. For any application seeking Demolition or Relocation the applicant shall provide the following:

i. A written statement as to why the building, site, structure or object should be demolished.

ii. Photographs of the building, site, structure or object to be demolished, as well as of adjacent properties.

iii. If the applicant wished to be considered for 11-03-04.20.B.7(b)iii.A.4 under Section Error! Reference source not found. under Section Error! Reference source not found. Demolitions or Relocations – Findings they shall provide the following additional information:

A. Two written reports, prepared by licensed design professionals appropriate to the nature of the project, at least one of which shall be disinterested, stating the structural soundness of the building or structure proposed for demolition and suitability for reuse.

B. An analysis of the cost to rehabilitate existing structure plus construct the additional square footage and other goals of the application. These costs shall be completed to the cost of demolishing any existing structures and the equivalent new construction by a licensed design professional appropriate to the nature of the project.

(4) Step 4: Notice

(a) Commission Action
Required.

(b) Staff Level Action
Required. Within 2 calendar days of the decision, the Planning Director shall notify, in writing, the applicant, property owners and residents adjacent to the parcel (including those properties across a street, alley, canal or other right-of-way) and the registered neighborhood association informing them of the action taken and their right to appeal. Notification shall be deemed complete on the date notice is provided to the U.S. Postal Service.

(5) Step 5: Application Processing
Required.
(6) **Step 6: Public Hearing(s)**

Required. Prior to approval or denial of a Certificate of Appropriateness, the Commission shall schedule a public hearing and 14 calendar days prior to the hearing, notice shall be mailed to the applicant, to the property owners and residents within 300 feet of the exterior boundary of the parcel under consideration and to the registered neighborhood association.

(7) **Step 7: Decision**

(a) **Action by the Commission**

The Commission shall make every effort to act on an application in accordance with the applicable findings cited in Section 11-03-04.20.B.7(b) within six weeks (42 days) based upon published cut-off and hearing dates. An application shall be deemed to have been approved and a favorable Certificate of Appropriateness shall be issued by the Commission unless one of the following occurs on or before the 42nd day if;

i. A hearing cannot be held due to lack of a quorum;

ii. If the Commission makes a specific finding at the public hearing that there is good cause to continue the application. Good cause includes, but is not limited to, lateness of the hour, or a determination by the Commission that the submitted materials are incomplete to make a well informed decision on the application.

iii. Approvals - If the Commission determines the proposed request is appropriate, it shall approve such application with its reasons for the decision and any applicable Conditions of Approval and shall issue to the applicant a Certificate of Appropriateness.

iv. Denials - If the Commission determines that a Certificate of Appropriateness should not be issued, it shall place upon its records the reason for such determination and shall notify the applicant in writing of its reasons and recommendations, if any, as to what actions could be taken in order to obtain a certificate.
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(b) Findings for Granting a Certificate of Appropriateness

The Commission shall review each application with the findings outlined below as pertain to the request for a Certificate of Appropriateness. The Commission may attach Conditions of Approval to the application to insure compliance with the findings. Modifications to the applications may be submitted and will be considered at a staff level. In reviewing the modification the Planning Director will utilize the original findings under which the application was reviewed to ensure the project still complies with the requirements for a Certificate of Appropriateness.

i. General Findings

The Commission shall find that the design of the project is consistent with the following plans and guidelines that apply to the property:

A. 1993 Downtown Boise Plan;
B. Urban Renewal Plans, including, but not limited to:
   2) Westside Downtown Urban Renewal Plan.
C. Design Guidelines for Residential Historic Districts;
D. Boise City Historic Preservation Plan (dated July 1979);
E. The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings (The Secretary of the Interior’s Standards);
F. A Field Guide to American Houses by Virginia & Lee McAlester;
G. American Vernacular Design 1870-1940 An Illustrated Glossary by Herbert Gottfried and Jan Jennings; and
H. Design Guidelines for Commercial Historic Districts with the Secretary of the Interior’s Standards for Historic Preservation August 2009.

ii. Alterations - Findings

The Commission’s decision in regard to Certificates of Appropriateness for alterations, as described in Section 11-03-04.20.A(1), shall be based on the following findings as applicable to that property:

A. That the request is consistent with the Design Guidelines for Boise City’s Historic Districts;
B. That the request is consistent with the Boise City Design Guidelines for Residential Historic Districts;
C. That the request is consistent with The Secretary of the Interior’s Standards for Rehabilitation, or other standards as applicable (preservation, restoration or reconstruction);
D. That the request supports the goals, objectives and policies of the Boise City Comprehensive Plan and the plans referenced therein;
E. That based on the adopted design guidelines the request will not be incongruous with the historical, architectural, archeological, educational or cultural aspects of the district; and
F. That the request complies with the dimensional standards and other applicable requirements of Title XI (Zoning Ordinance) including, but not limited to, setbacks, height restrictions and parking requirements unless the Commission finds that modifying those standards is necessary to protect the overall characteristics of the district and to comply with the adopted design guidelines.
iii. Demolitions or Relocations - Findings

A. Approval by Commission

In order for the Commission to approve a demolition or relocation request at least 3 out of the following findings must be met:

1) That the building, site, structure or object is not classified as contributing within the district as stated on the survey form on file in the Planning and Development Services Department.

2) That the building, site, structure or object cannot reasonably meet National, State or Local criteria for designation as an historic property.

3) That demolition of the building, site, structure or object would not have an adverse impact on the character of the district and/or the adjacent properties.

4) That the owner has reasonably demonstrated that rehabilitation of the building, site, structure or object would not be economically practical, realistic or viable based on review of the information required in Section 11-03-04.20.B.3(b)iii shall to be provided by the applicant at the time the request for a Certificate of Appropriateness is submitted.

5) That plans have been submitted to redevelop the property if the demolition proceeds and such plans will have a positive effect on the district and/or adjacent properties. The size, scale, use, materials and/or overall design of the project may be considered as qualities for producing a positive effect.

B. Approval by Staff

In some instances a Certificate of Appropriateness for demolition of a structure may be granted at a staff level if the following findings can be made:

1) The Commission has granted a partial demolition, has approved the replacement structure and the plans for the replacement structure remain the same; and

2) The Building Official deems in writing that a full demolition is necessary for life safety and there are no other cost effective alternatives.

iv. Change in Zoning Classification or Change in Use - Findings

The Commission’s decision in regard to Certificates of Appropriateness for a change in zoning classification or a change in use as described in 11-03-04.20.A(3) above shall be based on the following findings:

A. That the request supports the Boise City Comprehensive Plan goals, objectives and policies contained within Chapter 5/Parks, Recreation and Cultural Resources, and the applicable neighborhood plans; and

B. That the request will be congruous with the historical, architectural, archeological, educational or cultural significance of the district.
v. **“HD” Overlay Zone - Findings**

For projects within an “HD” overlay zone, the following objectives and findings, in addition to those cited under Section 11-03-04.20.B.7(b), shall be considered where applicable to the proposal:

A. **Objective - Site Design**

The application shall be reviewed by the Commission to determine compatibility and impact both on and adjacent to the site as it relates to access, parking lot design, landscaping, grading and storm drainage, and other development of the site. To accomplish said objective, the Commission shall coordinate design input and requirements from other agencies. The decision of the Commission with regards to site design shall be based upon the following findings as they relate to historic preservation:

1) **Finding 1: Traffic Impact, Pedestrian and Bicyclist Provisions**

That the site design minimizes impact of traffic on adjacent streets and that the pedestrian and bicyclist have been provided for by requiring sidewalks, landscaping and safe parking lot design as appropriate.

   Considerations Relative to Finding 1:
   - The impact and effect of the site development plan on traffic conditions on contiguous streets and adjoining properties or neighborhoods.
   - The layout of the site with respect to separation or integration of vehicular, pedestrian and bicycle traffic patterns.
   - The design of off-street parking facilities as they relate to access points, building location and total site development to prevent traffic conflict or congestion.
   - The location, arrangement and dimensions of truck loading ramps, docks and bays and vehicle service facilities.
   - The coordination of the site development with planned right-of-way alignments, acquisitions and street improvements.

2) **Finding 2: Landscaping**

That the proposed landscaping enhances the historic district and neighborhood with attributes that include, but are not limited to, protection of desirable existing trees, provision of street trees and adequate screening methods where needed to buffer adjacent uses and unsightly areas or features.

   Considerations Relative to Finding 2:
   - The location, height and materials of walls, fences, hedges and screening plantings to insure harmony with adjacent developments.
• The planting of street trees and the unnecessary destruction of existing trees and landscape features.
• The provision of plantings or other screening methods reasonably required to conceal outdoor storage areas, trash receptacles, exposed machinery installation, service areas, truck loading areas, utility buildings and installations and similar accessory areas or other unsightly developments.

3) Finding 3: On-site Grading and Drainage
That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control as required by the Boise City Public Works Department, Ada County Highway District and/or other jurisdictional agency.

4) Finding 4: Utility Service Systems
That utility service systems and equipment do not detract from the building design or adjacent buildings, and the size and location of all service systems are appropriate and maintainable.

Considerations Relative to Finding 4:
• Electrical and telephone service systems shall be installed underground unless deemed appropriate due to location or existing conditions.
• The location, design and screening of transformers and mechanical and electrical equipment does not detract from the design of the building or adjacent properties;

B. Objective - Structure Design
The design of all proposed buildings shall be reviewed in accordance with the Design Guidelines for Boise City’s Historic Districts and/or Boise City Design Guidelines for Residential Historic Districts, as well as the following findings:

1) Finding 1: Building Mass
The mass of the building shall be reviewed for its relationship to other buildings within the historic district and area, and with the use proposed by the applicant.

2) Finding 2: Proportion of Building Facades
The height to width relationship shall be compatible and consistent with the predominant architectural character of the historic district.

3) Finding 3: Shadow Relief/Design Interest
The exterior of the building shall provide shadow relief and design interest compatible with the architectural character of the area.

4) **Finding 4: Relationship of Exterior Materials**
   The appropriateness of materials and colors (paint colors are not reviewed for single-family residential structures) shall be reviewed as they relate to building mass, shadow relief and compatibility with other buildings within the historic district and area.

5) **Finding 5: Multiple-family Buildings**
   Multiple-family building (any building containing more than 2 residential units) must be designed to include features which add to the visual and aesthetic appearance of the structure and help prevent a sterile, box-like appearance. Such features may include the use of brick or stone, roof or facade modulation, planter boxes, bay windows, balconies, porches, etc. The commission must make a finding that specific design features have been added to enhance the physical appearance of such multiple-family residential structures.

6) **Finding 6: Commercial/Industrial Buildings Adjacent to Residential Uses**
   That the building is designed to minimize impacts on adjoining (including across a street or alley) residential uses and/or residential zones.

   **Considerations Relevant to Finding 6:**
   - Overhead doors for service and/or repair activities and loading activities are located at the side of the building most opposite to any residential neighborhood/ dwelling or residential zone, unless it can be demonstrated that there are no other viable options and there will be mitigation through use of walls, berms, landscaping, etc.
   - Building walls that face residential uses or zones provide visual interest through use of a variety of materials/compatible colors, fenestration (wall openings), roof line variations, wall modulation and/or other architectural method that will minimize blank walls.
   - Wall lights facing any residential use or zone are shielded to prevent glare or light fall on the adjacent property. The Commission may require a reduction in height of the lights on the building, or footcandles, if it is determined that the proposed lights will have a negative impact on the adjoining properties.
Mechanical equipment on the roof, or adjacent to the building, shall be located in areas that are furthest away from residential uses or zones, unless it can be demonstrated that there will not be visual and/or noise impacts on the adjacent properties due to screen walls, equipment design or other factors.

C. Objective - Adopted Plans and Design Guidelines
The Commission shall find that the design of the project is consistent with the plans and guidelines listed in Section 11-03-04.20.B.7(b)i.

(c) Action by Planning Director
Within 14 calendar days after receipt of an application, the Planning Director shall investigate the request and shall either approve, modify or deny such application.

(8) Step 8: Modification
Not applicable.

(9) Step 9: Appeal
(a) Appeal of Commission Level Decisions
Any applicant or party of record aggrieved by a determination of the Commission may appeal to the City Council within 10 calendar days of the decision in accordance with Chapter 11-03, Review and Decision Procedures. The decision is deemed to have been made on the date that the Commission adopts written findings of fact and conclusions of law. An appeal from the Council may be taken to a court of competent jurisdiction.

(b) Appeal of Staff Level Decisions
A decision of the Planning Director may be appealed to the Commission within 10 calendar days from the date the notice is mailed in accordance with Chapter 11-03, Review and Decision Procedures. The applicant may request a waiver of the 10 day appeal period for staff level approvals if the request is made in writing and accompanied by the signatures of all adjacent property owners and residents and a representative of the registered neighborhood association indicating that they do not object to the waiver request. The Planning Director shall review all pertinent information and issue a decision on the request.

(10) Step 10: Term of Approval
The term of approval for a Certificate of Appropriateness shall be two years. The Commission may grant up to two 2-year extensions. Certificates of Appropriateness are automatically extended when an associated conditional use is extended.
CHAPTER 11-04: ZONING DISTRICTS

11-04-01. GENERAL PROVISIONS
This chapter establishes the zoning districts and contains district purpose statements and district-specific regulations. Chapter 11-05, Overlay and Specific Plan Districts, contains the purpose statements and district regulations for overlay districts. Chapter 11-06, Use Standards, and Chapter 11-07, Development and Design Standards, identify the uses allowed within the districts and the dimensional standards applying to development in the districts.

1. ZONING DISTRICTS ESTABLISHED
The incorporated area of the Boise City is divided into the zoning districts shown in Table 11-04.1.

A. Zoning Districts Table

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

B. Relationship of Base Zoning Districts and Overlay Districts
Where a property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations of the base district. In the event of a conflict between the two, the standards for the overlay district shall control.

2. ZONING MAP
The zoning districts are shown on the Official Zoning Map. Procedures for amending the Zoning Map are in Section 11-03-04.3, Rezone. The Zoning Map, together with all notations, references, and other information shown thereon, and all amendments thereto, is a part of this Code and shall have the same force and effect as if said map or maps was fully set forth and described herein.
CHAPTER 11-04: Zoning Districts
Section 11-04-01: General Provisions
Subsection 3: General Standards

A. Boundaries Generally
The boundaries of zoning districts are delineated upon the Official Zoning Map.

B. Rules for Interpretation of Boundaries
Wherever any uncertainty exists as to the boundary of a district, the following rules shall apply:

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

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

C. Original Map and Copies
The map will be maintained and copies will be obtained through Boise City Planning and Development Services Department.

3. GENERAL STANDARDS

A. Height Exceptions, Generally
Exceptions to height limits for structures and appurtenances in this Code not otherwise modified in this Section may be authorized by a conditional use permit decided by the PZC.

B. Air Terminal Height Restrictions
In addition to the provisions of this Code, the height of structures may be further restricted by Title XII, Air Terminal Regulations, of the Boise City Code.

C. Setbacks Measurement

1. Setbacks are measured from the property line unless otherwise indicated in a specific zone. When based on the street type consult the most recently adopted ACHD Functional Classification Map. When setbacks are required by building story, the setback is measured to each individual story as follows:

![Diagram of setback measurement]

Figure 11-04.1: Setback

2. When a building setback line is delineated on any plat, the setback shown on the plat shall govern.
CHAPTER 11-04: Zoning Districts
Section 11-04-02: Open Land Districts
Subsection 4: Permitted Uses in Any Yard

4. PERMITTED USES IN ANY YARD

A. Into Any Yard

The following shall be permitted to encroach in any yard as indicated:

   1. Cornices, canopies, eaves, or other projections that do not increase the volume of space enclosed by the building and do not project into any required yard more than two feet; provided that an unroofed stair and landing together with a railing may project not more than three feet into a front yard or six feet into a rear yard.

   2. Chimney, not more than eight feet in width, projecting not more than two feet.

   3. Flagpoles, antennas, and other tall structures shall conform to the height limit allowed within the zone unless approved in accordance with the provisions of Section 11-04-01.3.

   4. Window wells projecting no more than three feet.

B. Into Rear Yards

The following shall be permitted to encroach in rear yards: An unroofed balcony that does not project more than four feet into such yard. Support structures for balconies shall be located outside required yards.

11-04-02. OPEN LAND DISTRICTS

1. GENERAL PURPOSE OF ALL OPEN LAND DISTRICTS

To provide for uses such as parks; schools; dedicated open spaces; protected environmental sites such as wetlands and riparian areas; hazardous areas such as floodways, steep slopes, landslides, and airport approach areas; low-density residential development; and agriculture.

2. OPEN LAND VERY LOW DENSITY (A-1) DISTRICT

To provide for low density residential use and land uses requiring larger land areas for development such as parks, schools, golf courses, agriculture, rural residential neighborhoods.

3. OPEN LAND RESERVE (A-2) DISTRICT

A. Purpose

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

   1. Set aside lands for open space uses, including floodways, riparian areas, steep slopes, and flood control facilities;

   2. Enhance and preserve the character of parks and other publicly owned properties;

   3. Encourage agricultural and grazing uses;

   4. Serve as a low intensity use zone.
4. **DIMENSIONAL STANDARDS FOR OPEN LAND DISTRICTS**

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>A-1</th>
<th>A-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area, Minimum (square feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lots</td>
<td>1 Acre</td>
<td>40 Acres</td>
</tr>
<tr>
<td>Corner Lots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Lot Width, Minimum (feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lots</td>
<td>50</td>
<td>100</td>
</tr>
<tr>
<td>Corner Lots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Frontage, Minimum (feet)</td>
<td>30</td>
<td>100</td>
</tr>
<tr>
<td>Density, Maximum (units/acre)</td>
<td>1</td>
<td>1 unit/ 40 acres</td>
</tr>
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<td>Open Space per Unit, Maximum</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Building Height, Maximum (feet)</td>
<td></td>
<td>45, 35*</td>
</tr>
<tr>
<td>Setbacks, Minimum (feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard / Side Yard, Street</td>
<td>20*</td>
<td>40*</td>
</tr>
<tr>
<td>Side Yard, Interior</td>
<td>10*</td>
<td>20*</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>30*</td>
<td>60*</td>
</tr>
</tbody>
</table>

**NOTES:** * Applies when the property abuts a residential use or district.

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**11-04-03. RESIDENTIAL DISTRICTS**

1. **GENERAL PURPOSES OF RESIDENTIAL DISTRICTS**

   A. **Single Family Residential (R-1A, R-1B, and R-1C) Districts**

      To provide a range and variety of districts for predominantly single-family residential uses within the urban community. Land may be classified to these respective classifications for location, topographic, or other reasonable purposes, and to guide the physical growth and stability of the city.

   B. **Residential Town Lot (R-1M) District**

      To provide a flexible residential zone which allows the creation of narrow lots that can be developed in blocks for urban row houses or combined into wider lots for single family detached housing.

   C. **Residential Medium Density (R-2) District**

      To provide for attached housing development in moderate densities integrated within neighborhoods.

   D. **Residential Multiple-Family (R-3) District**

      To provide for higher density residential development in close proximity to retail, employment, transit and other concentrated uses.
2. **DIMENSIONAL STANDARDS FOR RESIDENTIAL DISTRICTS**

Table 11-04.3 Dimensional Standards for Residential Districts

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R-1A</th>
<th>R-1B</th>
<th>R-1C</th>
<th>R-2</th>
<th>R-3</th>
<th>R-1M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area, Minimum (square feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lots</td>
<td>20,000</td>
<td>9,000</td>
<td></td>
<td>5,000</td>
<td></td>
<td>2,160</td>
</tr>
<tr>
<td>Corner Lots</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Lot Width, Minimum (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>Interior Lots</td>
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<td>75</td>
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<td>50</td>
<td>18</td>
<td>36</td>
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<td>Corner Lots</td>
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<tr>
<td>Average Lot Width, Minimum (feet)</td>
<td></td>
<td></td>
<td></td>
<td>70</td>
<td>28</td>
<td>46</td>
</tr>
<tr>
<td>Street Frontage, Minimum (feet)</td>
<td></td>
<td></td>
<td>30</td>
<td>18</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Density, Maximum (units/acre)</td>
<td>2.1</td>
<td>4.8</td>
<td>8.0</td>
<td>14.5</td>
<td>43.5</td>
<td>17</td>
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<tr>
<td>Open Space per Unit, Maximum</td>
<td></td>
<td></td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height, Maximum (feet)</td>
<td></td>
<td></td>
<td>35</td>
<td>45</td>
<td>35</td>
<td></td>
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<tr>
<td>Setbacks, Minimum (feet)</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard / Side Yard, Street</td>
<td></td>
<td></td>
<td>20</td>
<td></td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Side Yard, Interior*</td>
<td>10</td>
<td>5</td>
<td>1 story: 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2 stories: 10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3+ stories: 15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>30</td>
<td>15</td>
<td>1-2 stories: 15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3+ stories: 20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>With alley: 5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Without alley 15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The interior side setback shall be at least half the building height but no more than 15 feet for a principal building other than a single family or duplex dwelling.

3. **EXCEPTIONS TO SETBACK STANDARDS**

A. **Exceptions in the Residential Zoning Districts**

(1) Except in the R-1M zoning district, a single-family or duplex residence may have a 15-foot front and street side setback, for living space and side entry garages. Provided that the distance along the inside edge of the driveway is no less than 20 feet. This exception does not apply if setbacks have been approved through a planned unit development or delineated on the subdivision plat.
(2) For corner lots, either street may be designated as the front yard. Once chosen, the front, street-side, rear, and interior-side yard designations may not be changed. Building design shall match the designated yards.

4. DIMENSIONAL STANDARDS FOR PARKING IN R-1M DISTRICT

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>R-1M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20</td>
</tr>
<tr>
<td>Side Yard Street</td>
<td>20</td>
</tr>
<tr>
<td>Side Yard Interior</td>
<td>Attached: 5 for end units; Detached: 5</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>5</td>
</tr>
<tr>
<td>Any yard adjacent to interstate or connector</td>
<td>20</td>
</tr>
</tbody>
</table>

5. FINDINGS FOR CONDITIONAL USES IN THE A-1 AND A-2 DISTRICTS

A. 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.

B. The proposed use is consistent with the applicable open space requirements and allowances in Section 0 Foothills Planned Development Standards.

C. 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.
6. **R-1M DISTRICT PARKING STANDARDS**

A. Each attached unit must have one and one-half parking spaces, one of which must be covered. The required covered parking must be located at the rear of the property and be accessed by an alley. Other parking must be located at least ten feet behind the front facade of the units.

B. Each detached unit must have two parking spaces with at least one space covered. Parking shall be located either at the rear of the lot and be accessed from an alley, or must be located at least ten feet behind the front facade of the home and be accessed by a driveway that, for the portion in front of the home, is no more than 12 feet wide.

C. Tandem parking may be permitted.

---

**11-04-04. OFFICE DISTRICTS**

1. **GENERAL PURPOSE OF OFFICE DISTRICTS**

A. **Residential Office (R-O) District**

   (1) Provide a buffer between high-intensity commercial areas and higher density residential areas or institutional and government uses;

   (2) Facilitate mixed-use development in areas identified for mixed-use in the Comprehensive Plan, the Downtown Boise Plan, and the River Street-Myrtle Street Urban Design Plan; and

   (3) Provide for higher density residential and office uses with an emphasis on high quality urban design and pedestrian orientation.

B. **Standards**

   (1) Certain conditional uses in the R-O district as indicated in the use table in Chapter 11-06, Use Regulations, may only be approved as part of a larger mixed-use project of principally allowed uses such as office or residential and shall not exceed 30 percent of the gross floor area of the mixed-use project within which they are included.

   (2) The conditional uses may be included within a principally permitted use building or as a separate building within a multi-building, mixed-use project. The conditional use may not be occupied until an equal amount of floor area of the principally allowed uses have been constructed to the core or shell stage and are available for tenant finish.

   (3) Conditional use applications shall not be accepted in the R-O districts for stand-alone commercial uses, except for a grocery use. Flexible development standards and the application of design review principles are intended to be used in this district to stress residential and mixed-use design principles.

C. **Setback Exceptions**

   The following special setback encroachment provisions apply in the R-O zoning district.

   (1) Detached accessory structures may occupy a required rear yard setback area, provided five-foot side yard setback is provided on one side of the lot. In the case of a corner lot, a detached accessory structure shall meet both street side yard setback and clear vision triangle.
(2) For the encroachments set forth in Table 11-04-5, the following rules apply.

<table>
<thead>
<tr>
<th>Feature</th>
<th>Coverage</th>
<th>Standard/Setback</th>
<th>Encroachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modulated Façade (see (a) below)</td>
<td>Front, Street, or Interior Side Yard</td>
<td>50%</td>
<td>80%</td>
</tr>
<tr>
<td>Decks, Patios, or Similar Types of Features Located Above the Ground Floor</td>
<td>Front or Street Side Yard</td>
<td>100%</td>
<td>50%</td>
</tr>
</tbody>
</table>

(a) For a modulated façade, encroachment into and coverage of a required setback shall be allowed for façade (wall of building) modulation, provided the maximum façade length without wall modulation does not exceed 20 feet and a minimum wall modulation depth of three feet is provided within that length.

(b) “Encroachment Coverage” means the maximum percentage of land area within the permitted setback encroachment(s) that may be covered by structure.

(c) Modification of setback or height requirements, except those meeting the standards of this Section, shall require a conditional use permit.

D. Neighborhood Office (N-O) District

To allow office uses serving nearby neighborhoods in buildings and on sites that are small relative to office developments in other zoning districts. The zone also provides for residential development.

E. Standards

Development shall be of a scale and character similar to nearby residential development to promote compatibility.

F. Limited Office (L-O) District

(1) Purpose

The Limited Office (L-O) District is intended to accommodate office space in locations that are served by primary access, but that are inappropriate for commercial development because of proximity to residential uses. The zone also provides for residential development.

(2) Standards

Office uses permitted in the L-O District shall be located and designed so as to be compatible with adjacent residential uses.
### 2. DIMENSIONAL STANDARDS FOR OFFICE DISTRICTS

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>R-O</th>
<th>N-O</th>
<th>L-O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area, Minimum (square feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>2,500</td>
<td>3,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Non-Residential</td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per Dwelling Unit</td>
<td>500</td>
<td>None</td>
<td>1,000</td>
</tr>
<tr>
<td>Average Lot Width, Minimum (feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lots</td>
<td>25 for residential; 50 for non-residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Lots</td>
<td>50</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Frontage, Minimum (feet)</td>
<td>25</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Density, Maximum (units/acre)</td>
<td>87.1</td>
<td>14.5</td>
<td>43.5</td>
</tr>
<tr>
<td>Building Height, Maximum (feet)</td>
<td>65; 45 when adjacent to R-1A, R-1B, R-1C, R-1M and SP-01 zones or any existing single family home.</td>
<td>35</td>
<td>45</td>
</tr>
<tr>
<td>Setbacks, Minimum (feet)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard/ Side Yard, Street</td>
<td>10; 20 if fronting a principal or arterial street</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Side Yard, Interior</td>
<td>15 (total combined width)</td>
<td>5; 10*</td>
<td>1 story: 5 2 stories: 10 3+ stories: 15</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks Maximum</td>
<td>Front Yard/ Side Yard, Street</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: *Applies when the property abuts a residential district.

### 3. DIMENSIONAL STANDARDS FOR PARKING IN OFFICE DISTRICTS

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>N-O</th>
<th>L-O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Side Yard Street</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Side Yard Interior</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 or 2-Story</td>
<td>5</td>
<td>10*</td>
</tr>
<tr>
<td>&gt;2-Story</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Any yard adjacent to interstate or connector</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: *Applies when the property abuts a residential district.
CHAPTER 11-04: Zoning Districts
Section 11-04-05: Commercial Districts
Subsection 4: R-O Zoning District Parking Standards

4. R-O ZONING DISTRICT PARKING STANDARDS

A. Open-air parking areas (including access driveways) shall be allowed within interior side yards provided that a minimum five foot wide landscaped area is maintained along the side property line. The street side yard setback area shall be landscaped to screen such parking areas.

B. If a lot’s rear property line fronts on a public alleyway, open-air parking shall be allowed up to the interior side lot line for a depth of not more than twenty-four feet as measured from the rear lot line.

C. Shared parking shall be authorized by the Director upon application for review subject to meeting required findings as specified in Section 11-07-03.3.D.

11-04-05. COMMERCIAL DISTRICTS

1. GENERAL PURPOSE OF COMMERCIAL DISTRICTS

A. Neighborhood Commercial (C-1) District

To provide for commercial uses of a small scale in or near residential neighborhoods. The emphasis of the district is on uses which will provide services for nearby residential areas, and other uses which are compatible with residential uses, and having relatively little impact. The zone is intended for sites that are small relative to sites in other commercial districts. Neighborhood commercial developments should be limited to sites of 10 acres or less, and are more typically located on sites of 5 or fewer acres. The zone also provides for residential development.

B. Neighborhood Commercial (C-1) Standards

(1) All allowed primary and accessory uses in the C-1 district shall be conducted entirely within enclosed buildings, except the following: Automobile service station, automobile sales lot, parking lot, required loading and parking space, drive-in bank service, signs, and landscaping.

(2) No use shall be permitted as accessory to a listed use that involves or requires the production of goods that are not clearly intended for retail sale or use on the premises.

(3) Neighborhood commercial developments should be limited to sites of ten acres or less, and are more typically located on sites of five or fewer acres.

(4) Shopping center site design shall provide for pedestrian access between building entrances and adjacent residential uses unless pedestrian access is blocked by existing walls, fences, or the configuration of existing residential lots, or where pedestrian access creates a nuisance or significantly compromises public safety.

(5) Site design shall include pedestrian paths or crosswalks between buildings on the site. Where applicable, pad buildings shall be linked to anchor buildings with functional pathways of a size to accommodate landscaping, characteristics of the principal use of the site, and car bumper overhang.

(6) Site design shall include pedestrian paths or crosswalks, or a combination, linking one or more building entrances to the street or streets.
Landscaping adjacent to buildings, parking areas, and sidewalks shall provide for adequate visual surveillance and safety of pedestrian access ways.

C. **General Commercial (C-2) District**
To provide a district for community and regional commercial and retail uses. The zone also provides for residential development.

D. **Service Commercial (C-3) District**
To provide for commercial activities of a service nature that are more intensive and that may be semi-industrial in character, but do not require an industrial location. The zone also provides for residential development.

E. **Planned Commercial (C-4) District**
To promote imaginative, innovative, and comprehensively planned commercial developments, medium- to high-density residential projects in mixed-use or predominantly commercial areas are encouraged. The zone also provides for residential development.

F. **Planned Commercial (C-4) Standard**
Nearly all uses within the C-4 Planned Commercial zone require approval of a planned development conditional use application by the PZC. The submittal of conditional use applications as planned developments is necessary to promote integrated site planning and to minimize access points. To accomplish the purpose of the C-4 District, the highest standards of architecture, landscaping, and site planning are encouraged.

G. **Central Business (C-5) District**
To address the needs of the city's central business district and to provide for activities conducive to a compact and concentrated urban downtown mixed-use center.

H. **Central Business (C-5) Standards**

1. **Classification, Contiguous Locations**
Lands may be classified C-5 where contiguous to existing C-5 designated lands. All applications to establish C-5 zoning of noncontiguous parcels shall be accompanied by a development agreement application. Land that is not contiguous to the C-5 district but located in an urban renewal district may be classified as C-5 but shall be subject to the generally applicable approval criteria for a conditional use permit as well as for a development agreement. Uses shall be subject to the standards of Section 11-07-06.3.

2. **Classification, Non-Contiguous Locations**
Land that is not contiguous to existing C-5 zoning may be classified C-5 for the purpose of encouraging the development of urban housing in downtown Boise urban renewal districts. Land being considered for C-5 zoning under this section shall be subject to the following requirements and standards.

   a. The parcel(s) is located in either the Central Downtown, River Myrtle-Old Boise, Westside Downtown, or 30th Street urban renewal district.

   b. The parcel(s) is in an area of the urban renewal district in which the proposed use(s) is supported by the applicable urban renewal plan and the Boise City Comprehensive Plan.

   c. Unless initiated by the City, applications to reclassify zoning districts subject to this section shall be accompanied by a development agreement and development plans. Standards for compatibility, land uses, height, bulk, setbacks, and other elements shall be as directed by the applicable urban renewal plan and shall be incorporated into the development agreement.
(d) Uses shall be subject to the standards of Section 11-07-06.3, containing district specific development standards for the C-5 zone, with the following exceptions:

i. Residential uses shall be permitted on the ground floor.

ii. The design of the ground floor shall incorporate pedestrian-friendly elements but design is not limited to that which will accommodate the retail and other uses listed in Section 11-07-06.3.B.

iii. Floor area ratio bonus provision in Section 11-07-06.3.D shall not apply.

(Ord-14-14, Amended, 4/2/14)

2. **DIMENSIONAL STANDARDS FOR BUILDINGS IN COMMERCIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Table 11-04.8 Setbacks (in feet) for Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dimensional Standard</strong></td>
</tr>
<tr>
<td><strong>Lot Area, Minimum (square feet)</strong></td>
</tr>
<tr>
<td>Residential Uses, Interior Lot</td>
</tr>
<tr>
<td>Residential Uses, Corner Lot</td>
</tr>
<tr>
<td>Per Dwelling Unit</td>
</tr>
<tr>
<td>Non-residential Use, Any Lot</td>
</tr>
<tr>
<td><strong>Average Lot Width, Minimum (feet)</strong></td>
</tr>
<tr>
<td>Residential Uses, Interior Lot</td>
</tr>
<tr>
<td>Residential Uses, Corner Lot</td>
</tr>
<tr>
<td>Non-residential Uses, Interior Lot</td>
</tr>
<tr>
<td>Non-residential Uses, Corner Lot</td>
</tr>
<tr>
<td><strong>Street Frontage, Minimum (feet)</strong></td>
</tr>
<tr>
<td><strong>Floor Area Ratio, Maximum</strong></td>
</tr>
<tr>
<td>Residential Uses</td>
</tr>
<tr>
<td>Non-residential Uses</td>
</tr>
<tr>
<td><strong>Lot Coverage, Buildings/Total, Maximum (percent)</strong></td>
</tr>
<tr>
<td><strong>Building Height, Maximum (feet)</strong></td>
</tr>
<tr>
<td><strong>Setbacks, Minimum (feet)</strong></td>
</tr>
<tr>
<td>Front Yard</td>
</tr>
<tr>
<td>Side Yard, Street</td>
</tr>
<tr>
<td>Rear Yard or Side Yard, Interior</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**NOTES:** * Setback when the property abuts a residential use or district.
3. **DIMENSIONAL STANDARDS FOR PARKING IN COMMERCIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>C-1</th>
<th>C-2</th>
<th>C-4</th>
<th>C-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Side Yard Street</td>
<td>10</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard or Side Yard Interior</td>
<td>5, 10*</td>
<td>10'; 15*</td>
<td>5; 10*</td>
<td></td>
</tr>
<tr>
<td>Any yard adjacent to interstate or connector</td>
<td>10</td>
<td>20</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: * Setback when the property abuts a residential use or district.

11-04-06. **INDUSTRIAL DISTRICTS**

1. **GENERAL PURPOSE OF INDUSTRIAL DISTRICTS**

   A. **Light Industrial (M-1) District**
      To provide locations for light industrial uses that may be appropriate near commercial or residential development.

   B. **Heavy Industrial (M-2) District**
      To provide locations for industrial activity including uses that for reasons of health, safety, or general welfare are not permitted in the M-1 District. M-2 lands should be separated from commercial or residential development and M-2 uses should not create hazardous conditions.

   C. **Technological-Industrial (T-1) District**
      To provide for well-designed technological-industrial parks that can accommodate light industrial, technological, professional office and similar uses. These parks may be adjacent to residential districts if they are located on an arterial street and are not materially detrimental to the health, safety and welfare of nearby residents.

   D. **Technological-Manufacturing (T-2) District**
      To provide for manufacturing and technological facilities that may have a greater impact on the surrounding area than industries allowed in the T-1 District. T-2 lands should be served by major transportation facilities and be buffered from adjacent residential areas.

   E. **Standards for T-1 and T-2 Uses**
      1. Operation must be free of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter, water-carried waste or other emissions.
      2. All uses shall have direct access to an arterial street, which may be through the interior street network of the park. Access onto local streets is prohibited.
      3. The DRC must find compatibility with surrounding uses through appropriate site design, building construction, landscaping, etc.
F. Approval Criteria for Rezoning to T-2

(1) The rezone is consistent with the Boise City Comprehensive Plan; and
(2) The proposed “internal” and “external” boundaries are in keeping with the purpose of the T-2 Zone as stated in subsection 11-04-06.1.F; and
(3) The rezone will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; and
(4) The subject property fronts on a major highway or arterial street; and
(5) The subject property is adequate in size and shape to accommodate development features prescribed in this Code and to integrate the property with uses in the surrounding area.

G. Standards for T-2

(1) Design Review

(a) To mitigate potential negative impacts on adjacent development, a concept map differentiating "peripheral" and "internal" development areas is required as part of an application to rezone to T-2. Areas approved as "peripheral" shall be subject to the design review process outlined in Section 11-03-04.12, Design Review.

(b) Because these developments are usually large enough to create an inner character compatible with surrounding uses, areas approved as "internal" shall be exempt from the design review process, unless otherwise required by this Section.

(c) Buildings taller than 45 feet in an area designated “internal” are subject to Design Review. The Director may waive this requirement where it can be demonstrated that the visual impacts associated with such buildings are mitigated to a level of insignificance due to the proximity of surrounding buildings or structures.

(2) Landscape Master Plan

(a) These provisions are intended to create a flexible procedure for the utilization of both traditional and alternative landscape materials (xeric, native and hardscape) in “peripheral” areas. The landscape master plan shall provide the DRC with a clear understanding of landscaping themes, location, size /scale, and function. The Director may waive the requirement for additional detailed landscape plans where future development proposals are found to be in compliance with an approved landscape master plan.

(b) Approval Criteria

To approve a landscape master plan, the DRC shall make the following findings:
2. **DIMENSIONAL STANDARDS FOR INDUSTRIAL DISTRICTS**

<table>
<thead>
<tr>
<th>Table 11-04.10 Dimensional Standards for Industrial Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dimensional Standard</strong></td>
</tr>
<tr>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Lot Area, Minimum</strong></td>
</tr>
<tr>
<td>(square feet)</td>
</tr>
<tr>
<td>Residential Uses, Interior Lot</td>
</tr>
<tr>
<td>Residential Uses, Corner Lot</td>
</tr>
<tr>
<td>Per Dwelling Unit</td>
</tr>
<tr>
<td>Non-residential Use, Any Lot</td>
</tr>
<tr>
<td><strong>Average Lot Width, Minimum</strong></td>
</tr>
<tr>
<td>(feet)</td>
</tr>
<tr>
<td>Residential Uses, Interior Lot</td>
</tr>
<tr>
<td>Residential Uses, Corner Lot</td>
</tr>
<tr>
<td>Non-residential Uses, Interior Lot</td>
</tr>
<tr>
<td>Non-residential Uses, Corner Lot</td>
</tr>
<tr>
<td><strong>Street Frontage, Minimum</strong></td>
</tr>
<tr>
<td>(feet)</td>
</tr>
<tr>
<td>Residential Uses</td>
</tr>
<tr>
<td>Non-residential Uses</td>
</tr>
<tr>
<td><strong>Lot Coverage, Buildings/Total, Maximum (percent)</strong></td>
</tr>
<tr>
<td><strong>Building Height, Maximum (feet)</strong></td>
</tr>
<tr>
<td><strong>Setbacks, Minimum</strong></td>
</tr>
<tr>
<td>(feet)</td>
</tr>
<tr>
<td>Front Yard</td>
</tr>
<tr>
<td>Side Yard, Street</td>
</tr>
<tr>
<td>Rear Yard or Side Yard, Interior</td>
</tr>
<tr>
<td>1 Story</td>
</tr>
<tr>
<td>2 Stories</td>
</tr>
<tr>
<td>3+ Stories</td>
</tr>
</tbody>
</table>

**NOTES:**
* Setback when the property abuts or is across the street from a residential use or district.
** Setback when property has street frontage on a Gateway Street as defined in this Code.
*** Controlled by a 45 degree angle of bulk plan from all exterior property lines up to the maximum height of 150 feet.
3. DIMENSIONAL STANDARDS FOR PARKING IN INDUSTRIAL DISTRICTS

<table>
<thead>
<tr>
<th>Dimensional Standards</th>
<th>M-1</th>
<th>M-2</th>
<th>T-1</th>
<th>T-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard</td>
<td>7:20*</td>
<td>7:20*</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Side Yard Street</td>
<td>7</td>
<td>7</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Yard Interior</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>0:15*</td>
<td>0:15*</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Any yard adjacent to interstate or connector</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

NOTES: * Setback when the property abuts a residential use or district.

11-04.07. SPECIAL PURPOSE DISTRICTS

1. HEALTH SERVICES (HS) DISTRICT

To provide for health and medical related uses near major medical institutions. Limited office and multiple-family residential uses may be allowed that have similar low intensity land use characteristics and that provide support services to the health and medical uses.

2. PEDESTRIAN COMMERCIAL (PC) DISTRICT

A. Purpose

The purpose of the Pedestrian Commercial (PC) district is to provide for pedestrian-friendly retail, office, and mixed-use developments in a pedestrian-friendly environment. The district regulations are designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter along arterials and collectors, while fostering pedestrian-oriented design. Buildings in the PC District must be located and designed to relate to the street with a pedestrian scale. The PC District may also be used to demonstrate compliance with Boise City Comprehensive Plan policies when a commercial use is requested but the parcel has not been designated on the Land Use Map for Commercial Use, or as a means of permitting mid-block commercial development that meets the goals of the Boise City Comprehensive Plan. Residential uses are encouraged in conjunction with commercial uses in this district.

B. Additional Development Standards

Additional standards may be found in Section 11-07.06.2.E(2)(d).

3. UNIVERSITY (U) DISTRICT

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

A. Specific Standards

1. All uses permitted in the U District shall be directly associated with the operation and maintenance of the University and shall serve primarily the students, faculty, employees, and alumni of the University, or shall be intended to support and facilitate public attendance of educational, arts, sport, or cultural events and offerings of the University.
In reviewing all A* and C applications in the U district, the Director will require additional parking for all new buildings and all building expansions according to the standards within Section 11-07-03, Off-street Parking and Loading Standards; or, if no specific standard is listed, at a ratio of one parking space per 250 square feet of gross floor area. Fire access to existing and new buildings must be shown on all A* and C application site plans submitted to the Director. A letter from the Idaho State Fire Marshal verifying compliance of the building plans with state requirements regarding fire safety shall be submitted to the Director prior to construction.
### 4. DIMENSIONAL STANDARDS FOR SPECIAL PURPOSE DISTRICTS

#### Table 11-04.12 Dimensional Standards for Special Purpose Districts

<table>
<thead>
<tr>
<th>Dimensional Standard</th>
<th>HS</th>
<th>U</th>
<th>PC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area, Minimum (square feet)</td>
<td>Residential: 6,000 Interior Lots; 7,000 Corner Lots</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Non-Residential: None</td>
<td>-</td>
<td>1000</td>
</tr>
<tr>
<td></td>
<td>Per Dwelling Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average Lot Width, Minimum (feet)</td>
<td>Interior Lots: 60</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Corner Lots: 70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Frontage, Minimum (feet)</td>
<td>30</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Density, Maximum (units/acre)</td>
<td>43.5</td>
<td>-</td>
<td>43.5</td>
</tr>
<tr>
<td>Building Height, Maximum (feet)</td>
<td>78</td>
<td>75; 45 if less than 50 feet from BSU campus boundary</td>
<td>35; 50 on arterial with four lanes and 80 feet of right of way</td>
</tr>
<tr>
<td>Setbacks, Minimum (feet)</td>
<td>Front Yard/ Side Yard, Street: 20</td>
<td>15; 20 if fronting on arterial street</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Side Yard, Interior: 1 story: 5 2 stories: 10 3+ stories: 15</td>
<td>20 from BSU campus boundary</td>
<td>0; 10*</td>
</tr>
<tr>
<td></td>
<td>Rear Yard: 15 for buildings up to 35 ft. in height; 0 on a public alley; 30 for buildings greater than 35 ft. in height</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setbacks Maximum</td>
<td>Front Yard/ Side Yard, Street: N/A</td>
<td>N/A</td>
<td>30 on an arteril; 22 on a collector or local street; 0 on an alley</td>
</tr>
</tbody>
</table>

**NOTES:** * Applies when the property abuts a residential use or district.
### 5. DIMENSIONAL STANDARDS FOR PARKING IN SPECIAL PURPOSE DISTRICTS

<table>
<thead>
<tr>
<th>Zoning district(s)</th>
<th>HS</th>
<th>PC</th>
<th>U</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>7</td>
<td>N/A</td>
<td>10 from any right-of-way; except 0 on an alley.</td>
</tr>
<tr>
<td>Side Yard Street</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Side Yard Interior</td>
<td>1 or 2-Story</td>
<td>5; 10*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt;2-Story</td>
<td>5 for covered parking accessed from an alley or when the rear of the lot abuts another parking area of at least 30 ft. in depth.</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>5</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Any yard adjacent to interstate or connector</td>
<td>10</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 11-05: OVERLAY AND SPECIFIC PLAN DISTRICTS

11-05-01. GENERAL PROVISIONS

1. OVERLAY AND SPECIFIC PLAN DISTRICTS

All lands shall be assigned a base zoning district established in Chapter 11-04. In addition, some lands may be designated one or more overlay district. Where a property is assigned an overlay district, both sets of regulations apply, with those of overlay controlling in case of conflict between the two. An overlay district may apply additional requirements or allow exceptions to the standard regulations of the base zone.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation Overlay Districts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hyde Park Conservation District</td>
</tr>
<tr>
<td></td>
<td>Near North End Conservation District</td>
</tr>
<tr>
<td>Design Overlay Districts</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Design Review Overlay District</td>
</tr>
<tr>
<td>HD</td>
<td>Historic Design Review Overlay District</td>
</tr>
<tr>
<td>DD</td>
<td>Downtown Design Review Overlay District</td>
</tr>
<tr>
<td>C</td>
<td>Capitol Boulevard Special Design District</td>
</tr>
<tr>
<td>EF</td>
<td>East Fairview Overlay District</td>
</tr>
<tr>
<td>Neighborhood Overlay Districts</td>
<td></td>
</tr>
<tr>
<td>BSN</td>
<td>Big Sky Neighborhood District</td>
</tr>
<tr>
<td>S</td>
<td>Sycamore Neighborhood District</td>
</tr>
<tr>
<td>Parking Reduction Overlay Districts</td>
<td></td>
</tr>
<tr>
<td>P-1</td>
<td>Central Downtown Parking District</td>
</tr>
<tr>
<td>P-2</td>
<td>River-Myrtle Parking District</td>
</tr>
<tr>
<td>P-3</td>
<td>South Downtown Parking District</td>
</tr>
<tr>
<td>Waterways Overlay Districts</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Boise River System Overlay District</td>
</tr>
<tr>
<td></td>
<td>Flood Protection Overlay District</td>
</tr>
<tr>
<td>Specific Plan Districts</td>
<td></td>
</tr>
<tr>
<td>SP-1</td>
<td>Harris Ranch Specific Plan District</td>
</tr>
<tr>
<td>SP-2</td>
<td>Barber Valley Specific Plan District</td>
</tr>
</tbody>
</table>

11-05-02. CONSERVATION OVERLAY DISTRICTS

1. GENERALLY

A. Purpose

To preserve the character of selected neighborhoods and to protect unique areas of the city from inappropriate development. A conservation overlay district is usually applied to residential neighborhoods with certain identifiable attributes embodied in architecture, use, urban design, geography, or history. A conservation district can be used to protect neighborhoods from changes that would otherwise be allowed by the underlying zoning.
B. Designation of Conservation Districts

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

1. Has a distinctive character with identifiable attributes embodied in architecture, use, urban design, or history that make it a unique and integral part of the city’s identity; or

2. Has a recognized neighborhood identity and a definable physical character that may have a high artistic value or a relationship to urban centers or historic districts and that makes the area’s conservation significant to the city’s history or function.

C. Establishment of Conservation District

1. Conservation district provisions may apply additional requirements or allow exceptions to the standard regulations of the base zone.

2. Prior to adoption of a conservation district ordinance in a district that may be of historic significance as determined by the Director, the HPC shall have the opportunity to review and comment on the proposed ordinance.

3. Prior to recommending an area for designation as a conservation district, the PZC shall:
   a. Conduct any necessary studies, research, or investigations; and
   b. Assess neighborhood and landowner support; and
   c. Prepare a report containing recommendations.

4. See Section 11-03-04.3, Rezone for procedures to establish a district.

2. HYDE PARK CONSERVATION DISTRICT

A. Purpose

To maintain the historical commercial district as a functioning community asset and maintain a mix of commercial, office and residential uses. The district encourages land uses that are determined to be key to the district’s long-term health and sustainability. The district regulations are intended to protect the historical and architectural character of Hyde Park and establish parking standards for this area. Parking requirements are on a graduated scale for certain uses to encourage street-level retail and restaurants as well as second story office uses. Shared parking is encouraged to reduce the need for surface parking.
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-02: Conservation Overlay Districts
Subsection 2: Hyde Park Conservation District

(1) Hyde Park Conservation District

B. Map and Boundaries

(1) Boundary Map

Figure 11-05.1: Boundary of Hyde Park Conservation District

C. Uses

The following are prohibited:

(1) Parking garages; and

(2) New off-site parking lots. On-site parking lots used as leasable off-site parking that existed prior to March 14, 2006 may continue to be used.

D. District Parking Standards

(1) Parking requirements shall follow Table 11-05.2, below.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Graduated Scale of Use/Unit of Measure</th>
<th>Required Parking Spaces (C-1CHP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESTAURANT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 - 40 seats</td>
<td>1 space/ 20 seats</td>
<td></td>
</tr>
<tr>
<td>41 - 80 seats**</td>
<td>1 space / 10 seats</td>
<td></td>
</tr>
<tr>
<td>Over 81 seats**</td>
<td>1 space / 2 seats</td>
<td></td>
</tr>
<tr>
<td>RETAIL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-750 square feet</td>
<td>1 space</td>
<td></td>
</tr>
<tr>
<td>751-2000 sq. ft.**</td>
<td>1 space / 300 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>Over 2001 sq. ft.**</td>
<td>1 space / 200 sq. ft.</td>
<td></td>
</tr>
<tr>
<td>OFFICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street level</td>
<td>100 sq. ft.</td>
<td>1 space</td>
</tr>
<tr>
<td>Upper floor</td>
<td>300 sq. ft.</td>
<td>1 space</td>
</tr>
</tbody>
</table>

**Parking requirements are cumulative.
(2) Outdoor or seasonal seating shall be counted as regular seating and is required
to meet all parking and zoning code requirements. Existing outside seating shall
be considered a legal non-conforming use as allotted in Table 11-05.3.

(3) The allotment of parking for each business is included in the appendices of this
Code.

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

(5) All off-site parking shall have a valid contract. This contract shall state:
(a) The location of the parking space(s),
(b) The contract is binding on all successors and run with the land,
(c) How the parking spaces are to be maintained and who is responsible,
(d) That the parking cannot be revoked without prior approval of the City, and must
show revocation for good cause, and
(e) Provide 60 day’s notice of termination to the City.
### Table 11-05.3 Hyde Park Conservation District Parking Space Allotment Chart

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Business</th>
<th>Leaseable square feet*</th>
<th>Number of seats, if applicable</th>
<th>Existing number of parking spaces</th>
<th>Parking Space Assignments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>13th Street</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1620</td>
<td>Stinker Gas Station</td>
<td>2880</td>
<td>none</td>
<td>5</td>
<td>1-5</td>
</tr>
<tr>
<td>1615</td>
<td>Fabricworks Int. Renovations</td>
<td>890</td>
<td>none</td>
<td>1</td>
<td>110</td>
</tr>
<tr>
<td>1612</td>
<td>Java Hyde Park (1330 Building Permit)</td>
<td>1148</td>
<td>10</td>
<td>2</td>
<td>6-7</td>
</tr>
<tr>
<td>1611</td>
<td>Blue Moon (1400 owner provided)</td>
<td>none</td>
<td>3</td>
<td></td>
<td>107-109</td>
</tr>
<tr>
<td>1609</td>
<td>Ten K Villages</td>
<td>1404</td>
<td>none</td>
<td>5</td>
<td>102-106</td>
</tr>
<tr>
<td>1607</td>
<td>Trip Taylor Bookseller</td>
<td>1252</td>
<td>none</td>
<td>2</td>
<td>100-101</td>
</tr>
<tr>
<td>1606</td>
<td>Parking lot</td>
<td>none</td>
<td>19 + 1HC</td>
<td></td>
<td>(8-27)</td>
</tr>
<tr>
<td>1605A</td>
<td>MSE Millennium</td>
<td>none</td>
<td>5</td>
<td></td>
<td>11-16</td>
</tr>
<tr>
<td>1605B</td>
<td>Casa Mexico</td>
<td>90</td>
<td>14</td>
<td>8-10 &amp; 17-27</td>
<td></td>
</tr>
<tr>
<td>1603</td>
<td>Forget Me Not</td>
<td>10,800</td>
<td>none</td>
<td>2</td>
<td>98-99</td>
</tr>
<tr>
<td>1602</td>
<td>Lucky 13</td>
<td>2730</td>
<td>190</td>
<td>7</td>
<td>28-34</td>
</tr>
<tr>
<td>1530</td>
<td>Taste</td>
<td>1640</td>
<td>25</td>
<td>(see Richards)</td>
<td>(see Richards)</td>
</tr>
<tr>
<td>1521</td>
<td>Idaho River Sports</td>
<td>8105</td>
<td>none</td>
<td>1</td>
<td>90</td>
</tr>
<tr>
<td>1520</td>
<td>Richards</td>
<td>2275</td>
<td>165</td>
<td>13 + 1HC</td>
<td>35-43 &amp; 48-52</td>
</tr>
<tr>
<td>1519</td>
<td>Vince’s Barber Shop</td>
<td>none</td>
<td>1</td>
<td></td>
<td>94</td>
</tr>
<tr>
<td>1517 ½</td>
<td>Big Bikes</td>
<td>none</td>
<td>1</td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>1517</td>
<td>Antique Store</td>
<td>none</td>
<td>1</td>
<td></td>
<td>92</td>
</tr>
<tr>
<td>1512</td>
<td>Parilla Grill</td>
<td>1400</td>
<td>76</td>
<td>7</td>
<td>44-47 &amp; 53-55</td>
</tr>
<tr>
<td>1513</td>
<td>The Gallery</td>
<td>3616</td>
<td>none</td>
<td>1</td>
<td>91</td>
</tr>
<tr>
<td>1510</td>
<td>House</td>
<td>2572</td>
<td>none</td>
<td>3</td>
<td>56-58</td>
</tr>
<tr>
<td>1509</td>
<td>Certified Rug</td>
<td>4224</td>
<td>none</td>
<td>6</td>
<td>84-89</td>
</tr>
<tr>
<td>1508</td>
<td>House</td>
<td>none</td>
<td>3</td>
<td></td>
<td>59-61</td>
</tr>
<tr>
<td>1507</td>
<td>Hyde Park Books</td>
<td>none</td>
<td>0</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>1502</td>
<td>Goody’s (2300 owner provided)</td>
<td>84</td>
<td>4</td>
<td></td>
<td>62-65</td>
</tr>
<tr>
<td>1501</td>
<td>Harry’s</td>
<td>108</td>
<td>19</td>
<td></td>
<td>66-83</td>
</tr>
<tr>
<td><strong>Eastman</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-02: Conservation Overlay Districts
Subsection 3: Near North End Conservation District

Table 11-05.3 Hyde Park Conservation District Parking Space Allotment Chart

<table>
<thead>
<tr>
<th>Address</th>
<th>Current Business</th>
<th>Leaseable square feet*</th>
<th>Number of seats, if applicable</th>
<th>Existing number of parking spaces</th>
<th>Parking Space Assignments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1304</td>
<td>Integrated Packaging Sys.</td>
<td>none</td>
<td>1</td>
<td>97</td>
<td></td>
</tr>
<tr>
<td>1306</td>
<td>Polar Design</td>
<td>2200 (owner provided)</td>
<td>none</td>
<td>2</td>
<td>95-96</td>
</tr>
<tr>
<td>1304</td>
<td>Antiques</td>
<td>none</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* per Ada County Assessor’s Office 2/21/05

3. NEAR NORTH END CONSERVATION DISTRICT

A. Purpose

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

(1) **Boundary Map**

![Boundary Map of Near North End Conservation District](image)

Figure 11-05.2: Boundary of Near North End Conservation District

(2) **Boundary Description**

The Near North End Conservation District Boundary is described as follows: Encompassing the area from the north side of W. Franklin Street, north to the south side of Fort Street and from the east side of 17th Street to the west side of 4th Street.

C. **Standards**

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

(1) **Parking Allowances for Adaptive Reuse in the L-O and R-3 Zone**

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

(a) Tandem parking in the rear yard, with alley access, is permitted.

(b) The use of shared parking agreements and parking joint use agreements will be encouraged.

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

Buildings that are adaptively reused pursuant to the provisions of this section may be expanded in size up to 50 percent as existed on August 21, 2001, provided:
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-03: Design Overlay Districts
Subsection 1: Capitol Boulevard Special Design (C) District

(a) The expanded portion is in keeping with the architecture of the existing building; and

(b) The site is large enough to accommodate the required number of off-street parking spaces without the granting of a variance for setbacks or landscape.

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

(4) Standards for parking structures and lots in the NNE overlay district:
(a) An off-site parking garage for a historical use may be allowed by conditional use permit provided that it is designed to blend with the predominant architectural theme of the surrounding area and that it includes a significant residential component.

(b) New off-site parking lots are prohibited, except on parcels demonstrated to have been vacant on or before August 21, 2001. This prohibition shall not preclude the use of existing on-site parking lots as “for rent” off-site parking.

(c) Where the base zoning district is R-3, on-site surface parking lots larger than 2,500 square feet are prohibited, unless incorporated within a new residential use or within and as part of the renovation, redevelopment, or expansion of a historic institutional use. As used in this paragraph the phrase, “incorporated within” shall mean located in an interior or rear yard of a development so that it is not visible from the public street.

11-05-03. DESIGN OVERLAY DISTRICTS

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

(1) Boundary Map

Figure 11-05.3: Boundary of Capital Boulevard Special Design District

(a) North of the Boise River to, and including, the State Capitol: Properties located wholly or partially within one block of Capitol Boulevard to the east and west, or 350 feet from the curb line of Capitol Boulevard where no streets exist;

(b) South of the Boise River to and including the Depot;

(c) East side of Capitol Boulevard: Properties located wholly or partially within 500 feet of the curb line of Capitol Boulevard, and as projected in a straight line south to the railroad tracks at the Depot; and

(d) West side of Capitol Boulevard: Properties located wholly or partially within the area west of Capitol Boulevard from the Boise River southeast along the centerline of Lusk Street, 1,275 feet, more or less, to the centerline of Sherwood Avenue, thence southwest along the centerline of Sherwood Avenue, 325 feet, more or less, to the centerline of LaPointe Street, thence Southeast 600 feet, more or less, to a point that is 500 feet from the curb line of Capitol Boulevard at the extension of the centerline of Yale Street, thence south along a line that is 500 feet from the curb line of Capitol Boulevard to the centerline of Crescent Rim Drive, thence southeast 198 feet, more or less, along the centerline of Crescent Rim Drive to the centerline of Eastover Terrace, thence south along the centerline of Eastover Terrace 368 feet, more or less, to the railroad tracks at the Depot.
B. **District Subareas**

The District is divided into four areas:

1. **Downtown Corridor**: Both sides of Capitol Boulevard from centerline of Front Street north to the centerline of State Street.
2. **Central Corridor**: Both sides of Capitol Boulevard from centerline of Front Street south to the Boise River.
3. **Entrance Corridor**: East side of Capitol Boulevard from the Boise River to the Depot.
4. **Exit Corridor**: West side of 9th Street and Capitol Boulevard from the Boise River south to the Depot.
5. **Subareas Boundary Map**

C. **Design Review Permit**

Design is required for the following:

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

D. Standards

1. Streetscape Requirements

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

(a) Applicability

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

i. Constructing a new building or parking lot;

ii. Constructing an addition greater than 30 percent of the original square footage of the building, provided the addition is greater than 2,500 square feet gross floor area; or

iii. Constructing a parking lot addition along Capitol Boulevard that is greater than 50 percent of an existing parking area.

(b) Standards

i. Downtown Corridor from Jefferson Street to Front Street

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

A. Brick streetscape shall remain along the west side of Capitol Boulevard from Bannock Street to Front Street.

B. Streetscape upgrades consistent with the “Urban Sidewalk – Brick” prototype in the Capitol Boulevard Streetscape Master Plan along the east side of Capitol Boulevard from Bannock Street to Front Street shall be considered at the time of application review.

C. Ten-foot wide detached sidewalk and nine-foot wide landscape strip adjacent to the street, with street trees, shrubs, and historic street lights along both sides of Capitol Boulevard from Bannock Street to Jefferson Street.

ii. Central Corridor Front Street to Fulton Street

A. Relocated curb to form a 52-foot wide road section measured curb to curb.

B. Sidewalks with brick dry-laid pavers.

C. Planters with street trees, shrubs, and low steel fencing, as shown in the Capitol Boulevard Streetscape Master Plan.

D. Furnishing zone with historic street lights as shown in the Capitol Boulevard Streetscape Master Plan.

E. Benches, litter receptacles, movable planters, bicycle racks, & newsstands as shown in the Capitol Boulevard Streetscape Master Plan.

F. Kiosks, public art, and transit stops may be considered.

iii. Central Corridor Fulton Street to the Boise River

A. Relocated curb to form a 52-foot wide road section (curb to curb).

B. Concrete sidewalks.
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-03: Design Overlay Districts
Subsection 1: Capitol Boulevard Special Design (C) District

iv. Entrance and Exit Corridors
   A. Concrete sidewalks.
   B. Landscape strips with lawn, shrubs, or street trees.
   C. A second row of deciduous trees.
   D. Historic street lights.
   E. Bus stop shelters at select locations.

(2) Building/Structure Setbacks
(a) Downtown Corridor
The setbacks of the underlying zone shall apply, except a 25-foot setback from the property line is required along Capitol Boulevard for any portion of a structure that is 45 feet or higher.

(b) Central Corridor
Minimum setbacks shall be as follows:
   i. 45 feet from the centerline of Capitol Boulevard for structures up to 45 feet in height.
   ii. 75 feet from the centerline of Capitol Boulevard for any portion of a structure that is higher than 45 feet.
   iii. Only approved awnings, canopies, or similar projections may encroach into the public right-of-way.

(c) Entrance and Exit Corridors
Minimum setbacks shall be as follows:
   i. 20 feet from the property line along Capitol Boulevard for structures less than 45 feet in height.
   ii. 35 feet from the property line along Capitol Boulevard for any portion of a structure that is higher than 45 feet.

(d) Required Improvements within Entrance and Exit Corridor Setback Areas
At-grade setback areas shall include landscaping, and one or more of the following:
   i. An extension of the streetscape, such as a pedestrian space or a plaza utilizing benches, pavers, and other design elements;
   ii. Sculptures, public art, or architectural design features;
   iii. Canopies and other external decorative features, provided they do not encroach more than 30 percent into the setback;
   iv. Sign(s); and
   v. Low decorative masonry walls of three feet or less (see also Section 11-07-06.2.E(2)(d) Landscaping, Fences, Walls, and Screening).

(3) Parking Lot Setbacks and Requirements
(a) New Structures/Lots
New detached structures and parking lots along Capitol Boulevard shall comply with the following:
i. **Downtown Corridor**
   Parking lots shall be located below or behind buildings facing Capitol Boulevard.

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

(b) **Parking Lot Screening**
    Parking lots shall be screened using one or more of the following, unless otherwise approved by the DRC.

i. Decorative masonry screen walls — that may include wrought iron fencing. The maximum length without modulation may not exceed 30 feet.

ii. Landscaping plantings that will provide year-round screening.

(4) **Building Design**
    Buildings shall be designed to the highest standards with consideration of the following:

(a) All building facade materials should be high quality to enhance the appearance of Capitol Boulevard. The same facade materials or other architecturally compatible facade materials should be used for all exposed building walls and other architectural features.

(b) Architectural style is not to be restricted, however the appearance of the building will be reviewed based on the use of materials and color, the quality of design, use of architectural details, and compatibility with the overall Boulevard development.

(c) Blank walls facing Capitol Boulevard are not allowed.

(d) Buildings located on corner sites that can be viewed from Capitol Boulevard should be given significance through the use of architectural elements, special materials, or height.

(e) Distinctive roof or other termination of the building facade.

(f) Windows, doors, eaves, and parapets should be proportional to one another.

(g) New buildings and any modifications to historic buildings shall comply with the "Design Guideline for Boise City’s Historic Commercial Districts" and the Secretary of the Interior Guidelines.

(h) Canopies and awnings at street level should not be illuminated and should be functional for purposes of pedestrian use.

(i) Mechanical equipment should be well screened from public right-of-way with materials that are harmonious to the building.

(j) Utilities shall be installed underground, except for transportation facilities.

(5) **Lighting**
    Low pedestrian/landscape lighting is encouraged and street lighting shall conform to the Capitol Boulevard Streetscape Master Plan.
(6) **Vehicular Access**
   (a) Curb cuts shall be limited to encourage pedestrian activity.
   (b) Access points shall be defined with landscaping or other decorative elements.

(7) **Restrictions along Capitol Boulevard**
   The following shall not front on to Capitol Boulevard:
   (a) Off-street service/loading areas;
   (b) Trash dumpsters;
   (c) Outdoor storage areas;
   (d) Fuel pumps; and
   (e) Drive-up windows.

(8) **Signage**
   Sign standards for the C District shall be as indicated in Chapter 11-010, Sign Standards. (ord-13-14, Amended, 4/2/2014)

2. **EAST FAIRVIEW INTERIM OVERLAY DISTRICT**

   **A. Purpose**
   The East Fairview (EF) Interim Overlay District is established to create unique pedestrian-oriented exterior setback and streetscape standards for selected parcels (see zoning map) within the East Fairview Corridor between 30th Street and 24th Street. This Interim Overlay District shall expire upon replacement with a permanent zoning district for the larger 30th street corridor.

   **B. Standards**
   Within the EF Interim Overlay District, the following standards shall override or supplement the applicable base standards of the C-4D zone (see Section 11-07.06.2.E(2)(d) for standards for the D and DD overlay districts, and Section 11-07.06.2.E(2)(d) for standards for the HD overlay district):

   (1) **Exterior Setbacks**
      (a) Building and Parking Setbacks from Fairview Avenue and Main Street: A minimum setback of 17 feet and a maximum setback of 25 feet from back of curb.
      (b) Building and Parking Setbacks from Numbered Streets: A minimum of 13-feet and a maximum of 17 feet from back of curb.

   (2) **Building Height**
      The maximum building height shall be 60 feet.

   (3) **Streetscapes**
      (a) Streetscape Standards on Fairview Avenue and Main Street: A minimum of 10 feet of continuous landscaping behind back of curb and a minimum of 7 feet of detached sidewalk between the landscaping and the building.
      (b) Streetscape Standards on Numbered Streets: A minimum of 6 feet of continuous landscaping behind back of curb and a minimum of 7 feet of detached sidewalk between the landscaping and the building. Alternatives to continuous landscaping may be approved by conditional use permit.
(4) Parking Area Requirements

(a) Parking lots shall not dominate the street frontage or interrupt pedestrian routes. All parking areas shall be located to the side or rear of the principle building. Parking lots should be located behind buildings or in the interior of the block whenever possible. Low walls contained with landscaping should screen parking areas from views from the street.

(b) Parking areas shall not abut street intersections or occupy lots which terminate a street vista. A street vista means the view, framed by buildings, as the termination of the axis of a thoroughfare.

(c) All sites, where feasible, shall provide two-way cross-access to adjacent parcels.

(d) Surface parking lots not associated with a principal use shall be prohibited.

(5) Building Design Requirements

All buildings shall provide a front entrance addressing the primary street frontage.

11-05-04. NEIGHBORHOOD OVERLAY DISTRICTS

1. BIG SKY NEIGHBORHOOD (BSN) OVERLAY DISTRICT

A. Purpose

To preserve the large lots and open character of the Big Sky Neighborhood; to retain the rural personality of this unique location; and to encourage agrarian uses through more flexible standards to maintain, protect, and enhance land use and livability.
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-04: Neighborhood Overlay Districts
Subsection 1: Big Sky Neighborhood (BSN) Overlay District

B. Map

(1) Boundary Map

C. Residential Standards

(1) Setbacks

(a) New residential buildings, additions to existing residential buildings, and detached outbuildings greater than 500 square feet or 15 feet in height shall be subject to the following setback standards:

i. Front setbacks as measured from the property line shall be 35 feet minimum, 85 feet maximum, and within five feet of the average setbacks of the adjacent properties.

ii. Side and rear setbacks shall be a minimum of 20 feet from the property line.

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

(2) Enclosed Garage

Dwelling units, including each unit of a duplex, shall have an enclosed garage with an interior dimension of at least 20 feet wide by 20 feet long.
CHAPTER 11-05: Overlay and Specific Plan Districts
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Subsection 1: Big Sky Neighborhood (BSN) Overlay District

(3) **Entrances to Residential Units**
Front doors of residential units shall face the street.

(4) **Two-Family Dwelling Standards**
Duplexes in the BSN overlay district shall be subject to the specific design criteria as per Section 11-06-03.1.B and agricultural and setback standards described in paragraph D, below.

**D. Livestock Standards**
The keeping of livestock and agricultural uses in the BSN overlay district shall be subject to the standards of Section 11-06-07.4.D, and the standards in this Section. Where the standards of this section conflict with 11-06-07.4.D, this Section shall control.

(1) **Allowed Uses**
The keeping of livestock, small animals, and similar or related agricultural uses are allowed in the BSN district subject to the regulations of this section.

(2) **Minimum Lot Area for Large Animals**
A minimum lot area of one-half acre is required for large animals as defined.

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

(4) **Minimum Lot Area and Location for Small Animals**
No minimum lot area is required for keeping small animals. All animal units and small animals shall be kept behind the front of the principal dwelling.

(5) **Animal Density Standards**
(a) The maximum animal density shall be two animal units per one-half acre of reserve area. Additional reserve areas must be added in one-half-acre increments to calculate the allowed number of animal units allowed on a particular parcel.

(b) The keeping of chickens in conjunction with the keeping of large animals is an exception to animal density standards. Up to six mature chickens may be kept simultaneously in addition to the large animals allowed per lot based on the density standard.

(6) **Definitions**
(a) Small animals include rabbits, poultry, geese, ducks, turkeys, domestic birds and game birds, excluding such birds as are caged and housed in the dwelling and other animals deemed as such by the Director and not raised for commercial purposes. FFA, 4-H and other student projects are not considered commercial purposes.

(b) Large animals include horses, mules, donkeys, llamas and cows.

(c) **One animal unit equals the following:**
   i. One each of horse, mule, donkey, llama or cow
   ii. Two mature sheep or goats
   iii. 12 mature chickens or ducks
iv. 6 mature geese or turkeys
v. 10 mature rabbits

(d) Concentrated feeding area is that part of a site in which animals are raised or kept in the reserve area. A concentrated feeding area may include any feeding or holding operation where animals are concentrated in an area that is:

i. Not normally used for pasture or growing crops in which animal waste may accumulate; or

ii. Any trough or similar feeding apparatus.

(7) Setbacks and Enclosures

(a) Concentrated feeding areas and buildings housing animals shall be located behind the front of the principal dwelling. Buildings for housing animals must also comply with the setback standards for the Big Sky Neighborhood Overlay.

(b) Livestock shall be kept within enclosures such that said livestock is prevented from encroaching on, and/or damaging, neighboring properties, fences or vegetation; or public streets. Enclosures may include fences, corrals, barns, pens, etc.

(8) Best Management Practices (BMPs)

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

(a) Fencing

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

(b) Filter Strips for Streams, Canals and Ditches

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

(c) Runoff Control System

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

(d) Liquid and Solid Waste Management System

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

i. Ensures fecal matter and other solid wastes do not create or promote nuisances, odors and disease-carrying insects and animals; and

ii. Does not degrade air, soil, or water resources
CHAPTER 11-05: Overlay and Specific Plan Districts
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Subsection 2: Sycamore Neighborhood (S) Overlay District

The appropriate system will typically include the frequent spreading of liquid and solid waste, composting of manures, and off-site disposal.

(e) Additional BMPs shall be required if those listed above are shown to be ineffective. If a resident does not properly maintain or utilized BMPs, then the resident shall immediately cease the keeping of animals as defined in this ordinance. The owner or resident can consult the following agencies for additional technical assistance:

i. Ada Soil Conservation District
ii. Natural Resources Conservation Service
iii. Idaho Soil Conversation Commission
iv. University of Idaho Extension Service
v. Boise City Public Works Department

2. Sycamore Neighborhood (S) Overlay District

A. Purpose
To preserve and encourage land use and development that is consistent with the semi-rural, agricultural character and lifestyle of the Sycamore neighborhood, while promoting the public health, safety, and general welfare of present and future residents of the neighborhood and Boise City.
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-04: Neighborhood Overlay Districts
Subsection 2: Sycamore Neighborhood (S) Overlay District

B. Map and Boundaries

(1) Boundary Map

![Map of Sycamore Neighborhood Overlay District](image)

Figure 11-05.5: Map of Sycamore Neighborhood Overlay District

C. Specific Standards

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

(2) Agricultural Standards
The keeping of livestock, small animals, and similar or related agricultural uses in the S overlay district shall be subject to the generally applicable use standard of Section 11-
06-07.4.D, and the standards in this Section. Where the standards of this section conflict with the generally applicable standards, this Section shall control.

(a) **Allowed Uses**

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

(b) **Minimum Lot Size**

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

(c) **Animal Reserve Area**

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

(d) **Area for Small Animals**

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

(e) **Animal Density Standards**

i. The maximum animal density for large animals shall be one animal unit per one-quarter acre of reserve area. The reserve area shall be used to calculate the allowed number of large animals allowed on a particular parcel. For reserve areas larger than one-quarter acre, the one animal unit: one-quarter acre ratio shall be applied to determine the allowed number of animals. Shared reserve areas on adjacent lots may be added to the owner’s reserve area to calculate the number of large animals allowed on the owner’s lot.

ii. The maximum animal density for small animals shall be one animal unit per one-quarter acre of land area behind the front of the principal dwelling. The area used for calculating the allowed number of small animals shall not include land occupied by any building not used for housing said animals. For areas of land different from one-quarter acre, the one animal unit: one-quarter acre ratio shall be applied to determine the allowed number of animals.

iii. The keeping of chickens in conjunction with the keeping of large animals is an exception to animal density standards. Up to six chickens may be kept simultaneously and in addition to the large animals allowed per lot based on the density standard.

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

(f) **Site Plan**

As deemed necessary, the Director may require the owner or resident to submit a site plan, subject to approval, for the purpose of determining the amount of land available on a particular site for the keeping of animals pursuant to the standards of this section.
Setbacks for Concentrated Feeding Areas, Buildings, and Pasture and Reserve Areas

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

District Perimeter Setback

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

Enclosures Required

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

Best Management Practices

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

i. Fencing

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

ii. Filter Strips for Streams, Canals, and Ditches

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

iii. Runoff Control System

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

iv. Liquid and Solid Waste Management System

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

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

v. **Additional BMPs**

Additional BMPs shall be required if those BMPs listed above are shown to be ineffective. The owner or resident can consult the following agencies for additional technical assistance: Ada Soil Conservation District Natural Resources Conservation Service (Home*A*Syst/Farm*A*Syst Program), Idaho Soil Conservation Commission, The University of Idaho Extension Service, and the Boise Public Works Department.

(k) **Periodic Assessment**

At three-year intervals the residents and property owners in the S District and the Director shall assess the impact and effectiveness of the standards of this section in protecting residents and owners of the district and those outside the district from unwanted impacts.

### 11-05-05. PARKING REDUCTION OVERLAY DISTRICTS

1. **GENERAL PURPOSE OF PARKING REDUCTION OVERLAY DISTRICTS**

   To accommodate the need for alternative off-street parking ratios in accordance with the special needs of the downtown area.

2. **MAP**

   ![Map of Parking Overlay Districts](image)
3. **P-1 PARKING DISTRICT STANDARDS**
   No off-street parking is required within the P-1 district, as indicated in Table 11-07.1, **Off-Street Parking Requirements**. This provision does not provide exemption from off-street loading requirements.

4. **P-2 PARKING DISTRICT STANDARDS**
   Parking requirements in the P-2 district are indicated in Table 11-07.1, **Off-Street Parking Requirements**.

5. **P-3 PARKING DISTRICT STANDARDS**
   Parking requirements in the P-3 district are indicated in Table 11-07.1, **Off-Street Parking Requirements**.

**11-05-06. WATERWAYS OVERLAY DISTRICTS**

1. **BOISE RIVER SYSTEM OVERLAY DISTRICTS**
   To ensure that development along the river is sensitive to fish and wildlife, the riparian area, recreation and flood protection.

   **A. Goals**

   (1) **Flood Protection**
   (a) To ensure protection from flooding.
   (b) To allow for conveyance the 100-year flood without property damage or loss of life.

   (2) **Fish and Wildlife**
   (a) To preserve, protect, and enhance the abundance and diversity of fish, wildlife and riparian resources.
   (b) To control runoff and pollution so as to protect water quality of the river and its tributaries.

   (3) **Recreation Amenities**
   (a) To protect the Boise River as a public asset to the city and a major amenity for its citizens.
   (b) To maintain the Boise River Greenbelt.

   (4) **Development Opportunities**
   (a) To ensure that development is designed to enhancement and protect rivers riparian, fish, wildlife and recreational values.
   (b) To provide and maintain continuous public access to and along the river including appropriate facilities for parking of bikes and motor vehicles.

   **B. Boise River System Management District Boundaries; Subdivision Plat Notes; Ordinances and Regulations to Comply With**

   (1) All subdivisions which include land that lies within the floodplain shall have the following note on the face of the plat: "This subdivision includes lands which are in the floodplain and are subject to the regulations of Chapter 11-08, Flood Hazard Regulations and 11-05-06.1, Boise River System Overlay Districts. The Planning Division should be consulted for details."

   (2) The following ordinances and regulations of uses within the district apply:
Table 11-05.4 Regulations and Uses

<table>
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<th>Land Classification</th>
<th>Floodplain Ordinance (Ch. 11-08)</th>
<th>Use Standards of Boise River Ordinance</th>
<th>Mitigation Section of Boise River Ordinance (11-05-06.1.I)</th>
<th>Enhancement Section of Boise River Ordinance (where appropriate) (11-05-06.1.J)</th>
<th>Boise River Development System Permit Required (11-03-04.19)</th>
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<td>Class C</td>
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</tbody>
</table>

C. Map and Boundaries

(1) Boundary Map

[Reserved]

(2) Districts

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

(a) Floodway and Floodway Fringe Overlay Districts

Lands within the 100-year floodplain boundaries adjacent to the Boise River, including lands designated within the Floodway (F) and Floodway Fringe (FF). These boundaries adjacent to the Boise River are determined by the FEMA Flood Boundary and Floodway Map. A copy of this map is available at the Development Services Department. The Director with recommendation from the City Engineer shall provide boundary interpretations where necessary.

(b) Alluvial Overlay District

Tributary and Foothill Gulch floodplains and associated alluvial fans (AO zones) standards are addressed in Chapter 11-08, Flood Hazard Regulations.

(3) Boundary Descriptions

(a) Floodway (F) District Boundary Description

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

(b) Flood Fringe (FF) District Boundary Description

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

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

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

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

(1) Class A, B, and C Lands and Waters Established

(a) Located in the Planning Division Office is a set of master maps delineating class A, B, and C lands and waters. The precise boundaries shall be determined on a case-by-case basis based on available maps, studies, outside agency input and on-site inspections.

(b) The Boise River Fish and Wildlife Habitat Study, (Sather-Blair, et al, 1983), shall be used as a reference that provides objectives for preservation and management actions for Class A and Class B areas.

(2) Class A Lands and Waters – Extremely Important for Preservation

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

(a) Floodways;

(b) Areas with a high degree of plant community diversity;

(c) Black cottonwood riparian plant community;

(d) Riparian forests

(e) Scrub-shrub wetlands;

(f) Emergent wetlands within the floodplain (exclusive of working irrigation canals);

(g) A 300 foot radius around Great Blue Heron rookeries;

(h) Eagle winter habitat which includes lands within 200 feet of the 6500 c.f.s. line, as determined by the Public Works Department based on their monitoring of annual flows, east of Walnut Street on the north side of the river and east of Phase 4 of the River Run Subdivision on the south, and forested wetlands east of these points;

(i) Lands within the riparian setback lands and waters;

(jj) The banks of side channels and tributary stream areas within the jurisdiction of this overlay district;

(k) Islands within the river;

(l) Trout spawning waters;

(m) Riparian areas of tributary streams within the jurisdiction of this overlay district including channels that convey floodwaters and areas that meet the definition of wetlands; and

(n) The Barber Pool Natural Preserve.
(3) **Class B Lands and Waters - Moderately Important for Preservation**
Class B lands and waters provide good potential for improvements to natural resource functions and values. Development should improve natural resource functions and values and avoid negative. Class B lands and waters include, but are not limited to:
(a) Agricultural lands;
(b) Gravel pit ponds and small lakes; and
(c) Intermittent tributary streams.

(4) **Class C Lands – Least Important for Preservation**
Class C lands provide limited fish and wildlife habitat. Development should provide landscaping and habitat improvements. These areas include, but are not limited to:
(a) Public and private parks where current uses preclude enhancement of fish and wildlife habitat;
(b) Diversion dams;
(c) Residential and commercial developments;
(d) Lands surrounding gravel ponds;
(e) Subdivided properties;
(f) Former industrial areas; and
(g) Vacant lands in urban centers.

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

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

(2) **Greenbelt Setback**
The greenbelt setback for structures and parking areas is 70-feet measured landward from the 6500 c.f.s. setback line.

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

(4) **Eagle Perching, Feeding, and Loafing Setback**
200 feet from the 6500 c.f.s., east of Walnut Street along the north side of the Boise River, and east of Phase 4 of the River Run subdivision along the south side of the Boise River.

(5) **Riparian Setback**
(a) **Tier 1 Waterway**
A side channel with a width of less than 15 feet or with a flow of less than five c.f.s. shall have a riparian setback of 20 feet.
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(b) **Tier 2 Waterway**
A side channel at least 15 feet wide or with a flow of between 5 to 150 c.f.s. shall have a riparian setback of 25 feet.

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

F. **Allowed Uses and Improvements**
The following uses and improvements are allowed in Class A lands and waters areas subject to the standards for uses, mitigation and enhancement provisions set forth in this chapter. All uses not explicitly listed are prohibited from the Class A lands and waters area.

(a) Signs (non-commercial);
(b) Restrooms and snack bars (except for existing uses);
(c) River bridges and paved access to river bridges;
(d) Fish and wildlife habitat improvements;
(e) Irrigation weirs, diversion dams, and inlets;
(f) Water inlets to supply domestic water;
(g) Greenbelt structures under existing bridges;
(h) Greenbelt paths or non-paved pedestrian paths that may provide limited access to the river and may run into or through lands designated as Class A habitat areas.
(i) Paved bicycle paths, limited to:
   i. Existing paths;
   ii. The Lander Street sewage treatment plant path;
   iii. The Warm Springs park area pedestrian path and bridge and;
   iv. Where an existing railroad right-of-way is already located or that may require, donated, or used as a bicycle path;
(j) Natural parks;
(k) Bank and channel stabilization projects;
(l) Hydro-electric and flood protection dams;
(m) Selected public piers and beaches;
(n) Public utility lines such as water and sewer lines;
(o) Storm drain outlets and detention basins;
(p) Water pump facilities;
(q) Gravel extraction including reuse of gravel extraction lands;
(r) One housing unit per 20 acres or legal non-conforming lot;

(2) **Class B Lands and Waters and Class C Lands**
Uses allowed in Class B and Class C areas are limited to those listed in Table 11-06.1.
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G. Standards

(1) Standards Applicable to All Development within the Boise River System Overlay District

(a) Emergent Wetlands
In recognition of their importance and their scarcity, emergent wetlands shall be preserved as follows:

i. Emergent wetlands surrounded by Class B or Class C lands may be replaced with a wetland of equal size, provided that the created emergent wetland has the same or greater degree of natural resource functions and values as did the impacted emergent wetland.

ii. The emergent wetland may be relocated anywhere on the project site, except within Class C lands.

iii. If the emergent wetland is relocated to a site within existing Class A lands, then the land area of Class A lands and waters shall be enlarged by an amount no less than the size of the impacted emergent wetland.

(b) Enhancement of Water Resources
Proposals to use or create a water amenity shall be designed to accommodate wetland and riparian functions and waterfowl, wildlife, trout, or warm water fish habitats.

(c) Parks and Open Spaces

i. Intense activity portions of parks shall be located outside of Class A lands.

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

(d) Emergency Access
New developments shall include provisions for emergency access as determined by the Boise Fire Department.

(e) Greenbelt Access
Developments shall provide for public access to the Boise River greenbelt and public parking for bicycles and motor vehicles.

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

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

(h) Screening Requirements

i. Structures shall be screened from view from the Greenbelt and the river with landscaping that will grow to a height of at least 20 feet within ten years.
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ii. Parking areas located between the structure and the Boise River shall be screened from view by landscaping or decorative fencing at least five feet in height.

iii. Appropriate landscaping should be utilized to screen habitat areas from new development.

(i) Construction Fencing
Fencing shall be installed where construction activities abut a riparian area.

(2) Additional Standards Applicable to Class A Lands and Waters
(a) Class A areas within a development or subdivision shall be preserved in single common ownership through a conservation easement or other method approved by the city.

(b) The removal of living or dead vegetation from the floodway shall not be permitted unless:
   i. The vegetation poses a threat to persons or property;
   ii. The vegetation contributes to a dangerous restriction of the flow of floodwater; or
   iii. The removal of vegetation is part of an approved mitigation and enhancement plan.

(c) Removal of vegetation shall be confined to the minimum necessary, while still maintaining the natural riparian areas. Removal of vegetation is subject to approval by the Planning Director after review and recommendation by the Urban Forestry Division of the Boise City Parks and Recreation Department.

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

(3) Additional Standard Applicable to Class B Lands and Waters
Development shall improve natural resource functions and values and shall mitigate negative impacts.

(4) Additional Standard Applicable to Class C Lands
Development plans shall provide for habitat improvements and landscaping to create screens and buffer between wildlife habitat areas and new.

H. Conditions for Permits
(1) Conditions may be attached that:

(a) Require compliance with applicable specifications, standards or requirements of the Idaho Department of Water Resources, Army Corps of Engineers, the Idaho Fish and Game Department, U.S. Fish and Wildlife Service, Environmental Protection Agency, Boise City, or other agencies.

(b) Require preservation of existing vegetation, and mitigation or enhancement of natural resource functions and values as set forth in Sections 11-05-06.1.I and 11-05-06.1.J of this chapter.
(c) Require landscaping consistent with the objectives of the Greenbelt or the extension of the natural setting of the river.

(d) Limit reclamation of eroded stream banks in the floodway and require overflow channels to remain open.

(e) Limit construction to certain periods of time.

(f) Require certification by a licensed engineer that conditions have been fulfilled.

I. Mitigation

(1) Purpose

(a) To offset negative impacts of a proposed development on the natural resource functions and values in Class A and B lands and waters.

(b) Mitigation goals for Class A and B lands will be no net loss of existing natural resource functions and values associated with flood protection, fish and wildlife habitat, recreation and other goals of the Comprehensive Plan and Boise River Plan.

(2) Natural Resource Functions and Values

Natural resource functions and values are:

(a) Water quality,

(b) Habitat for fish and wildlife,

(c) Nutrient retention and removal,

(d) Channel stability,

(e) Food chain support,

(f) Flood storage and de-synchronization,

(g) Groundwater recharge and discharge,

(h) Recreation,

(i) Aesthetics, and

(j) Cultural resources.

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

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

(a) Mitigation Measures for Class A and B Lands and Waters

Mitigation measures from the most to the least preferable are:

i. Avoid adverse impacts by selecting alternative alignments or locations.

ii. Minimize impacts by limiting encroachments, using less intrusive construction techniques, or other methods.

iii. Restore the impact area to as near its original condition as possible.

iv. In-kind on-site compensation.
v. In-kind off-site compensation.

(b) Mitigation Measures for Class C Lands and Waters
Mitigation is not required. Development in Class C lands shall not adversely affect adjacent and nearby habitat in Class A or Class B lands.

(4) Procedures for Development of Mitigation Plan
(a) Generation of Field Data
To accurately describe existing conditions, constraints, and their magnitude, existing natural resource functions and values will be assessed by the applicant. This assessment must be provided with the project application for review by the city along with a comprehensive technical plan to mitigate for impacts to natural resource functions and values, or to enhance natural resource functions and values.

(b) Early Coordination with Resource and Regulatory Agencies
Consultation with government agencies that have resource responsibilities must be initiated by the applicant as soon as practicable to determine the natural resource functions and values existing within the area requiring a Boise River System development permit. Consultation shall also include a discussion of the presence of threatened and endangered species, and species of special concern; fish and wildlife habitat requirements and their sensitivity to disturbance; and measures needed to mitigate for project related impacts or to enhance existing habitat. Consultation shall be documented.

(c) Comprehensive Mitigation Design
Proposed modifications to Class A and B lands and waters shall include:

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

ii. Final Mitigation Plan
A. Upon approval of the Boise River System development permit a final site plan shall be developed by the applicant that includes a detailed description, plan view, profile, and typical sections of the mitigation project. The final site plan will fully describe proposed changes to the resource and the materials and methods used to accomplish mitigation.

B. The final site plan may be offered to the state and federal agencies for review. Comments of these agencies will be fully considered by the city in its determination of whether the final site plan is in accordance with the Boise River System development permit.

(d) Performance Monitoring
The applicant shall monitor the performance of constructed mitigation improvements for a minimum period of 18 months unless otherwise fixed by the PZC. Acceptable performance shall be judged by comparing measured values to previously agreed upon standards.
J. Enhancement

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

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

(3) Enhancement Design Standards

(a) Enhancement of Class A, B, and C Waters

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

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

(b) Enhancement of Class A, B, and C Passive Open Space Lands

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

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

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

iv. Waiver of Standards

A. In order to provide an incentive for higher quality and more extensive enhancement plans, waivers of zoning and subdivision standards may be requested.

B. Waivers may be granted by the PZC or Council on enhancement plans that have been designed in accordance with this section and that the enhancement plan is in compliance with the Boise River System overlay district.

C. Waiver of standards may be approved when evidence presented meets the following conclusions of law:
D. That the proposed enhancement plan is in compliance with the applicable standards of Section 11-05-06.1.1 of this chapter.
E. That the proposed enhancement plan complies with all local, state and federal laws and regulations.
F. That the waivers requested ensure a benefit to the public.

v. **Waivers Examples**

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

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

(a) The same field data required to satisfy Section 11-05-06.1.1(4) shall be gathered and used to aid in the design of the enhancement plan.

(b) A combined mitigation and enhancement preliminary plan may be submitted if the plans clearly designate that features fulfill the mitigation requirements and that features fulfill the enhancement plan. Enhancement features may be considered part of a mitigation plan only if such features meet the standards of Sections 11-05-06.1.1(1) and (3).

(5) **Performance Monitoring**

The applicant shall monitor the performance of constructed enhancements for a minimum period of 18 months unless otherwise fixed by the PZC. Acceptable performance shall be judged by comparing measured values to standards that were previously agreed-upon.
11-05-07. SPECIAL PURPOSE OVERLAY DISTRICTS

1. AIRPORT OVERLAY ZONE DISTRICT

   [Reserved]

11-05-08. SPECIFIC PLAN DISTRICTS

1. PURPOSE

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

2. SCOPE

   A. Examples of Specific Plans

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

   B. Basic Specific Plan

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

   C. Complex Specific Plan

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

3. LAND USE CONTROLS

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

4. INITIATION

   An amendment may be initiated by a property owner or authorized agent, the PZC, or the Council. If the property is not under a single ownership, the majority of ownership shall join in the application, and a map
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Subsection 5: Minimum Area Standards

showing the extent of ownerships shall be submitted with concept plans and materials. For the purposes of this Section, a majority of ownership shall be defined as either 75 percent of the affected owners or 75 percent of the affected land area. For projects larger than 200 acres, a neighborhood scoping meeting, per Section 11-03-03.2, between the applicant and the City of Boise shall be conducted prior to application submittal to determine which supporting materials and specific plan elements shall be appropriate and required for the proposal.

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

6. REQUIRED AND OPTIONAL ELEMENTS
A specific plan shall include some or all of the following elements:

A. A map depicting the proposed pattern of land use and open space, with acreage by land use type.
B. A written document, describing in detail the zoning standards for all land uses including but not limited to: setbacks, height, density, parking, floor area ratios, landscaping, signage, lighting requirements, and similar issues. When the existing base zone is left in place and the specific plan becomes an overlay zone, this document need only address the elements that differ from the standards of the base zone.
C. A map depicting the proposed street and lot pattern.
D. A map depicting the location and configuration of all infrastructure/public services and facilities proposed within the specific plan district. Such facilities include but are not limited to roads, sewers, lift stations, drainage facilities, fire stations, police substations, parks, libraries, communications equipment, and similar facilities.
E. A phasing plan for development of all uses and supporting infrastructure.
F. A capital improvement program for all infrastructure.
G. A written and illustrated document, describing in detail any design guidelines for the development, including but not limited to: architectural style, materials, colors, themes, streetscapes, public realm elements, and similar issues.
H. A written document describing the review, approval, and amendment process for all proposed uses and phases in the project.
I. Other elements such as grading plans, wildlife mitigation plans, open space management plans, hazardous materials remediation plans, etc.

7. PROCEDURES
The PZC shall consider an application for rezone to a SP District and shall at the same time consider the proposed Specific Plan accompanying the application.

A. Required Findings
The PZC shall forward a recommendation to the Council based on findings that the specific plan:

1) Is consistent with the goals, objectives and policies of the Comprehensive Plan, with particular emphasis placed upon those policies related to diversity of housing,
mixing and integration of uses, pedestrian and transit design, level of service provision and environmental protection;

(2) Is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;

(3) Includes adequate provisions for utilities, services, roadway networks and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems; and

(4) Will enhance the potential for superior urban design and land use in comparison with development under the base district provisions that would apply if the specific plan were not approved.

B. Zoning Map Designation
A SP district shall be noted on the zoning map by the designation "SP," followed by the number of the SP district based on order of adoption. The SP may be either appended to the base zone as an overlay, or may be the primary zoning with no other base zone.

C. Status of Specific Plan
A specific plan adopted by ordinance of the Council shall be administered as prescribed by the Council and as established by the provisions of the specific plan for review, approval, and amendment. Adopted specific plans shall be listed by name and number in Section 11-05-08.8 of this ordinance and shall be maintained on file in the Director as a bound and printed document.

D. Review of Plans
Application for building permits for projects in a SP district shall be accepted only if the project plans are consistent with the standards of the adopted Specific Plan.

8. ADOPTED SPECIFIC PLANS
Adopted specific plans are included in Chapter 11-13.

11-05-09. HISTORIC PRESERVATION DISTRICTS

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

2. HISTORIC PRESERVATION COMMISSION
There is hereby created and established a Historic Preservation Commission which shall consist of no less than 5 but up to 9 members who shall be appointed by the Mayor with the advice and consent of the Council. Members of the Commission shall be appointed with due regard to the proper representation of such fields as history, architecture, urban planning, archeology and law. In addition, 1 member may be, at the time of appointment, under 18 years of age. The youth member shall be appointed to a term of up to 1 year and may be reappointed to up to 2 successive terms. The remaining members of the Commission are eligible for reappointment as provided by Section 1-21-8 of the Boise City Code. If a vacancy occurs,
the Mayor with the consent of the Council shall appoint a member to fill the unexpired term. The members of the Commission shall serve without pay but shall be reimbursed by the city for necessary expenses incurred in connection with their duties. A quorum shall consist of 5 or more members.

3. **ORGANIZATION, OFFICERS, RULES, MEETINGS**

   A. At their first meeting, the appointed Commissioners shall elect officers who shall serve for terms of 1 year. The Commission may establish any rules necessary for the orderly conduct of its business, and all meetings of the Commission shall be open to the public. The Commission shall keep a record of its resolutions, proceedings and actions.

   B. The Commission shall provide public notice as outlined in the ordinance. A person may request notice through electronic mail, and if so, it shall be in addition to the mailed notice through the U.S. Postal Service.

4. **POWERS AND DUTIES OF COMMISSION**

   The Commission shall exercise to the fullest extent the authority granted under Title 67 (State Government and State Affairs), Chapter 46 (Preservation of Historic Sites) of the Idaho State Code. Duties shall include, but not be limited to the following:

   A. Conduct a survey of local historic properties of the city;

   B. Recommend the lease, sale, transfer or disposition of historic property subject to rights of public access and other covenants and in a manner that will preserve the property;

   C. Contract, with the approval of the local governing body, with the state or federal government, or any agency of either, or with any other person, firm, corporation, or organization, to accomplish the purposes of this section;

   D. Cooperate with the federal, state and local governments in the pursuit of the objectives of historic preservation;

   E. Participate in the conduct of land use, urban renewal and other planning processes undertaken by the city or any other entity;

   F. Recommend ordinances and otherwise provide information for the purposes of historic preservation to the city;

   G. Promote and conduct an educational and interpretative program on historic properties within the jurisdiction of the city; and

   H. Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private property, building or structure without the express consent of the owner or occupant thereof.

5. **FUNDING**

   A. For the purpose of providing funds for a Historic Preservation Commission, the Council may:

   (1) Provide funds from current revenues;

   (2) Receive and expend monies from any other available source or sources, or
(3) Use any combination of the foregoing.

B. Funds received for a Historic Preservation Commission may be accumulated from year to year and need not be expended during any one fiscal year, except that unexpended monies appropriated by the Council shall be deemed surplus to be budgeted and appropriated for the subsequent year as provided by law.

6. DESIGNATION OF HISTORICAL DISTRICTS, INCLUDING HISTORICAL DISTRICTS - RESIDENTIAL

Historic Districts shall be designated by ordinance and in accordance with the following requirements:

A. Criteria for Designation

The buildings, sites, structures and objects of an historic district shall meet one of the following 3 criteria:

(1) Historical or Cultural Importance

(a) Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past; or

(b) Is the site of an historic event with a significant effect upon society; or

(c) Exemplifies the cultural, political, economic, social, educational or historic heritage of the community; or

(d) By being part of or related to a street, square, park or other distinctive area, should be developed or preserved according to a plan based on historic, cultural or architectural motif; or

(e) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city; or

(2) Architectural Importance

(a) Portrays the environment in an era of history characterized by a distinctive architectural style; or

(b) Embodies those distinguishing characteristics of an architectural-type or engineering specimen; or

(c) Is the work of a designer, architect or craftsman whose individual work has significantly influenced the development of the city, state or nation; or

(d) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

(3) Archeological Importance

(a) Has yielded or may be likely to yield, information important in pre-history or history.

(b) Contains or is likely to contain physical remains, such as fossils, relics, monuments, art or symbols, of past human life and activities.

B. Commission Research and Report on Proposed District

The Commission, either on its own initiative or upon the request of the City Council, or upon the request of one or more owners of property in the area of a proposed historic district, may recommend the designation of one or more historic districts. Prior to recommending designation the
Commission shall conduct studies, research and investigations based on the relevant criteria given in Section 11-05-09.6.A regarding buildings, sites, structures and objects of such proposed historic district or districts. Thereafter, the Commission shall prepare a report containing recommendations concerning the area or areas to be included in the proposed historic district or districts.

C. Transmittal of Report to Planning and Zoning Commission
Copies of the report shall be transmitted for review and recommendation to the Planning and Zoning Commission. Not less than 60 days after the date of transmittal of such report to the Planning and Zoning Commission, the Historic Preservation Commission shall hold a public hearing regarding the proposed district.

D. Notice Requirements for Historic Preservation Commission Public Hearing

(1) Notice of the time, place and purpose of such hearing shall be given at least 14 calendar days prior to the hearing by one publication in a newspaper of general circulation in the city; and

(2) Notice of the hearing shall be given to the owners of all properties to be included in the district or districts and to the registered neighborhood association at least 14 calendar days prior to the hearing.

E. Final Report to City Council
After conducting the public hearing, the Commission may vote to proceed with the district, and shall submit a final report with its recommendations and a draft ordinance to the City Council.

F. Public Hearing by City Council
The City Council shall act upon the report and recommendation in accordance with the public hearing provisions of Chapter 11-03, Review and Decision Procedures. Upon approval by the Council of the ordinance establishing the historic district, the zoning maps shall be changed to reflect the addition of the "H" historic overlay zone.

G. Notification of District

(1) Upon passage of the ordinance, the owners of each property within the designated historic district, and the registered neighborhood association shall be given written notification of said designation by the Council.

(2) The Commission shall notify City Departments and other agencies as required under Section 11-05-09.16.

(3) One copy of the ordinance creating the district shall be filed in the office of the County Recorder of Ada County, Idaho.

H. Register of Historic Districts
The Commission shall maintain a register of historic districts as required under Section 11-05-09.16.

I. Investigation or Report Updates
The physical changes in the district that are approved by a Certificate of Appropriateness shall be added to the report/survey. Updates are not considered amendments to the historic district.
7. **PROCEDURE FOR RECLASSIFICATION OF BUILDINGS, SITES, STRUCTURES OR OBJECTS LOCATED WITHIN DESIGNATED HISTORIC DISTRICTS AND HISTORIC DISTRICTS - RESIDENTIAL**

A. **50-Year Time Passage**

Any building, site, structure or object located within a designated historic district may on the 50th anniversary of its original construction be deemed historic which may change the classification from a non-contributing property to a contributing property. Classification may be changed through a survey and public process as outlined below.

B. **Reclassification**

Upon the motion of the Commission, or at the request of the Planning Staff, property owner or applicant (with consent of the property owner if not the same), the Commission may reclassify a building, site, structure or object within a designated historic district or historic district - residential from non-contributing to contributing or from contributing to non-contributing. Criteria for reviewing such changes in classification may include, but are not limited to:

1. **Errors in Original Inventories**

A building, site, structure or object may be reclassified from non-contributing to contributing or from contributing to non-contributing if the Commission determines that an error was made on the original survey.

2. **Alterations/Additions/Restorations**

A building, site, structure or object may be reclassified from contributing to non-contributing or from non-contributing to contributing if alterations, additions or restorations have been made so that the classification prior to the change no longer reflects the proper classification after the change.

C. **Findings for Changes in Classification**

The Commission shall approve a change in classification based on the following findings:

1. Whether or not the building, site, structure or object is eligible for the National Register of Historic Places.

2. Whether or not the building, site, structure or object contributes to the district.

D. **Application Form**

An application for a reclassification shall be submitted to the Commission on a form designated by the Commission and containing such information as required by the Commission.

E. **Public Hearing/Notification**

The Commission shall schedule a public hearing on any reclassification under Subsection B above. Notice of the time, place and purpose of such hearing shall be mailed to all adjacent property owners and residents, and the registered neighborhood association at least 14 calendar days prior to the hearing.

F. **Appeal**

Any applicant or party of record aggrieved by a determination of the Commission may appeal to the City Council as provided in Chapter 11-03, Review and Decision Procedures.

8. **DESIGNATION OF HISTORIC LANDMARKS**

Historic Landmarks shall be designated by ordinance and in accordance with the following requirements:
A. The building, site, structure or object proposed for such designation shall meet one or more of the criteria required in Section 11-05-09.6(A). In addition, it must meet the criteria established for inclusion in the National Register of Historic Places as such criteria are applied to historic properties in the State by the Idaho Historic Sites Review Board.

B. The Commission, either on its own initiative or upon the request of the City Council, or upon the request of the owner of the property proposed to be designated, may recommend the designation of an historic landmark. Prior to recommending the designation the Commission shall conduct studies, research and investigations based on the relevant criteria given in Section 11-05-09.6(A). Thereafter, the Commission shall prepare a report containing recommendations concerning the historic landmark proposed to be designated and a draft of the designating ordinance to the City Council. The report of the Commission shall include comments regarding the suitability of the historic landmark for preservation or restoration. In case there is a question of an adaptive or alternative use of the historic landmark, the report shall include a statement regarding the appropriateness of such adaptive or alternative use. The report shall also include a statement regarding the administrative and financial responsibility of the person or organization proposing to undertake all or a portion of the cost of acquisition, restoration, maintenance, operation or repair, or the cost of adaptive or alternative use of the property to the extent that any, such considerations apply to the property proposed for designation. If the owner of the property proposed for designation has not consented to such designation, the report of the Commission shall also include a statement regarding the appraised value of the property.

C. For each designated historic landmark, the designating ordinance shall require the waiting period prescribed by Section 11-05-09.16 to be observed prior to its demolition, material alteration, remodeling or removal. The designating ordinance shall also provide guidelines for a suitable sign or marker on or near the historic landmark indicating that the property has been so designated.

(1) For properties designated as a historic landmark and located within a local historic district, the portions of this ordinance pertaining to the districts, takes precedence over the 180 day waiting period for demolition of the structure.

(2) For State or Federal properties which are designated as historic landmarks, the designation is an honorary effort and the city acknowledges that the repair, maintenance, demolition or remodel of the structure is not within its jurisdiction.

D. The City Council shall hold a public hearing on the designating ordinance, after having given written notice to the owners and occupants of the property and the publication of such notice in the time and manner required by Section 11-05-09.16.

E. Following such public hearing, the Council may act on the designating ordinance.

F. Upon passage of the designating ordinance, the owners and occupants of each designated historic landmark shall be given written notification of said designation by the Council, and one copy of the designating ordinance shall be filed in the office of the County Recorder of Ada County, Idaho.
G. The Commission shall give notice of such designation to the Tax Assessor of Ada County, Idaho.

9. PROCEDURE FOR REMOVAL OF HISTORIC DESIGNATION

After the designation by ordinance of an historic district, historic district – residential; or property within such districts, such designation shall not be rescinded, except as hereinafter provided:

A. Application Form

The owner or owner’s representative shall submit an application for removal of designation on a form designated by the Commission and containing such information as required by the Commission, including, but not limited to, a detailed explanation as to why the property (or properties) does not meet the criteria under which the district was adopted as outlined under Section 11-05-09.6.A(1)-(3). Nothing herein shall prevent the Commission from initiating such removals as well.

B. Public Hearing by Commission and Noticing Requirements

Prior to approval or denial of the application for removal of designation, the Commission shall schedule a public hearing on the request and notify, in writing, each property owner within the affected District if for removal of the entire historic District or 300’ radius from the property boundaries for an individual property removal within the district and the registered neighborhood association at least 14 calendar days prior to the hearing. Notice of the time, date, place and purpose of such hearing shall also be published at least 14 calendar days prior to such hearing in a newspaper of general circulation within the city.

C. Action by the Commission – Approval of the Request for Removal of Designation

(1) If, in the judgment of the Commission, when any building, site, structure or object included within a designated historic district, or designated as a historic landmark, has ceased to comply with the designation criteria or no longer exhibits the characteristics which qualified the property for inclusion within a historic district or for designation as an historic landmark, such property or properties may be recommended for exclusion from the boundary of such district, or if the district, as a whole, no longer complies with such criteria, it may be recommended for rescission of its historic designation, or such landmark may be recommended for rescission of its historic designation.

(2) If the Commission determines the proposed removal of designation is appropriate, it shall forthwith approve such application and shall prepare a report containing such recommendation of removal of designation and a draft of a proposed ordinance removing such designation to the City Council.

(a) Public Hearing by Council and Noticing Requirements

The City Council shall hold a public hearing on the proposed removal ordinance, after having given written notice as outlined in Section 11-05-09.6.A(1) above. The City Council shall act on the report and recommendation in accordance with the public hearing provisions of Chapter 11-03, Review and Decision Procedures.

(b) Notification of Approval of the Removal Ordinance

Upon approval of the ordinance, the owners and occupants of the historic district, historic district - residential or property within such district for which designation was removed shall be given written notification of such removal by the Council, and one copy of the ordinance shall be filed in the office of the County Recorder of Ada County, Idaho. The Commission shall give notice of such removal of designation to the Tax Assessor of Ada County, Idaho and to the Internal Revenue
Service, Boise office. The zoning maps shall be changed to reflect the removal of the "H" historic overlay zone.

D. Action by the Commission - Denial of the Request for Removal of Designation

If the Commission determines that the application for removal of designation should not be recommended, it shall place upon its records the reason for such determination and shall forthwith notify the applicant of such determination and a copy of its reasons and its recommendations, if any, as appearing in the records of said Commission.

(1) Appeal of Denial of the Request for Removal of Designation

Any applicant aggrieved by a determination of the Commission may appeal to the City Council in accordance with the provisions of Chapter 11-03, Review and Decision Procedures.

10. PROCEDURE FOR DEMOLITION OR CHANGE IN USE OF HISTORIC LANDMARK

An historic landmark designated by ordinance as herein provided which is not part of an historic district, may be demolished, materially altered, remodeled, relocated or put to a different use only after 180 days written notice of the owner’s proposed action has been given to the Historic Preservation Commission in accordance with the following procedures:

A. During this period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. The Commission may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest therein during this 180 day period or any such action as is reasonably necessary or appropriate for the continued preservation of the property.

B. The Commission may notify, in writing, property owners within a 300' radius of the historic landmark and the registered neighborhood association of the request to demolish, alter, remodel, relocate or change the use of the historic landmark; and may allow such owners and the registered neighborhood association to provide input within the 180 day waiting period.

C. The Commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship unless a reduction in the required period were allowed. The Commission shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the Commission insuring the continued maintenance of the historical, architectural, archeological or cultural integrity and character of the property.

D. At the end of the required waiting period, as reduced or waived if such be the case, the designation of such historic landmark shall be rescinded and a draft of a proposed ordinance removing such designation shall be prepared and submitted to the City Council for approval.
CHAPTER 11-05: Overlay and Specific Plan Districts
Section 11-05-09: Historic Preservation Districts
Subsection 11-05: Ordinary Repairs; Public Safety

11. ORDINARY REPAIRS; PUBLIC SAFETY
Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district, or of any historic landmark which does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration or demolition of any such feature when the Building Official shall certify such is required for the public safety because of an unsafe or dangerous condition.

12. ACQUISITION OF PROPERTY
A. All lands, buildings, structures, sites or areas acquired by funds appropriated by the city shall be acquired in the name of the city unless otherwise provided by the governing board. So long as owned by the city, historic properties may be maintained by or under the supervision and control of the city.
B. Nothing in this chapter shall be construed to allow the designation, regulation conditioning, restriction or acquisition of historic buildings, structures, sites or areas, or other properties or facilities owned by the state or any of its political subdivisions, agencies or instrumentalities.

13. ACQUISITION OF HISTORIC EASEMENTS
A. The city may acquire, by purchase or donation, historic easements in any area within the jurisdiction of the city wherever and to the extent the Council determines that the acquisition will be in the public interest. For the purpose of this section, “historic easement” means any easement, restriction, covenant or condition running with the land, designated to preserve, maintain or enhance all or part of the existing state of places of historical, architectural, archeological or cultural significance.
B. The City Council shall seek a recommendation from the Historic Preservation Commission regarding the historic easement and proposed resolution.

14. MAINTENANCE AND REPAIR REQUIRED; DEMOLITION BY NEGLECT
A. Any property located within an historic district, historic district – residential or designated as a landmark shall be preserved by the owner, or such other person or persons as may have the legal custody or control thereof, against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects, or other defects that in the judgment of the Commission has a detrimental effect on the historical characteristics of the property or district.

   (1) The deterioration of exterior walls or other vertical supports;
   (2) The deterioration of roofs or other horizontal members;
   (3) The deterioration of exterior chimneys;
   (4) The deterioration or removal of exterior finishes or fenestration;
   (5) The ineffective waterproofing of exterior walls, roofs and foundations including broken windows or doors; and
(6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Boise City Building Division to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record 28 days from the date of mailing of such notice to commence work to correct the specific defects as determined by the Commission.

C. If the owner(s) fail to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in writing to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed at least 28 days before the said hearing. The Commission shall also notify in writing adjacent property owners and the registered neighborhood association of such hearing. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the City Attorney to commence legal action against the owner(s) if the necessary repairs are not completed within 90 days or a time frame as specified by the Commission.

15. EXEMPTION FROM FIRE OR BUILDING CODES

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

16. NOTICE OF CITY DEPARTMENTS AND OTHER AGENCIES; REGISTER OF HISTORIC DISTRICTS AND LANDMARKS

In addition to all other transmittals and notices required by this Chapter, the Commission shall notify the departments of Boise City and other agencies regarding the designation or removal of designation of historic districts and landmarks, and shall maintain a register of such districts and landmarks.

A. Within 7 calendar days after the designation by ordinance of any historic district or landmark, the Commission shall notify all departments of Boise City and other governmental agencies having a regulatory or legally prescribed duty affecting such district or landmark. The notice shall state the fact of such designation, identify the boundary of the district, or the address of the landmark, and shall summarize the effect such designation will have.

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

In addition to a sign application, a staff level Certificate of Appropriateness shall be received for any sign located within a Historic District. The following finding shall be made in order to issue the Certificate of Appropriateness:

A. The sign shall be congruous with the building in design, materials, size and location.

18. PENALTIES

A. Any person who violates any provision of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1000.00.

B. Any person, who files with the Commission an application or request for a Certificate of Appropriateness who willfully makes any false statement in such application or request, or who, upon demand, willfully furnishes false information to the Commission, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $1000.00.

C. For the purpose of this section, each day during which there exists any violation of any provision herein will constitute a separate violation.
CHAPTER 11-06: USE REGULATIONS

11-06-01. TABLE OF ALLOWED USES

Table 11-06.1 below lists the principal uses allowed within all base zoning districts. Each of the listed uses is defined in Chapter 11-12, Definitions.

1. TABLE ORGANIZATION

In Table 11-06.1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

2. EXPLANATION OF TABLE ABBREVIATIONS

A. Allowed Uses

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

B. Allowed Subject to Use-Specific Standards

“A*” in a cell indicates that the use is allowed by right, subject to administrative review to verify compliance with use-specific standards in this chapter. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to use standards in this chapter. These standards apply in all districts unless otherwise specified.

C. Conditional Uses

(1) “C” in a cell indicates that in the respective zoning district the use is allowed only if reviewed and approved in accordance with the procedures of Section 11-03-04.6, Conditional Use Permits. Conditional Uses are subject to all other applicable regulations of this Code, including the use-specific standards in this chapter and the requirements of Chapter 11-08, Development and Design Standards.

(2) The “C” designation in Table 11-06.1 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each Conditional Use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied as the findings indicate appropriate.

(3) “C+” in a cell indicates that the use may only be approved as part of a larger mixed-use project comprised of principally allowed uses as described in Section 11-04-04.1.B.

D. Prohibited Uses

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

3. USE FOR OTHER PURPOSES PROHIBITED

Approval of a use listed in Table 11-06.1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 11-06.1 and approved under the appropriate process is prohibited.
4. **CLASSIFICATION OF NEW AND UNLISTED USES**

In order to provide for new types of land uses not listed in Table 11-06.1, a determination as to the appropriate classification of any new or unlisted form of land use shall be made. When application is made for a use category or use type that is not specifically listed in Table 11-06.1, the Director shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation, the Director shall consider its potential land use impacts, including but not limited to:

A. The nature of the use and whether it involves household living unit;
B. Sales;
C. Processing;
D. Type of product, storage and amount, and nature thereof;
E. Enclosed or open storage;
F. Anticipated employment;
G. Transportation requirements;
H. The amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and
I. General requirements for public utilities such as water and sanitary sewer.
### 5. TABLE OF ALLOWED USES

**Table 11-06.1: Allowed Uses**

| Use Category/Type                          | A 1 | A 2 | R 1A | R 1B | R 1C | R 1 M | R 2 | R 3 | C 1 | C 2 | C 3 | C 4 | C 5 | P  C | U  | H  | S  | M 1 | M 2 | M 4 | T 1 | T 2 |
|-------------------------------------------|-----|-----|------|------|------|-------|-----|-----|-----|-----|-----|-----|-----|-----|----|----|----|-----|-----|-----|-----|-----|-----|
| **Single- and Two-family Living**         |     |     |      |      |      |       |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |
| Caretaker Residence                      | A   | A   | A    | A    | A    | A*   | A*  | A   | A   | A   | C   | C*  | A*  | A   | A   |    |    |    |     |     |     |     |     |     |     |
| Dwelling, Single-family (including group homes) | A   | A   | A    | A    | A    | A    | C   | C   | A*  | A*  | A*  | C   | C   | A   | A   |    |    |    |     |     |     |     |     |     |     |
| Enhanced Manufactured Home               | A   | A   | A    | A    | A    | A*   | A*  | A   | A*  | A*  | C   | C   | C   | A   | A   |    |    |    |     |     |     |     |     |     |     |
| Stock Manufactured Home                  |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
| Manufactured Home                        |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
| Community                                | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   |    |    |    |     |     |     |     |     |     | 11-06-03.1.D |
| **Multi-family Living**                   |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
| Multi-family Building, 3-6 units, not to exceed 20 units per acre | C   | C   | C    | A*  | C   | A   | A   | C*  | C   | C   | C   | C   | A   | A   | A   |    |    |    |     |     |     |     |     |     |     |
| Multi-family Building, 7-20 units per acre | A   | A   | C   | C   | C   | C   | C   | A   | C   | C   | C   | C   | A   | A   | A   |    |    |    |     |     |     |     |     |     |     |
| Multi-family Building, more than 20 units per acre, including High Rise | C   | A   | C   | C   | C   | C   | C   | A   | C   | C   | C   | C   | A   | C   | C   |    |    |    |     |     |     |     |     |     |     |
| **Planned Unit Development**             |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
| PUDs                                     | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   |    |    |    |     |     |     |     |     |     |     |
| **Group Living**                         |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
| Boarding or Rooming House / Bed & Breakfast | C   | A   | A   | C   | C   | A*  | C   | C   | A   | C   | C   | A   | C   | C   | C   |    |    |    |     |     |     |     |     |     |     |
| Convalescent Home, Nursing Home          | C   | C   | A   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |    |    |    |     |     |     |     |     |     |     |
| Fraternity or Sorority House             | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |    |    |    |     |     |     |     |     |     |     |
| Halfway House                            | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |    |    |    |     |     |     |     |     |     |     |
| **Public/ Institutional Uses**           |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
| **Child and Adult Care**                 |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |    |    |    |     |     |     |     |     |     |     |     |
## CHAPTER 11-06: USE REGULATIONS
Section 11-06-01: Table of Allowed Uses
Subsection 5: Table of Allowed Uses

### Table 11-06.1: Allowed Uses

| Use Category/Type                                      | A 1 | A 2 | R 1A | R 1B | R 1C | R 1M | R 2 | R 3 | R 4 | R 5 | L 0 | C 1 | C 2 | C 3 | C 4 | C 5 | P | C | U | H | S | M 1 | M 2 | M 4 | T 1 | T 2 | Additional Regulations               |
|--------------------------------------------------------|-----|-----|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|---|---|---|---|-----|-----|-----|-----|-----|-----------------------------|
| Child Care Home (1-6 children)                         | A   | A*  | A    | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | A | 11-06-04.1.B                |
| After-school Child Care in school building             | A   | A   | A    | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | A | 11-06-04.1.B                |
| **Communication Facility**                             |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |     |   |   |   |   |   |                       |
| Monopole WCF, more than maximum height of zone district| C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C | C | C | C | 11-06-04.2.A                |
| **Community Service**                                  |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |     |   |   |   |   |   |                       |
| Cemetery                                               | C   |     |      |      |      |      |     |     |     |     |     |     |     |     |     |     |   |   |   |   |   |                       |
| Club, Lodge, Social Hall                              | C   | C   | C    | C    | C    | C    | C   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
| Government Buildings, non-industrial                   | C   | C   | C    | C    | C    | C    | C   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
| Mortuary                                               | C   | C   | C    | C    | C    | C    | C   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
| Mausoleum                                              | C   | C   | A    | A    | A    | A    | A   | C   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
| Recreation Center                                      | C   | C   | C    | C    | C    | C    | C   | C   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
| Religious Institution                                  | C   | C   | C    | C    | C    | C    | C   | C   | C   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
| Uses Related to and Operated by a Religious Institution| C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C | C | C | C | 11-06-04.2.A                |
| **Education**                                          |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |     |   |   |   |   |   |                       |
| Library                                                | C   | C   | C    | C    | C    | C    | C   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A  | A | A | A | 11-06-04.2.A                |
## Table 11-06.1: Allowed Uses

| Use Category/Type                                      | A 1 | A 2 | R 1A | R 1B | R 1C | R 1M | R 2 | R 3 | R 0 | N O | L O | C 1 | C 2 | C 3 | C 4 | C 5 | P  | C  | U   | H  | S  | M 1 | M 2 | M 4 | T 1 | T 2 | Additional Regulations |
|-------------------------------------------------------|-----|-----|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|-----|-----|-----|-----|-----|-----|------------------------|
| School                                                |     |     | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | A   | A   | A   | C   | C   |     |     |     |     |     |     |     |     | 11-06-04.3.A           |
| Private Commercial School                             | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | A   | A   | A   | C   | C   |     |     |     |     |     |     |     |     |                 |
| Trade or Vocational School                            | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | A   | A   | C   | A   | A   | A   | C   |     |     |     |     |     |     |     |     |                 |
| University                                            |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                 |
| University – Uses within 50’ of campus boundary       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C             |
| University – Uses within 300’ of southern boundary    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | A*            |
| **Health Care**                                       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | A             |
| Hospital                                              | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | A   | A   | A   | A   |     |     |     |     |     |     |     |     |     |                 |
| Laboratory, Medical/Dental                           | C   | C   | C    | C    | C    | A    | A   | A   | A   | A   | C   | C   | C   | C   | A   | A   | A   | A   |     |     |     |     |     |     |     |     |     |                 |
| Medical Research Facility                             | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | A   | A   | A   | A   |     |     |     |     |     |     |     |     |     |                 |
| Office, Medical                                       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   |     |                 |
| Parks, Recreation and Open Space                     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   | C   | A   | A   |                 |
| **Forest Reserve or Recreation Area**                 | A   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                 |
| Golf Course                                           | A   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |     | 11-06-04.4.A     |
| Golf Driving Range                                    | A   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |     |                 |
| Park or Playground                                    | A   | A   | C    | C    | C    | C    | C   | C   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |     |     |     |     |     |     |     |     |     |                 |
| Public Plaza or Open Space                           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   | C   | A   | A   |                 |
| **Social Care**                                       |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   |     |                 |
| **Food Kitchen**                                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   | C   | A   | C   |                 |
| Shelter Home                                          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   | C   | A   | C   |                 |
| Single Resident Occupancy Hotel                      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   | C   | A   | C   |                 |
| **Transportation**                                   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   |     |                 |
| Aircraft Landing Field                               | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |                 |
| Bus Station                                           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | A   | C   | A   | C   |                 |
| Transit Terminal, Trucking Terminal                  |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | A   |     |                 |
| **Utility**                                           |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | C   | C   | A   | C   |                 |
| Utility Facility, Minor                              | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |     | 11-06-04.5.A     |
| Utility Facility, Major                              | C   | C   | C    | C    | C    | C    | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   | C   |     |                 |
| Public Service Poles 85 feet or under                | A   | A   | A    | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |     |                 |

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### Chapter 11-06: Use Regulations

#### Section 11-06-01: Table of Allowed Uses

**Subsection 5i: Table of Allowed Uses**

<table>
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<th>Table 11-06.1: Allowed Uses</th>
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<td><strong>Use Category/Type</strong></td>
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<tr>
<td>Public Service Poles over 85 feet</td>
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<td>Utility Shop or Storage Facility</td>
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Boise Development Code

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## Table 11-06.1: Allowed Uses

| Use Category/Type          | A1 | A2 | R1A | R1B | R1C | R1M | R2 | R3 | R4 | R5 | N1 | N2 | L1 | L2 | C1 | C2 | C3 | C4 | C5 | P1 | C2 | U | H5 | M1 | M2 | M3 | M4 | T1 | T2 | Additional Regulations |
|----------------------------|----|----|-----|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------------------|
| **Commercial**             |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Adult Uses                 |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-05.1.A           |
| Bikini Bar                 |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Sexually Oriented Business|    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-05.1.B           |
| **Agriculture Uses**       |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Agricultural Uses, Stables| C  | A  |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Hog Raising, Stockyard, Feedlot| C  | C  |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Slaughterhouse, Rendering Plant| C  | C  |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Urban Farm                 | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| **Animal-Related Business**|    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Animal Daycare             |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Animal Hospital/ Clinic    | C  | C* | C  | C  | C  | C  | C  | C  | C  | C  | A  | A  | C  |    |    |    |    |    |    |    |    |    |    |------------------------|
| Boarding Kennel            | C  | C  | C  | C  | C  | C  | C  | C  | C  | C  | A  | A  | C  |    |    |    |    |    |    |    |    |    |    |------------------------|
| Small Animal Grooming      |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| **Financial Service**      |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Bank, Financial Institution(excluding drive-up)| C* | C  | C  | C  | C  | A  | A  | A  | C  | A  | A  | A  | C  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| **Food and Beverage Service**|    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Coffee/Espresso Stand      |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Restaurant, no drive-up window| C  | C  | C  | C  | C  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| Tavern/ Lounge/Brew Pub/ over 300' from Residential| C  | C  | C  | C  | C  | C  | C  | C  | C  | C  | A  | A  | C  | C  | C  | C  | C  | C  | C  | C  |------------------------|
| Tavern/Lounge/Brew Pub/ within 300' of Residential| C  | C  | C  | C  | C  | C  | C  | C  | C  | C  | A  | A  | C  | C  | C  | C  | C  | C  | C  | C  |------------------------|
| **Office**                 |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Office, Business or Professional| C  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | C  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| **Personal Services**      |    |    |     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |------------------------|
| Personal Service (1,000 sq. ft or less) | C* | A  | A  | A  | A  | A  | A  | A  | A  | A  | C  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| Personal Service (greater than 1,000 sq. ft.)| C  | C  | C  | C  | C  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| Laundry and Dry Cleaning Service| A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| Massage Establishment      | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
| Photography Studio         | C* | C  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  | A  |------------------------|
### Table 11-06.1: Allowed Uses

| Use Category/Type                                      | A 1 | A 2 | R 1A | R 1B | R 1C | R 1M | R 2 | R 3 | R O | N O | L O | C 1 | C 2 | C 3 | C 4 | C 5 | P C | U | H S | M 1 | M 2 | M 4 | T 1 | T 2 | Additional Regulations |
|--------------------------------------------------------|-----|-----|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Printing, Lithography, Publishing & Reproductions, Exclusive of Paper Manufacturing |     |     |      |      |      |      | C   | C   | C   | A   | A   | A   | A   | A   | C   | A   | A   | A   |     |     |     |     |     |     |     |     |     |
| Self-Service Laundry                                         | C*  | A   | A   | A   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Tattoo Parlor and Body Piercing Establishments              | C   | A   | A   | C   | A   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| **Recreation and Entertainment**                             |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Concert Hall/Dance Hall                                      | C   | A   | A   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Concert Hall/Dance Hall (within 300' of residential use or zone) | C   | C   | C   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Firing Range, Indoor                                         | C   | A*  | A*  | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Health Club                                                | A   | A   | A   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Indoor Recreation-Health Club or Similar Use within an Existing Building | A   | A   | A   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | A   |
| Recreation, Commercial – Indoor                             | C   | C   | C   | C   | C   | C   | C   | C   | C   | A   | A   | C   | A   | A   | C   |     |     |     |     |     |     |     |     |     |     |     |     |
| Recreation, Commercial – Outdoor                            | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Social Event Center                                         | C   | C   | C   | C   | C   | C   | C   | C   | C   | A   | A   | C   | A   | A   | C   |     |     |     |     |     |     |     |     |     |     | 11-06-05.3.C |
| Swimming Pool, Commercial                                   | C   | C   | C   | C   | C   | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Theater                                                    | C   | A   | A   | C   | A   | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| **Retail (Sales)**                                          |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Auction Establishment                                       | C   | C   | A   | C   | C   |     | A   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Materials | C   | A   | C   | C   |     | A   | A   | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Convenience Store with Gasoline Service                    | A*  | C   | A   | A   | C   | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Drive-Up Establishment                                     | C   | C   | C   | C   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 11-06-05.3.A |
| Grocery                                                    | C   |     | A   | A   | A   | C   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Pharmacy                                                   | C*  | C   | C   | A   | A   | C   | A   | A   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Retail Store < 60,000 s.f. GFA                            | A   | A   | A   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Retail Store > 60,000 s.f. GFA                             | A   | A   | A   | C   | A   |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
## Table 11-06.1: Allowed Uses

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### Table 11-06.1: Allowed Uses

| Use Category/Type                                                                 | A  | A  | A  | B  | M  | O  | L  | C  | C  | C  | C  | P  | C  | U  | H  | S  | M1 | M2 | M4 | T1 | T2 | Additional Regulations |
|----------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------------------|
| Blacksmith Shop                                                                  |    |    | A  | A  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| **Manufacturing and Production**                                                 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Atmospheric Gas Production Plant                                                 |    |    | A  | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Brewery, Distillery, Winery                                                      |    |    | A  | A  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Bottling and Distribution Plant                                                  |    |    | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Food Products, Dairy Products & Wholesale Bakeries                               |    |    | A  | A  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Lumbermill, Sawmill, Pulpmill                                                    |    |    | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Tannery                                                                          |    |    | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Asphalt and concrete ready mix plant                                             |    |    | C  | A  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Construction components, bricks, windows, concrete blocks                        |    |    | A  | A  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Wigs, hair products, toiletries and barbering supplies                           |    |    | A  | A  | C  | A  | A  |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Signs and other metal workings                                                   |    |    | A  | A  | C  | A  |    |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Pharmaceuticals, cosmetics, orthopedics, prosthetic devices and medical and dental supplies |    |    | A  | A  | C  | A  | A  |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Architectural, drafting and artist supplies                                      |    |    | A  | A  | C  | A  | A  |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Ceramics and other similar products                                              |    |    | A  | A  | C  | C  | A  |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| Costume jewelry, novelties, buttons, toys, miscellaneous clothing, accessories and notions |    |    | A  | A  | C  | A  | A  |    |    |    |    |    |    |    |    |    |    |    |    |                        |
| **Mining and Extraction**                                                        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Mining, Dredging, Loading & Hauling of Sand, Dirt, Gravel or Other Aggregate      |    |    | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| **Storage**                                                                      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
| Bulk Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products |    |    | C  | C  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 11-06-06.1.A            |
## Table 11-06.1: Allowed Uses

| Use Category/Type | A 1 | A 2 | R 1A | R 1B | R 1C | R 1M | R 2 | R 3 | R O | N O | L O | C 1 | C 2 | C 3 | C 4 | C 5 | P C | U | H S | M 1 | M 2 | M 4 | T 1 | T 2 | Additional Regulations |
|-------------------|-----|-----|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Outdoor Storage | C | A* | C | C | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Self-Service Storage | C | A | C | C | A | A | C | C | A | A | C | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Wholesale Business | C | A | A | C | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| **Warehouse and Freight Movement** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grain Elevator | C | A | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trucking Terminal | A | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Truck Stop | A | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Warehouse | A | C | A | A | A | C | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Wholesale Business | A | C | A | A | A | C | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| **Waste and Salvage** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Composting Facility | C | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Junkyard, Vehicle Wrecking | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Sanitary Landfill, Incineration | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **Accessory Uses** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Accessory Structure, < 1,000 s.f. | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Accessory Indoor Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Accessory Outdoor Storage | C | A | C | A | A | C | C | A | A | A | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Accessory Retail Sales & Service Related to the Primary Use | A | A | C | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Backyard Composting | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Beekeeping | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |

1 Beekeeping is a permitted accessory use to an Urban Farm in all districts.
### Table 11-06.1: Allowed Uses

<table>
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*Note: A* indicates additional regulations.*
| Use Category/Type                  | A 1 | A 2 | R 1A | R 1B | R 1C | R 1M | R 2 | R 3 | R O | N O | L O | C 1 | C 2 | C 3 | C 4 | C 5 | P 1 | C 2 | U | H | S | M 1 | M 2 | M 4 | T 1 | T 2 | Additional Regulations |
|-----------------------------------|-----|-----|------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| **Temporary Uses**                |     |     |      |      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |
| Sales Trailer                     | A   | A   | A    | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |
| Temporary Voting Place            | A   | A   | A    | A    | A    | A    | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   | A   |
CHAPTER 11-06: USE REGULATIONS
Section 11-06-02: Use Standards, Generally
Subsection 1: Single and Two-family Living Uses

11-06-02. USE STANDARDS, GENERALLY

1. The follow sections are organized following the system of use categories and types in the Table of Allowed Uses. Except where otherwise stated, the use standards in this chapter are applicable in all zone districts, and apply unless a special exception is granted per Section 11-03-04.13, Exception. Unless specified, use standards are in addition to all generally applicable standards and approval criteria in this Code.

2. Use-specific standards provide additional requirements intended to mitigate the impacts of certain uses regardless of the underlying zoning district. Such standards may also allow a use to be permitted subject to conformance with the standards, rather than requiring a Conditional Use review. By making more uses permitted, but ensuring compatibility with surrounding areas and mitigating impacts through objective standards, the development review process is streamlined and made more predictable.

11-06-03. RESIDENTIAL USE STANDARDS

1. SINGLE AND TWO-FAMILY LIVING USES

A. Accessory Dwelling Unit
This section provides standards for an accessory dwelling unit to be added to a single-family dwelling. The purpose of accessory dwelling units is to provide more affordable housing; provide additional density with minimal costs and disruption to existing neighborhoods; allow individuals and smaller households to retain large houses as residences; and maintain the single-family dwelling character of the house. A house with an accessory dwelling unit can be distinguished from a duplex because its intensity of use is less, and it retains the appearance of a single-family dwelling. Accessory dwelling units are subject to specific approval criteria. The Director must make the following findings to approve an accessory dwelling unit.

(1) The accessory dwelling unit (ADU) must be not larger than ten percent of the lot area or 600 square feet, whichever is smaller, and shall not have more than one bedroom. Where practical, the ten percent size standard may be altered to accommodate logical expansions or internal conversions. Examples of this include, but are not limited to, the addition of a second floor to a detached garage or the separation of a basement as an accessory unit. Under no circumstances may the 600 square foot maximum be exceeded.

(2) The accessory dwelling unit must be created through one of the following:
(a) Internal conversion of an existing living area, basement, or attic. Conversion of a garage is not permitted unless required parking can be sited legally elsewhere on the property;
(b) An addition to the primary dwelling unit;
(c) An addition to an accessory structure such as a detached garage or shop;
(d) Construction of a new single-family detached house with an internal or detached accessory dwelling unit;
(e) Construction of a detached accessory unit; or
(f) Construction of an existing detached accessory structure.
(3) The accessory dwelling unit must meet all of the dimensional requirements of the underlying zoning classification as well as the provisions of the International Building Code.

(4) The design of the accessory dwelling unit must be compatible with the existing neighborhood by taking into account height, bulk, and site location, and incorporating materials, colors, and a design motif that is compatible with and complements the architectural theme and style of the principle dwelling unit. The primary and the accessory dwelling units shall be designed to portray the character of a single family dwelling. Only one entrance to the structure may be located on the front building elevation of the house unless multiple entrances are already in existence.

(5) One parking space shall be provided for the accessory dwelling unit in addition to the existing minimum parking requirement for the primary dwelling. The driveway apron (driveway space within the front yard setback) may be utilized for this requirement. A waiver to the parking requirements may be granted by the Director subject to documentation that unusual circumstances of the occupancy will result in a reduced need for parking on the premises and will not negatively impact the neighborhood. The waiver and the circumstances allowing for the waiver will be documented in the deed restriction required in Section (8), below.

(6) At the time of application for an accessory unit, the applicant shall provide proof of owner occupancy of the premises.

(7) Ongoing owner occupancy of either the primary or the accessory dwelling unit is required and shall be enforced through recordation of a deed restriction to that effect with the County Recorder. (A temporary waiver of this requirement may be granted by the Director in the case of a documented need for the owner-occupant to leave the premises for up to one year due to employment, illness, or other circumstances.)

(8) Conditions of approval, as determined by the Director, shall be filed for record with the County Recorder as deed restrictions within 30 days of approval of the accessory dwelling unit. Evidence of such filing shall be submitted to the Director within 30 days of approval.

(9) Impact fees for accessory dwelling units shall be assessed at a portion of the standard single family residential fee as determined by the applicable agency.

(10) Notification of the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application, stating the adjacent owners and occupants have been notified of the applicant’s intent to request or establish an accessory dwelling unit. Input from adjacent property owners should be considered by the applicant in the design and siting of an accessory dwelling unit in order to maintain privacy between adjacent housing units. Certified mail is an acceptable means of notifying adjacent owners and occupants.

B. Dwelling, Duplex

(1) Duplexes in the R-1A, R-1B, R-1C, and R-2 zone districts and BSN overlay zone district shall be subject to specific design criteria. The Director must make the following findings:
(a) **Site Size**
The site is of sufficient size to meet all Code requirements for setbacks, parking, and open space.

(b) **Floor Area Ratio**
Floor area shall not exceed 55-percent of the total lot area. Enclosed garage space does not count toward floor area.

(c) **Setbacks**
   i. Setbacks are as required by the zone except covered front porches of a minimum 5-foot depth may have a 10-foot front setback.
   ii. Parking off the alley is allowed in the side and rear setbacks to within two feet of the side property lines when a solid fence is provided.

(d) **Open Space**
Each unit shall have a minimum of 375 square feet of private open space located in the rear yard. This open space shall have a minimum dimension of 15-feet and may include the required setbacks. Required open space shall not include driveways or parking areas. Only those areas on the lot having minimum width and length dimensions of five feet shall be used to comply with the open space standard. A minimum of 30 percent of the required open space shall consist of permeable ground surface with landscaping.

(e) **Landscaped Areas**
Front and street side setback areas shall be landscaped with naturally growing elements such as grass, trees, shrubs, and flowers. The use of logs, rocks, fountains, and similar accent elements may also be approved by the Director. The landscape plan must include an irrigation system. Xeriscape and low water use landscape is allowed.

Side yards, between the structure and a fenced property line, may be finished with decorative gravel, provided they are fenced and screened from the street view.

(f) **Driveways**
Individual driveways in front setback are vehicular access ways that are separated by other access driveways by a minimum of seven feet of landscaping. Individual driveways in the front setback shall not exceed a width of 20 feet.

(g) **Right-of-Way Improvements**
   i. Irrigated landscaping, by agreement with the Ada County Highway District, is required in unpaved areas within the undeveloped street right-of-way. Perpendicular motor vehicle parking is prohibited within the public-right-of-way, and all motor vehicle parking is prohibited on undeveloped public right-of-way.
   ii. All new dwellings shall provide a front sidewalk with curb and gutter, and, if applicable, a paved driveway apron that extends to the edge of street pavement of the roadway or alley is require; except that waivers or variations on some or all this requirement may be granted by the Director based upon site-specific conditions such as the lack of adjacent improvements and/or documented drainage problems that
might result from the improvement of the roadway.

iii. If full right-of-way improvements are not feasible and ACHD determines that there is insufficient roadway pavement width for travel lanes with on-street parking, a non-landscaping ACHD approved shoulder shall be installed that is of the minimum width necessary to accommodate parallel parking. Landscaping shall be required to the edge of the parking shoulder.

(h) Design

i. The design of the duplex is compatible with the existing neighborhood and adjoining properties by taking into account height, bulk, and site location.

ii. All street-facing facades shall include architectural treatments to provide visual interest. Architectural treatments used to achieve this may include, but are not limited to, dormers, bay windows, vertical windows, exterior window treatments, varying roof pitches, facade modulation, and a variety of colors, materials, and textures. Alternative approaches to façade design may include either creating the distinct appearance of two architecturally distinguishable dwelling units, or creating a more unified design that replicates the appearance of one single family home.

iii. At least 15 percent of the area of street-facing facades must be windows or doors. The calculation includes the area of all street facing windows and entrance doors that are within a 45 degree angle of the street. Garage doors are not included in the 15 percent calculation.

iv. The length of the garage wall or combination of garage walls facing the street shall not exceed 50 percent of the total length of the facade. Garages that are set back a minimum of five feet further than the street-facing wall of the dwelling unit may be up to 60 percent of the total length of the facade. Walls of side entry garages that utilize windows and other architectural means to provide visual interest are not included in this calculation.

v. On interior lots at least one unit must have a main entrance with a door facing the street or at an angle of up to 45 degrees from the street. The main entrance shall include a covered porch that is a minimum of 25 square feet. If both of the units have an entrance facing the street, or more than one garage door is facing the street, the units must be modulated by a minimum of four feet.

vi. On corner lots each street facade shall have a main entrance with a door facing the street or at an angle of up to 45 degrees from the street. The main entrance shall include a covered porch that is a minimum of 25 square feet. Duplexes located on lots located at the corner of two local streets shall not have more than two parking spaces accessed from each street.

vii. Balconies shall be located in areas that will cause minimal interference with the privacy of neighboring properties.
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viii. Two-story duplexes shall use one of the following methods to break up the building mass and provide visual interest to the side elevations:

A. The second story sidewalls shall have a minimum three-foot offset from the first story sidewalls. The second story shall be located furthest away from the side property lines; or

B. The building shall be set back eight feet from the interior side property line, with bay windows, pop-outs or other architectural appurtenances allowed at the five-foot setback line. In the R-1A and R-1B zone the building shall be set back 13 feet from the interior side property line, with bay windows, pop-outs, or other architectural appurtenances allowed at the ten-foot setback line.

C. If less than 1 ½ story homes exist on both sides of the duplex lot, the duplex shall meet the requirements of the substandard lot ordinance for 1-½ story construction.

ix. Second story windows shall be designed to limit impact on the privacy of neighboring properties. This requirement does not supersede any Building Code requirements for windows for egress, natural light, etc.

x. Duplexes on substandard original lots of record shall be subject to additional criteria per Section 11-06-03.3.

xi. One of the following must be true in the R-1A, R-1B and R-1C zones

A. The project constitutes infill;

B. Is located on a corner lot at the inside of the intersection of two local streets, with no more than two parking spaces accessed from each street; or

C. Is located on an arterial or collector street.

(2) Notification of the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application, indicating they have been notified of the applicant’s intent to establish a duplex dwelling. Certified Mail is an acceptable means of notifying adjacent neighbors.

(3) The Director will review and make a determination of approval or denial within 15 calendar days of receipt of application and will submit the findings and conclusions, with required conditions, in writing to the applicant. A notice will be sent informing owners within 300 feet of the property of the decision of the Director and of their right to appeal the Director’s decision pursuant to Section 11-03-03.9, Appeal.
Applications to build duplexes on contiguous lots in the R-1A, R-1B, and R-1C zones, that are planned and developed under single ownership or control, shall be reviewed by the PZC as a planned unit development.

C. Manufactured Home, Enhanced

An enhanced manufactured home use shall meet the following architectural and placement standards:

1. Is multi-sectional and enclose a space of not less than 1,000 square feet.

2. Is permanently affixed in accordance with the manufacturer’s specifications with the running gear and towing hitch removed and set upon a foundation base having an anchoring system that is totally concealed under the structure.

3. Is placed on a foundation base such that the finished floor area of the home is located not more than 12 inches above grade or 24 inches above grade if the home is over a basement. Graded earth shall not be closer than six inches to the siding of the home.

4. Has a foundation fascia that is similar in appearance and durability to the masonry foundation or other foundation systems comparable with site-built dwellings and that is approved by the Director. It shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade.

5. Has exterior siding and roofing that in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city or that is comparable to the predominant material used on surrounding dwellings.

6. Has a pitched roof with a minimum pitch of 2:12 (two inches of rise to twelve inches of run).

7. Eaves are optional with the exception that where eaves are consistent with the predominant construction of immediate surrounding dwellings, the home shall have an eave that projects a minimum of six inches along any wall that faces a street.

D. Manufactured Home Community and Mobile Home Park

1. Improvement Requirements

(a) If the development is to be subdivided, streets shall be public and built in conformance with ACHD construction standards.

(b) Utilities shall be installed underground.

(c) Units within the community or park shall be connected to a wet line sewer and a central water facility.

(d) Public street lighting shall be designed, constructed, and dedicated to the city in accordance with the requirements of the Public Works Department.

(e) Provisions for drainage of the community or park and dwelling units therein shall be made in accordance with a drainage plan reviewed and approved by the Public Works Department.
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(f) Subdivisions shall comply with the requirements of the Chapter 11-09, Subdivision Standards, as shall conversions of approved land-lease developments to subdivisions.

(g) Screening and buffers shall be required along all perimeter property lines, except where the natural features of the land provide either a buffer or screen. The screen shall consist of continuous six-foot high fencing or landscaping, or combination thereof. Communities adjacent to arterial or collector streets shall be buffered with 30 feet of additional land area and landscaping for arterial streets, and 20 feet of additional land area and landscaping for collector streets.

(2) Dwelling Unit Design Features

To assure that manufactured homes and developments containing such homes are compatible with the existing neighborhood, it is appropriate that the city require additional design standards and features. Applicable design features include, but are not limited to, the following features:

(a) The dwelling unit has a roof pitch of two inches of rise to 12 inches of run (2:12).

(b) The dwelling unit has a foundation fascia that is similar in appearance and durability to the masonry foundation or other foundation systems comparable with site-built dwellings and approved by the Director. The foundation fascia shall surround the entire perimeter of the structure and completely enclose the space between the siding and the finished grade.

(c) The dwelling unit and attached accessory structure(s) have exterior siding and roofing that, in material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the city or that is comparable to the predominant material used on surrounding dwellings.

(d) The use of identical floor plans or unit designs on adjacent lots is discouraged. Variety in floor plans and unit designs is required.

(e) In the R-1M district, manufactured homes and developments containing such homes shall comply with all the design requirements of the R-1M district.

(3) Home Space or Lot Improvement Requirements

(a) Dimensions

There are no minimum dimensional requirements for lots or home spaces, however, lot and home spaces shall be shown to be large enough to accommodate the dwelling, required parking, usable private open space, area for accessory storage units, and building setbacks. In order to assure adequate lot or home space size, the application site plan shall delineate a conceptual arrangement of all city requirements within each lot or home space of the community. Provided that city code is complied with, actual placement of these features may vary from the approved conceptual arrangement, as deemed appropriate by the Director.

(b) Private Open Space

A minimum of 400 square feet of usable private open space, being 15 feet wide at its narrowest dimension, shall be provided within each lot or home space’s side or rear yard area. This requirement may be reduced to no less than 200 square feet if the difference is placed in common facilities provided for the community as a whole.
(c) **Parking Spaces**
A minimum of two off-street parking spaces per dwelling unit shall be provided within the community. Residential parking spaces shall not be located further than 600 feet from the dwelling unit. Tandem parking is allowed if provided on the lot or home space.

(d) **Setback and Unit Spacing Requirements**

i. **Periphery Setbacks**
Along the periphery of the development, yards shall be provided as required by the regulations of the district in which the development is located. Where development already exists at the periphery, the yard setbacks shall be matched. For example, side yards shall be provided adjacent to side yards, rear yards adjacent to rear yards, and front yards opposite front yards.

ii. **Internal Front and Street Side Yard**
The unit shall be setback a minimum of ten feet from the street as measured from the back of sidewalk, or back of curb in cases where no sidewalks are planned. The front yard setbacks of adjacent units are required to vary by no less than three feet, and shall be noted or delineated on the approved site plan. Street side yard setbacks shall be a minimum of ten feet.

iii. **Required parking**
Parking shall be setback a minimum of ten feet from the back of sidewalk or back of curb in cases where no sidewalks are planned.

(e) **Interior Side and Rear Yards**
In order to maximize yard area utility, side and rear yard setbacks may be zero feet. A minimum separation of ten feet between dwelling units is required. Detached accessory structures shall comply with the standard setback requirements of this Code.

2. **MULTI-FAMILY LIVING USES**
These standards shall apply to all new multi-family development, except where specified below. They are in addition to the Citywide Design Standards and Guidelines and the Downtown Design Standards and Guidelines.

A. **Density Bonus (units/acre)**
The following density provisions are in addition to those contained in Table 11-04.3—Dimensional Standards for Residential Districts.

   (1) **Transit Incentive**
Parcels adjacent to an arterial roadway with existing or planned transit service shall be eligible for higher maximum densities by Conditional Use Permit as follows:

   (a) R-1A and R-1B: 8 units/acre.

   (b) R-1C: 12 units/acre.
(c) R-2: 20 units/acre.

B. Building Setbacks
The following setbacks shall apply to multi-family development in any zone, unless a lesser setback already applies:

(1) Minimum Front and Street Side: 15 feet (Living Space)

(2) Balconies and porches may encroach up to 5 feet into front and street side setbacks

C. Housing Types: Development Level Mix
Multi-family developments on parcels between two and four acres shall incorporate at least two housing types. Projects on more than four acres require at least three housing types. Housing types include (See Figure 1.):

(1) Small-lot single-family
(2) Duplex
(3) Triplex
(4) Four-plex
(5) Townhome
(6) Apartment (5 or more units)
(7) An alternative housing type as approved by the Director.
(8) A distinct building model may be provided as a substitute for one of the required housing types. A distinct building model can be easily distinguished from others through the use of at least two of the following:
   (a) A variation in length and footprint of 30 percent or more
   (b) A distinct variation in color and materials
   (c) A distinct variation in floor plans
Figure 1—Representative housing types.
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D. Housing Types: Block Level Mix

No one housing type shall occupy more than 80 percent of any block face or street frontage exceeding 500 feet in length. Single-family dwellings are exempt from this requirement.

E. Transition Standards-Height and Building Mass

![Diagram of block level mix of housing types.]

Multi-family development adjacent to single-family residential (either existing homes or vacant single-family zoning districts) shall:

1. Concentrate tallest buildings or tallest portions of buildings along street frontages or, away from adjacent single-family homes.
2. Provide gradual decreases in building height so that new structures are comparable in scale to adjacent single-family. Comparable scale means new structures do not exceed the height of adjacent dwellings by more than one story or 12 feet (within 15 feet of a shared lot line).
3. These standards do not apply when:
   a. The adjacent property is designated High Density, Commercial, or Office on the Land Use Map of Blueprint Boise;
   b. Portions of an adjacent parcel are occupied by more than two dwelling units;
   c. The adjacent property is occupied by a non-conforming use; or
   d. The property is identified as “Significant New Development/Redevelopment” on the Areas of Stability and Change Map of Blueprint Boise.

F. Parking Credits and Reductions

Parking credits and reductions for multi-family development may be granted by the Director as follows:

1. On-Street Parking
   The minimum parking requirement shall be reduced by one space for each on-street space located immediately adjacent to the development parcel.
2. Transit-Supportive Development
   The minimum parking required for developments within 1,320 feet of an existing or planned transit line shall be reduced by ten percent.
3. Vertical Mixed-Use Development
   The minimum parking required for multi-family development incorporated as part of a vertical mixed-use development shall be reduced by ten percent.
(4) Affordable Housing
The minimum parking required for multi-family development shall be reduced by ten percent for each structure where at least 80 percent of the units meet the definition of affordable housing provided in Section 11-01-10.8.

(5) Podium or Structured Parking
The minimum parking required where at least 60 percent of required spaces are in tuck-under garages, podium, or a multi-level structure shall be reduced by 25 percent.

(6) Enclosed, Secure Bicycle Parking
The minimum parking required shall be reduced by ten percent if fully enclosed, covered, secure bicycle parking is provided that exceeds the number required in 11-07-03.3.B by at least 50 percent. The minimum required bicycle spaces shall remain accessible to the public.

(7) Maximum Reduction Allowed
Total reductions to the minimum off-street parking requirements of Section 11-07-03 of the Boise Development Code shall not exceed 30 percent.

G. Within the R-3 district, a multi-family use is allowed by right, subject to the applicable standards of this Code, within a single structure.

(1) Development of two or more multi-family structures per lot or of more than 20 units per acre must be submitted as a planned development conditional use application. In reviewing such application, the PZC must establish findings of fact as detailed in Section 11-03-04(6), for conditional uses and Section 11-03-04(7) for planned unit developments. In addition, the use shall comply with the following standards:

(a) The minimum usable open space or recreational space requirement shall be equal to 30 percent of the land area occupied by residential structures. For the purpose of this section, usable open space or recreational space shall include landscaped areas, court yards, balconies, patios, sun decks, pedestrian walkways, playground areas, swimming pools, and all other exterior or interior recreational areas. Such areas must be readily accessible to the occupants of the building. Usable open space or recreational space shall not include driveways, parking areas, or loading areas. The open space or recreational space requirement may be reduced for projects that abut open space or recreational facilities;

(b) Building and site design shall provide for a transition into the surrounding neighborhood to ensure compatibility. Factors to be considered are setbacks, building height, building materials, bulk, roof design, parking area locations, landscaped area locations, and other factors necessary to ensure adequate transition;

(c) The pedestrian circulation system shall be integrated into the surrounding neighborhood and shall provide connections from dwellings to parking areas, open space, or recreational facilities and any shared facilities. Sidewalks shall be of adequate width to accommodate the expected pedestrian traffic in high use areas;

(d) Natural features, views, and other potential site amenities should be retained and incorporated into the design;
(e) Principal buildings connected by a breezeway, covered hallway, or similar protected walkway shall be treated as separate buildings on separate zoning lots for setback or spacing purposes.

(f) Surface parking shall be designed to avoid large uninterrupted parking areas. Parking areas and dwellings shall be located to minimize walking distances. The PZC may require that all or any portion of the on-site parking be provided below grade (under building or plaza areas) as a means of increasing the size of usable open space, reducing the paved surface area, and improving the overall design and appearance.

(2) In the R-1M District, multiple dwellings in a single building are allowed only in townhouse or row house design, with one dwelling per lot and with the dwellings attached at the common lot line.

H. High Rise
In the Multiple Family (R-3), Limited Office (L-O), and Commercial (C-1, C-2, and C-3) zoning districts in the vicinity of Boise State University, the minimum lot area, maximum density, and maximum height limits for multiple family dwellings may be altered to allow for High Rise Multi-family Buildings if authorized by a conditional use permit subject to the following conditions and restrictions.

(1) Density increases may be granted in the area generally described as an area of land located in the Northeast Quarter of Section 16, East half of Section 9, South half of Section 10, Northwest Quarter of Section 14, North half of Section 15 Township 3 North, Range 2 East of the Boise Meridian, Ada County, Idaho, more particularly described as follows: Beginning at the center line of South Division Street and West Beacon Street; thence westerly along the center line of West Beacon Street to center line of West Boise Avenue; thence northwesterly along West Boise Avenue to a point approximately 150.00 feet, more or less, northwesterly of the prolongation of the northwesterly right-of-way line of South Martha Street; thence South 29°52'00" West, 121.00 feet, more or less, to a point separating the R-3D and R-1C Zoning District; thence North 68°07'00" West, 284½ feet, more or less, to a point separating the R-3D and R-1C Zoning District; thence North 72°10'00" West, 109.00 feet, more or less, to the prolongation of center line of vacated South First Street; thence southwesterly along the center line of said vacated South First Street to the center line of South Federal Way; thence northwesterly along the center line of South Federal Way to the South Capital Boulevard and West Crescent Rim Drive intersection; thence northwesterly along the center line of West Crescent Rim Drive to a point 215.00, more or less, Northwesterly of the prolongation of South Ruby Street, said point being on the Northerly Section line of Section 16, Township 3 North, Range 2 East of the Boise Meridian, Ada County, Idaho and the southerly boundary of Ann Morrison Park; thence easterly, northeasterly, northwesterly along the meandering westerly boundary line of Ann Morrison Park to the south shore line of the Boise River; thence southeasterly along the south shore line of the Boise River to the prolongation of center line of South Division Street; thence southerly along the prolongation and center line of South Division Street to the center line of West Beacon Street, the Point of Beginning.
(2) New construction in neighborhoods determined by the HPC to be historically sensitive must be architecturally compatible with the adjacent and surrounding neighborhood.

(3) Sites within districts designated on the National Register of Historic Places or on sites that have been designated by Boise City as City Historic Districts, landmarks, or properties shall be reviewed by the HPC prior to any granting of a density increase.

(4) The maximum density granted by a density increase shall not exceed one dwelling unit per 500 square feet of lot area.

(5) The minimum average lot width shall be 60 feet, except that corner lots shall be at least 70 feet and shall provide a minimum street frontage of not less than 30 feet.

(6) The floor area ratio of all buildings, structures, and required off-street parking area, excluding below grade parking, shall not be a higher number than 1.5.

(7) No building or structure shall have a height in excess of 45 feet.

3. SUBSTANDARD ORIGINAL LOTS OF RECORD

Any substandard original lots of record, as defined in this Code, may be utilized for a permitted use if all other requirements of this Code are met. Residential development of substandard original lots of record is subject to Section 11-07-02.1.A of this Code.

A. Purpose and Intent

To ensure that new development is compatible in character and scale with established housing.

B. Applicability

(1) Lots in the R-1A, R-1B, or A zones, having a lot area of less than 5,000 square feet or a width of less than 50 feet, or in the case of a corner lot, a lot area of less than 7,000 square feet or a width of less than 70 feet; and

(2) All substandard lots of record in the R-1C, R-2, R-3, R-O, N-O, L-O, C-1, C-2, and C-3 districts.

(3) The Historic Preservation Commission may modify the regulations for substandard lots in order to issue a certificate of appropriateness.

(4) These standards apply to all new dwellings and remodels of existing dwellings.

(5) They do not apply to lots that are part of a planned unit development and they do not take precedence over any note recorded on a subdivision plat.

C. General Provisions

(1) Minimum Lot Dimensions

a. A minimum lot width of for a single-family residence is 25-feet for interior lots and 35-feet for corner lots when alley access is available.

b. A minimum lot width for a single-family residence without alley access is 37.5.

c. A minimum lot width for a duplex is 36-feet for interior lots, 46-feet for corner lots and a minimum lot size of 2,000 square feet per dwelling is required when alley access is available.
(2) **Design Review**

A development containing three or fewer dwelling units on up to three contiguous substandard original lots of record shall be subject to minor design review per Section 11-03-04.12.B(2). Four or more dwelling units and units with front loading garages shall require design review by the DRC as provided for in Section 11-03-04.12.B(2) and shall also comply with the standards and guidelines in this Section.

(3) **Application Requirements**

Prior to application submittal all new applications or modifications to existing applications must hold a neighborhood meeting in conformance with Section 11-03-04.12.B(2).

D. **Development Standards**

(1) **Setbacks**

(a) **Front**

The front yard setback for livable space and porches shall be within five feet of the average of the front yard setbacks of adjoining properties. However, in no case shall the setback be less than ten feet or more than 20 feet. The front minimum and maximum setback for parking is 20 feet. Maximum setbacks are required in order to provide a visual and physical relationship to the street and retain room for an open back yard area. Lots developed simultaneously shall provide varying setbacks.

**Side**

Interior side setbacks shall be as per the zone and street side yard setbacks shall be 15 feet for livable space and 20 feet for parking that takes access from a public street or 15 feet for parking that takes access to the alley, unless one of the following is applied:

i. **Common Lot Line Attached Units**

When the building is located on a common lot line, the remaining side yard setback shall be per the zone.

![Figure 11-06.2: Common lot line attached units](image)

ii. **Detached Units on Contiguous Lots**

When two or more single family units are proposed on contiguous 25-foot lots, the interior side yard setbacks may be reduced to three feet interior to the development, provided the setbacks exterior to the development adhere to the setbacks required by the zone.
ii. **Two-story Attached Buildings in the R-1C Zone**

Two-story attached buildings in the R-1C zone shall have a minimum setback of five feet for the first story and a minimum of eight feet for the second story from the interior side property line, with bay windows, pop-outs or other architectural appurtenances allowed at the five-foot setback line. All other zones must meet their side setback requirements. (See also Section 11-06-03.1.B, Duplex.)

![Figure 11-06.3: Detached units on continuous lots](image_url)

![Figure 11-06.4: Two-story attached units on contiguous lots](image_url)

iv. **Garage**

A single story detached garage no larger than 500 square feet, accessed from an alley, may have a three-foot interior side setback. The minimum exterior dimensions for a two car garage shall be 19 feet by 20 feet.

(b) **Rear**

Rear yard setback shall be as required by the zoning district in which the substandard lot is situated.

(2) **Building Height**

Building height (to the ridgeline) shall not exceed the width of the lot or the maximum height allowed by the zone, whichever is most restrictive.

(3) **Building Size**

Residential floor area shall not exceed 55 percent of the effective lot area on lots.
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Subsection 3: Substandard Original Lots of Record

(4) **Private Open Space**

All lots must provide a minimum of 375 square feet of private open space in the rear yard. This open space must be configured as a minimum of 15 feet by 25 feet and can include the required setbacks. A minimum of 10 feet by 15 feet of that space shall be open to the sky. Covered rear porches are allowed to be calculated as part of the private open space area.

(5) **Right-of-way Improvement**

(a) All new dwellings (excluding remodels) shall provide a 5-foot concrete sidewalk with curb and gutter, and, if applicable, a paved driveway apron that extends to the edge of street pavement of the roadway or alley will also be required; except that waivers or variations on some or all of this requirement may be granted by the Director based upon site-specific conditions such as the lack of adjacent improvements and/or documented drainage problems that might result from the improvement of the roadway.

(b) Dirt or gravel strips in the front yard or undeveloped street right-of-way shall not be permitted. Irrigated landscaping shall be provided in these areas through license agreements with ACHD. Bonding for landscape improvements may be allowed based on weather related constraints. If ACHD denies the necessary license agreement, the requirement for landscaping shall be waived.

(c) If full right-of-way improvement are not feasible and ACHD determines that there is insufficient roadway pavement width for travel lanes with on-street parking, a non-landscaped, ACHD approved shoulder shall be installed that is of the minimum width necessary to accommodate parallel parking. Landscaping shall be required to the edge of the parking shoulder.

(d) All right-of-way improvements, license agreements, and/or bonding shall be completed prior to issuance of a Residential Certificate of Occupancy permit for the structure.

(6) **Landscaping Standards**

A landscape plan shall be required for each new development. All areas not developed with structures, driveways, parking lots, private streets, pathways, patios, and similar useable areas shall be landscaped.

(a) **The landscaping should accomplish the following objectives:**

i. Shading of parking areas and walkways;

ii. Ground cover consisting of predominantly live planted materials;

iii. Provision of useable hardscape features (such as pavers, planters, stonework, decks, etc.) may be allowed up to 25 percent;

iv. Erosion control; and

v. Attractive streetscapes and common areas.

(b) Plastic or other artificial materials are not allowed.

(c) Xeriscape plans that are consistent with Public Works standards shall be considered acceptable.

(d) The landscape plan shall include an irrigation system.
(7) Parking

(a) Each dwelling shall be provided with two off-street parking spaces.

(b) Vehicular access and parking shall be provided according to the following standards:

i. If alley access is available, all access shall be taken from the alley. Two spaces shall be provided with 22 feet of backup space as per Table 11-07.03, Minimum Standards for Parking Lot Design.

ii. If alley access is not available a two car attached garage shall be provided. The design shall include varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. There shall be a setback of 20 feet to the face of the garage. Driveways for a two car attached garage may not exceed 20 feet in width.

iii. The use of ten-foot wide shared driveway providing access to rear yard garages attached with a common wall on the property line is allowed and encouraged for contiguous lots of 35 feet in width or greater.

(8) Alternative Building Arrangements

(a) Attached Units

Attaching single family units in multiples of two or three on a common lot line is encouraged as a means of creating more substantial structures that will be imitative of standard width single-family homes. Such units remain subject to the general design criteria stated herein and do not require a planned unit development application.

(b) Zero Lot Line Option

If multiple single-family detached units are to be constructed on contiguous lots, the applicant may request zero lot line development provided that the full required setback from adjacent non-project lots can be adhered to. Such units remain subject to the general design criteria stated in subsection 5, below, and do not require a planned unit development application and may be approved by design review per Section 11-06.03.1.B, Design Review.

(c) Additional Requirements for Attached Units

i. Attached buildings shall be constructed to comply with townhouse construction standards per the Building Code.

ii. The applicant or builder shall obtain the Legal Department’s approval of easement agreement(s) for the use and maintenance of common facilities such as driveways, parking sites, and common party walls. The Legal Department must approve easement agreements within ten calendar days of submission. Any revised easement agreement shall be considered a new submission. Said agreement shall be recorded in the official records of Ada County prior to submission of plans for a building permit.

iii. Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable city subdivision and zoning regulations. The applicant shall obtain approval from the city and record any lot line adjustments or reduction in lots with the County Recorder prior to submission for a building permit.
E. Design Guidelines

In addition to the development standards above, the general design guidelines below shall also apply to developments on substandard lots of record. Design review shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate:

1) Number of Stories

(a) Single story and one and one-half story structures are the preferred height for all homes on substandard lots of record.

(b) Full-length two-story buildings are allowed only when both adjacent properties are developed with full two-story structures.

(c) Exceptions

a. One and a one-half story structures with a daylight basement that is sunk into the ground a minimum of four feet and the building height is a maximum of 18-feet to the midline of the roof.
b. One and a one-half story structures with the second story contained within a pitched roofline located within a front gable and the building height is a maximum of 18-feet to the midline of the roof. The exterior second floor wall height shall be no greater than 2-feet six inches in height and any dormers on the side of the structure shall be no greater than 8-feet in width.

![Figure 11-06.7: One and one-half story structure within a pitched roofline](image)

Figure 11-06.7: One and one-half story structure within a pitched roofline

Partial two-story structures may be allowed when they do not adversely impact the adjoining properties. The circumstances to be considered shall include the size and height of the adjacent dwelling units, excessive shading of adjacent units, privacy impacts on adjacent yards, and the mass, height, window placement, and design of the building. Examples may include:

i. The second story is contained within a pitched roofline located within a front gable and the building height is a maximum of 18-feet to the midline of the roof. The exterior second floor wall height shall be no greater than 2-feet six inches in height. A maximum of two dormers may be located on each side of the structure and shall be no greater than 8-feet in width or:

![Figure 11-06.8: Partial two-story structure within a pitched roofline with side dormers](image)

Figure 11-06.8: Partial two-story structure within a pitched roofline with side dormers
ii. The second story is contained within a pitched roofline located within a side gable and the building height is a maximum of 25-feet to the peak of the roof and 18-feet to the midline of the roof. Any dormers on the front or rear of the structure shall be no greater than 10-feet in width or:

Figure 11-06.9: Partial two-story structure with front and rear dormers

iii. The second story setbacks are increased by a minimum of three feet beyond the minimum front, side and rear setbacks required for the zone.

Figure 11-06.10: Partial two-story structure with additional setbacks
(2) **Orientation**
All buildings shall be oriented towards a public street, except when buildings cannot be oriented to the street due to inadequate street frontage. In this case, buildings should be oriented towards a private street or lane conforming to city standards.

(3) **Front Facade Design Requirements**

(a) Homes should have a front door that faces the street. When a unit is built on a corner lot, the main entrance shall have the door facing the dominant street.

(b) A prominent front porch at least six feet in depth and with at least 25 percent of the front face facade comprised of windows may be considered in lieu of a street-facing front door. For homes with front-loaded garages, a garage door shall not count toward window/opening requirements. The garage door shall also have design elements such as: panels, windows, trim features, cross members, or other features as determined appropriate by design review.

(c) Non-attached dwelling units should provide a facade design that differs from the facade design on adjacent units; however, articulated designs may repeat on non-contiguous lots. Required facade elements shall, in addition to complying with design guideline in (1), 0 and (3), above, include a minimum of two of the following: multi-paned windows, varied roof lines, bay windows, wainscot, covered front door, or other elements as approved by design review that create a unique facade.

(d) Attached units should provide modulation and architectural design features to prevent flat facade wall planes.

(e) Building design should incorporate materials such as brick, stone, stucco, tile, and wood for 35 percent of the facade and second story elements. The presence of such materials on nearby homes should be reviewed as a guide for appropriate materials to be used on the new dwelling.

(f) Rain gutters shall be provided on the side elevations of all structure to aid in site drainage. Gutters shall direct water to the front or rear of the lot.

(4) **Driveways**
Where front yard driveways are permitted for access to a single garage, the driveway may be designed with two concrete wheel strips or grass pavers separated by vegetation.

F. **Waivers**
The applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard by the DRC. The waiver shall not be considered a right or special privilege but may be granted to an application that can meet the following:

1. Granting of the waiver will not be in conflict with the intent of this ordinance and shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project; and

2. There is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district; and

3. Granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
11-06-04. PUBLIC/INSTITUTIONAL USE STANDARDS

1. CHILD AND ADULT CARE USES

   A. Adult Day Care

      An adult day care use shall:

      (1) Provide adequate access for physically disabled patrons of the facility.

      (2) If located on an arterial or collector street, provide for an on-site patron pick-up area designed to prevent vehicles from backing onto the street (backing into an alley is permissible).

      (3) Meet the occupancy requirements of the Fire Department.

      (4) Obtained all required licenses from the city or the State of Idaho.

   B. Child Care

      A Child Care Use, including the uses Child Care Home, Group Child Care Home, Child Care Center, Intermediate Child Care Center, and Large Child Care Center, shall comply with the standards in this Section. Notification to the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application, stating they have been notified of the applicant’s intent to operate a child care facility on site. Certified mail is an acceptable means of notifying adjacent neighbors.

      (1) Minimum Criteria for all Child Care Uses

          Every child care use shall meet the following standards:

          (a) Provides a minimum outdoor play area of 100 square feet per child on-site. This area requirement may be waived or modified if appropriate open space with connecting public sidewalks or paths are located near the facility and that open space can be used by the children as a play area; or the program of the facility is such that the size of a group of children using the play area at any one time conforms to the 100 square feet per child criteria.

          (b) Provides a minimum of 35 square feet of indoor gross floor area per child.

          (c) Secures and maintains a child care license from Boise City and the State of Idaho.

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

          (e) Provides adequate lot size for parking, child pick-up area, play area, screening and setbacks. In the case of a Child Care Home, the Director shall determine needed improvements.

      (2) Additional Criteria for a Child Care Home

          (a) The use shall not change the structural character of the dwelling.

          (b) A maximum of one employee is allowed.

      (3) Additional Criteria for Child Care Use by Type

          In addition to the applicable criteria above, a child care use shall be subject to additional standards as indicated in Table 11-06.2.
### Table 11-06.2: Additional Criteria for Child Care Uses by Type

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Child Care Home (1-6 Children)</th>
<th>Group Child Care Home (7-12 Children)</th>
<th>Child Care Center (7-12 Children)</th>
<th>Intermediate Child Care Center (13-20 Children)</th>
<th>Large Child Care Center (21 or more Children)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Applicable if located on a collector or arterial street</td>
<td>Applicable if located on a collector or arterial street</td>
<td>Applicable</td>
<td>Applicable</td>
<td>Applicable</td>
</tr>
<tr>
<td></td>
<td>One 12 sq. ft. attached sign</td>
<td>One 12 sq. ft. attached sign</td>
<td>One 12 sq. ft. attached sign</td>
<td>One 20 sq. ft. attached sign</td>
<td>As allowed by applicable zoning district</td>
</tr>
<tr>
<td>Minimum parking to be provided shall be as indicated</td>
<td>1 off-street space per employee</td>
<td>1 off-street space per employee</td>
<td>1 off-street space per employee</td>
<td>1 off-street space per 10 children, with a minimum of 2 spaces, except in a parking reduction district, and then as indicated for the district.</td>
<td></td>
</tr>
<tr>
<td>Facility location shall be as indicated</td>
<td>In the operator’s principal residence, and must be incidental to the primary use of the dwelling as a residence</td>
<td>In the operator’s principal residence, and must be incidental to the primary use of the dwelling as a residence</td>
<td>On the edge of a neighborhood and not in the center.</td>
<td>On the edge of a neighborhood and not in the center.</td>
<td>On a collector or arterial street; or if for school age children, within 300’ of the school grounds; or in a public assembly structure.</td>
</tr>
</tbody>
</table>

(4) **Discretionary Conditions for Approval**

The Director may condition approval of a child care use on the following conditions to protect adjacent properties from adverse impacts or to protect the health, safety, and welfare of the children:

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

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

(c) Any other conditions deemed necessary by the Director to protect the health, safety, and welfare of the children or to protect adjacent property owners from adverse impacts.
2. COMMUNICATION USES

A. Wireless Communication Facilities

This Chapter establishes standards for the placement of wireless communication facilities (WCF’s) in all zoning districts. The intent is to minimize potential adverse impacts by regulating the height, location of WCF’s while recognizing that co-location is the preferred option. The placement of all new WCF’s and the expansion or alteration of any existing WCF’s shall be subject to this ordinance.

(1) Required Documentation

(a) A report from a licensed professional engineer describing the tower height and design. The report shall include the following: a cross section of the tower; elevations that document the height above grade for all potential mounting positions for co-located antennae; and the minimum separation distances between antennae. The report also must include a description of the tower’s capacity regarding the number and type of antennae that it can accommodate and what precautions the applicant will take to avoid interference with established public safety telecommunications. This report must be stamped by the structural engineer.

(b) A letter of intent committing the applicant/owner and successors to allow the shared use of the tower.

(c) A propagation study showing the location of existing facilities within the coverage area, and radio frequency modeling providing evidence as to why the WCF is needed at the chosen location.

(d) A written analysis demonstrating the proposed site is the most appropriate within the immediate area. The analysis shall include the following:

i. Description of the surrounding area, including topography;

ii. Natural and manmade impediments, if any, that would obstruct existing wireless telephone transmissions;

iii. Physical site constraints, if any, that would preclude construction of a wireless communications facility on another site;

iv. Technical limitations of the system that limit siting options; and

v. A detailed explanation as to why co-location is not possible on buildings or antennas in the proposed coverage area.

(2) A permit is required for the installation of new WCF’s and for the expansion or alteration of existing WCFs. The permit requirements are identified in Table 11-06.3, below.
Table 11-06.3: Wireless Communication Facilities - Allowed, Conditional and Prohibited Uses by Zoning District

<table>
<thead>
<tr>
<th>ZONE</th>
<th>MICROCELL FACILITIES</th>
<th>VISUALLY UNOBRUSIVE/ATTACHED FACILITIES</th>
<th>MONOPOLE LESS THAN MAX. HEIGHT OF BASE ZONE</th>
<th>MONOPOLE MORE THAN MAX HEIGHT OF BASE ZONE</th>
<th>LATTICE TOWER</th>
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<td>A*</td>
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</table>

(3) **Site Development Standards**

The following shall apply to applications for non-co-location WCF’s in all zone districts. Site development standards shall not apply to WCFs located on buildings.

(a) **Setbacks**

Support tower structures that do not exceed the height limit of the zone must meet setback, landscaping and screening requirements of the zone. Support tower structures which exceed the height limit of the zone shall be set back from all property lines as required by that zone or one foot for every ten feet of total tower height, whichever is greater setback. When a WCF is located within 300 feet of residential zoning or uses, the minimum distance from the telecommunications tower base to the nearest existing residential structure or building setback line shall not be less than the height of the tower.

(b) **Separation**

No closer than 500’ to another WCF.

(c) **Height**

The height measurement of a WCF shall include the height of the structure including antenna attachments. Structures exceeding the height limitations of the zone may only be allowed by Conditional Use Permit as indicated in Table 1 of this code.
(d) **Equipment Facility**

All equipment shelters, cabinets, or other on ground ancillary equipment shall meet set back requirements.

(e) **Screening and Landscaping**

Tower facilities shall include a landscape buffer. The buffer shall consist of a landscape strip at least four feet wide outside the perimeter of the compound. A minimum of 50 percent of the plant materials shall be of an evergreen variety. In locations where the visual impact of the facility is minimal, the landscaping requirement may be reduced or waived by the Planning Director.

(f) **Color and Placement**

To the greatest extent possible, materials, colors, textures, screening and landscaping shall be used that blend the tower facilities to the natural setting and the built environment. Any antennas and supporting electrical and mechanical equipment installed on a structure other than a tower shall use colors that are similar to the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.

(g) **Lighting and Security**

Unless required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC), transmission structures shall not be lighted. Transmitter equipment shelters may use security lighting which is compatible with the surrounding neighborhood and confined to the boundaries of the site. Where a WCF is required to meet FAA paint or lighting regulations, the distance between the WCF and any residential zoning district or use or any historic district, shall not be less than ¼ mile.

(h) **Advertising**

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

(i) **Discontinuation of Use**

Any WCF that is no longer in use shall be reported immediately by the service provider to the Planning Director. Discontinued facilities shall be removed within 6 months and the site restored to its pre-existing condition.

(j) **WCF’s are prohibited within the Boise River greenbelt setback.**

(k) Lattice towers and monopoles that exceed the base zone height limit are prohibited within 100 feet of these gateway streets.

i. Capitol Boulevard

ii. Vista Avenue from I-84 to Capitol Boulevard

iii. Broadway Avenue from I-84 to Warm Springs Avenue

iv. State Street from the State Capitol to State Highway 55

v. Myrtle Street

vi. Front Street

vii. Federal Way from Capitol Boulevard to Bergeson Street

viii. Warm Springs Avenue

ix. Park Center Boulevard
(4) **Administrative Review**

WCF’s (including any supporting structures and appurtenances) which are installed to meet the following standards are deemed “Not Visually Obtrusive” and shall require a zoning certificate. They may also require building, electrical or other construction permits as well as Design Review approval. Installations which are considered to be “not visually obtrusive” include:

(a) Antennae located entirely within approved signage. May include antenna placed within the sign face or attached to a support structure so long as the design is such that the antennae is effectively unnoticeable. Such antennae may not be placed on a non-conforming sign.

(b) Flush mounted, color coordinated panels on existing buildings where equipment is not visible above the roof line. All equipment shelters, cabinets or other accessory structures shall be located within the building utilized for the antennae, or on the ground located outside of any required setbacks, required landscaping or parking spaces.

(c) Antennae built into architectural features or which appear to be architectural features themselves, added to existing structures (such as chimneys, cupolas, dormers, bell towers, steeples, water tanks, stadium lights, utility poles, and other similar features) where the zoning height limit for such architectural features is not exceeded.

(d) Co-location on existing facilities where the height of the existing antennae tower or pole does not increase over the maximum height of the base zone.

(e) Installations which are located far from any prospective viewer and in such a way as to have a backdrop of terrain which obscures the antennae as to make it visibly unobtrusive and effectively unnoticeable.

(f) Antennas that appear to be natural features indigenous to the site and which are located in proximity to the features they are imitating so that they blend in and do not stand out visually.

(g) Installations may not create adverse noise from generators or other accessory equipment.

(h) Installations may not create access or grading problems.

(5) **“Microcell” Wireless Communications Facilities**

“Microcell” wireless communications facilities provide communications coverage to a geographically limited and specifically defined area (e.g. a busy street intersection, an individual building or a topographically constrained area). Such facilities are integrated with standard cellular technology (i.e. a macro cell) to provide wireless communication services to the public. The installation of such facilities shall require only administrative level review if all of the following criteria are met (otherwise a Conditional Use Permit shall be required):

(a) No new antenna tower is erected (microcell facilities may be located on existing poles, towers, buildings, etc. in compliance with this subsection).

(b) No antenna shall be located within 30 inches of any space occupied by or available to the public.

(c) No antenna shall exceed six square feet in area.
Chapter 11-06: Use Regulations
Section 11-06-04: Public/Institutional Use Standards
Subsection 3: Education Uses

3. Education Uses

A. Public School Facilities

When considering a conditional use permit application for a public school facility, the commission shall ensure that the Idaho Transportation Department, the appropriate local highway jurisdiction, or both, have reviewed the application and reported on the following issues as appropriate: the land use master plan; school bus plan; access safety; pedestrian plan; crossing guard plan; barriers between highways and school; location of school zone; need for flashing beacon; need for traffic control signal; anticipated future improvements; speed on adjacent highways; traffic volumes on adjacent highways; effect upon the highway’s level of service; need for acceleration or deceleration lanes; internal traffic circulation; anticipated development of surrounding undeveloped parcels; zoning in the vicinity; access control of adjacent highways; required striping and signing modifications; funding of highway improvements to accommodate development; proposed highway projects in the vicinity; and any other issues as may be considered appropriate to the particular application.

4. Parks and Recreation Uses

A. Golf Club House

A Golf Club House shall be located more than 300 feet from a residence, unless a closer location is approved by a zoning certificate or conditional use permit.

5. Utility Uses

A. Utility Facility, Major

1. Public service poles, towers, or similar installations are of a height of 85 feet or less may be allowed in a residential district, including the replacement of existing facilities.

2. Public service poles, towers, or similar installations of a height of 85 feet or greater must be approved by a conditional use permit. An approval shall consider all generally applicable approval criteria for a conditional use permit, and the following standards. The pole or tower locations and heights shall:

a. Not interfere with airport height restrictions;

b. Minimize disturbance to views from established residential areas;

c. Minimize disturbance or interference with view of city, state, or federally registered historic structures;

d. Not obstruct clear vision triangles or otherwise threaten motorist or pedestrian safety;

e. Minimize conflict with existing uses;

f. Be within route corridors already established or use by rail, automobile traffic arterials, or electrical transmission; and
CHAPTER 11-06: USE REGULATIONS
Section 11-06-05: Commercial Use Standards
Subsection 1: Adult Uses

(g) Be within route corridors that provide for a satisfactory level of energy efficient transmission of the product (electrical energy or other signals); or

(h) Be the best available alternative placements and heights, even though they do not comply perfectly with all the above findings.

11-06-05. COMMERCIAL USE STANDARDS

1. ADULT USES

It is the intention of the City that the provisions of this Section be construed, enforced, and interpreted in such a manner as will cause the least possible interference with any affected rights of speech, due process, equal protection, or other fundamental right. This Code and each section and provision thereof are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections or provisions to any person, business, or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

A. Bikini Bar

(1) Standards
A bikini bar use shall comply with the following standards:

(a) It is located at least 300 feet from any residential use or zone.

(b) It is at least 1,000 feet from any public or parochial school or day care licensed by the Boise City, and from any public park or playground; any religious institution; or any other bikini bar.

(2) Procedures
The procedures for sexually oriented businesses in 11-06-05.1.B(3), below, shall apply to bikini bars.

B. Sexually Oriented Business

(1) Purpose

(a) The purpose of these regulations is to allow the reasonable location of a sexually oriented business within the city in a manner that will protect property values, neighborhoods, and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses such opportunity in appropriate areas within the city. It is not the intent of this Code to suppress any speech activities protected by the First Amendment of the United States Constitution, but to impose content-neutral regulations that address the adverse secondary effects a sexually oriented business may have on adjoining properties and the immediate neighborhood.

(b) It has been determined, and reflected in the land use studies of various US cities, that businesses that have as their primary purpose the selling, renting, or showing of sexually explicit materials have negative secondary impacts upon surrounding businesses and residences. The experience in other US cities is that the location of a sexually oriented business significantly increases the incidence of crimes, especially sex offenses, including rape, indecent exposure, lewd and lascivious behavior, and child molestation.
It has been determined, and reflected in the land use studies of various US cities, that the operation of sexually oriented businesses in business districts that are immediately adjacent to and that serve residential neighborhoods has a deleterious effect on both the business and the residential segments of the neighborhood, causing blight and down-grading property values.

It is the intent of these regulations to allow sexually oriented businesses to exist within the city in various dispersed locations rather than to allow them to concentrate in any one business area. It is further the purpose of these regulations to require separation requirements between sexually oriented businesses and residential uses, churches, parks, and educational institutions in an effort to buffer these uses from the secondary impacts created by sexually oriented business activity.

Criteria
In lieu of the generally applicable conditional use permit criteria, a sexually oriented business shall be subject to the following standards:

(a) It shall not be located within 1000 feet of a public or parochial school or daycare as defined and licensed by Boise City; a public park or playground; a bar or tavern or other premises serving alcohol; religious institution; or a sexually oriented business;

(b) It shall not be located on a lot or parcel that is within 500 feet of a residential use or zone;

(c) Distance shall be measured in a straight line from property line closest to the property line of the nearest school, park, playground, religious institution or other sexually oriented business. These standards shall apply regardless of the political jurisdiction in which schools, parks, or churches or other adult businesses are located;

(d) The sign package and exterior building design must be submitted with the conditional use application for review by the PZC. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from the exterior of the building; No advertising signs, billboards, displays, advertisements, or other promotional materials depicting specified anatomical areas or specified sexual activities or displaying instruments, devices, or paraphernalia designed for use in connection with specified anatomical areas or specified sexual activities shall be shown or exhibited so as to be visible to the public from the exterior of the building;

(e) Lobby and entrance areas should be designed so as to minimize obstruction of sidewalks during operating hours and shall be oriented and consistent with other commercial activities in the area;

(f) All building openings, entries, windows, and the like, shall be located, covered, or screened in such a manner as to prevent a view into the interior, so that personnel, instruments, devices, paraphernalia, and body parts thereof, that are associated in any manner with specified anatomical areas or specified sexual activities, cannot be viewed from streets, sidewalks, and adjacent private properties;
CHAPTER 11-06: USE REGULATIONS
Section 11-06-05: Commercial Use Standards
Subsection 1: Adult Uses

(g) No loudspeakers or sound equipment shall be used for such businesses that can be discerned by the public outside the building;

(h) The disposal of garbage and trash containing sexually explicit materials must be disposed of in a manner that prevents minors from having access to the material; and

(i) For purposes of this Code, the above conditions and standards shall be applicable in the following circumstances:

   i. The opening or commencement of any sexually oriented business as a new business.

   ii. The conversion of an existing business or any part of any existing business to any of the sexually oriented businesses regulated herein.

   iii. The addition or expansion of any business to include any of the sexually oriented businesses regulated herein.

   iv. The voluntary relocation of any such business.

(j) Hours of operation are from 4:00 p.m. to 2:00 a.m. One security staff person is required for each 20 required parking spaces or fraction thereof. The hours of operation shall be visibly posted on all entrances and exits.

(k) On-site security must be present during all hours of operation.

(l) These provisions shall not be construed as permitting any use or act that is otherwise prohibited or made punishable by law.

(m) No sexually oriented materials or performances shall be disseminated, performed for, by, or upon minors. Signs prohibiting minors upon premises shall be visibly posted on all entrances and exits.

(n) All areas of a sexually oriented business shall be illuminated at a minimum of 20 foot-candles, normally maintained and evenly distributed at ground level. Except, adult motels shall only be required to be illuminated at a minimum of 20 foot-candles in public areas, and, adult theaters and cabarets shall only be required to be illuminated at a minimum of five foot-candles. During performances, adult theaters and cabarets may reduce the lighting to be a minimum of 1¼ foot-candles.

(o) An adult motion picture show or adult arcade shall limit the maximum number of image producing devices to the maximum occupancy load permitted in any room or partitioned portion of a room in which an image producing device is located.

(3) Procedures
For general Public Hearing Procedures see Section 11-03-03.6, Public Hearing.

(a) Neighborhood Meeting Notification
For applications for sexually oriented businesses and bikini bars, the applicant shall notify and invite to the neighborhood meeting all residents and property owners within 1,000 feet of the exterior boundary of the application parcel and the registered neighborhood association. The notice of this meeting may be mailed or hand-delivered to the recipient. If mailed, the notice shall be postmarked a minimum of seven calendar days prior to the meeting date. If hand-delivered, the applicant must deliver the notice a minimum of five days prior to the meeting date.
(b) **Hearing Notification**
For sexually oriented businesses and bikini bars, mailed notice shall be provided to all property owners, purchasers of record, and residents within 1,000 feet of the exterior boundaries of the application parcel and the registered neighborhood association. Also, any school, daycare, church, or registered neighborhood association within 2,000 feet of the application parcel shall be notified of applications for sexually oriented businesses and bikini bars.

(c) **Timing of Hearings**
A public hearing for an application for a sexually oriented business or bikini bar, regardless of complexity, shall be held no later than 44 calendar days after acceptance of a complete application. If no decision is made within 45 days after hearing, then the request for a sexually oriented business or bikini bar will be deemed approved.

(d) **Deferrals**
Unless the applicant agrees to a deferral, applications for sexually oriented businesses and bikini bars must be decided within 45 days following the public hearing. Failure of the PZC to make a decision within 45 days following the hearing shall result in its approval.

(e) **Appeals**
The Council shall hold a hearing within 45 days following the filing of an appeal to a decision of the PZC on an application for a sexually oriented business or bikini bar. If the applicant has not requested a deferral, a decision as to whether or not a conditional use is approved must be made within 45 days from initial hearing date for cases involving a sexually oriented business or bikini bar. Failure of the Council to make a decision within 45 days shall be deemed as an approval for a sexually oriented business or bikini bar. Council shall issue a temporary conditional use permit on the occasion where they had previously approved an application and it was then appealed to the District Court by an appellant that is not the applicant.

2. **OFFICE USES**

A. **Offices, Business and Professional**

   (1) Within all R-1, R-2, and R-3 zoning districts, professional and executive offices are allowed on a lot or parcel where the side of such lot or parcel abuts a commercial or industrial zone. Such uses are not allowed on properties separated from a commercial or industrial zone by an alley or street. All transitional office uses shall be subject to design review.

   (2) Within the NNE overlay district, in the R-3 base zoning district, new office construction is prohibited on lots larger than 2,500 square feet, except on parcels demonstrated to have been vacant on or before the effective date of the NNE overlay district ordinance, or when provided by means of the adaptive reuse of an existing structure.

   (3) Professional, administrative, and business offices are conditional uses in the M-1 and M-2 districts and are subject to the following standards:
Amenities (which may include but are not limited to visual screening, orientation, and placement of buildings, parking, and access areas) shall be provided for the office to buffer the impact of any existing or future conflicting land uses; and

(b) The lot or parcel occupied by such offices shall abut a public right-of-way that separates such lot or parcel from residential or office zones or uses; or

(c) The use of the subject property for such offices will not encroach upon or conflict with existing industrial development or future industrial uses that may reasonably be expected to develop.

3. RETAIL USES

A. Drive-Up Establishment

(1) Administrative Approvals

Drive-up establishments are subject to the following standards:

(a) Design and operation of the establishment is substantially in compliance with general requirements of this Section;

(b) Site traffic circulation is not disrupted by increased vehicular congestion, blockage, or rerouting caused by the establishment;

(c) The number of drive-up lanes is limited to allow for adequate on-site circulation of pedestrians and vehicles; and

(d) The minimum number of parking spaces required for all uses of the site, upon which the drive-up window establishment is placed, must be maintained.

(2) Approvals by the Planning and Zoning Commission

(a) General Requirements

i. The location shall not cause an increase of commercial traffic in nearby residential neighborhoods, or cause significant adverse impacts in the vicinity.

ii. Drive-up aisles should be located behind the building and circulation should provide for pedestrian access to and from the establishment’s entrance.

iii. Waiting lane(s) are of sufficient length to accommodate average monthly peak volumes;

iv. Lights are designed and located to prevent glare on adjoining properties. Screening of lights may be required as a secondary measure of mitigation.

v. Landscaping should screen drive-up aisles from the public right-of-way and minimize the visual impact of vehicular lights, readerboard signs, and directional signs;

vi. Drive-up lanes shall be setback at least ten feet from residentially zoned or used property. Landscape and sound abatement walls may be required when appropriate.

vii. Communication systems shall not exceed 55 decibels at any property line adjoining or across the alley from residential zones or uses.
(b) **Hours of Operation**

The PZC may limit the hours of operation of a drive-up window establishment.

(c) **Additional Requirements in the C-1 District**

In C-1 districts, a 200-foot setback from residential use or zone is required for the drive through window or lane where the primary use of the window is food service. The 200-foot setback shall be measured from any part of the window or drive through lane to the nearest lot or parcel used or zoned for a residence.

(d) **Additional Requirements in the C-5 District**

Drive-up windows in the C-5 district shall be subject to the following standards and provisions.

i. The drive-up window and all stacking and escape lanes shall be located within a structure. The drive-up window facility shall be secondary to the principal uses of the structure in which the drive-up facility is located. The following additional design requirements shall apply:

   **A.** All lanes used for ingress, stacking, service, and egress shall be integrated safely and effectively with circulation and parking within the structure.
   
   **B.** No additional curb cuts shall be allowed to provide access for drive-up facilities within an existing or new structure. Existing curb cuts, however, may be relocated.
   
   **C.** Traffic associated with the drive-up facility shall not inhibit safe access and exiting from parking spaces or the structure's entrances or exits.

ii. Where it is essential that the drive-up facility have its own ingress to and/or egress from the structure, the ingress and egress shall be limited to a single lane where it intersects a public street and sidewalk.

iii. The location and design of the drive-up facility shall minimize blank walls on street-facing exteriors of the building and disruption of existing or potential retail and other active ground floor uses.

iv. Drive-up windows in the C-5 district are not subject to general requirements in paragraph vi of subsection 2(a), above.

v. All entrance and exit points that may be utilized for the drive-up facility shall incorporate the following minimum safety features:

   **A.** There shall be a visible pedestrian warning where walkways intersect entrance and exit points.
   
   **B.** An approved auditory warning device and an approved non-auditory device shall be installed on both sides of all exit points. The devices may be combined into one device and shall flash and produce an auditory sound to warn against exiting vehicles.

(e) **Additional Requirements in the HS District**

In the HS district, drive-up windows may be allowed only for health-services related uses, such as pharmacies.

B. **Shopping Center in the C-1 District**

Groupings and shopping centers exceeding 100,000 square feet gross floor area are prohibited. Any grouping exceeding 70,000 square feet requires conditional use approval. On sites greater
than six and ½ acres, groupings of nonresidential buildings are limited to a floor area ratio (FAR) of .35.

C. Taverns, Lounges, Concert Halls/Dance Halls and Tobacco Bars

In order to approve a conditional use permit for a Bar, Tavern, Lounge, Concert Halls/Dance Hall, or Retail Tobacco Business, the Commission must determine that the following conditions are met:

1. Such business shall not be located within a radius of 300 feet of any building within which public school activities are conducted.
2. Such business shall not be located within a radius of 150 feet of any hospital or any room within which a duly organized and established religion conducts regular religious or worship services.
3. No amplification device shall be used such that the sound:
   a. Is plainly audible within any place of residence, or,
   b. Is plainly audible on a street at a distance of 100 feet or more from the amplification device.
4. Establishments shall remain closed between 2:00 a.m. and 6:00 a.m. Closing times shall be clearly posted on all entrances and exits.

11-06-06. INDUSTRIAL USE STANDARDS

1. STORAGE USES

A. Bulk Storage of Corrosive, Acid, Alkali, Explosive, or Flammable Materials

Bulk storage of corrosive, acid, alkali, explosive, or flammable materials shall be screened from public view of any public right-of-way and shall be subject to such precautions as may be required by the Director and the Boise Fire Department.

B. Outdoor Storage

1. Where outdoor storage is allowed as an accessory or a primary use, it shall not include corrosive, acid, alkali, flammable, or explosive materials except as specifically indicated in this Code.
2. Outdoor storage, whether a primary or accessory use, shall be screened from view of any public right-of-way with a solid or opaque fence or similar materials acceptable to the Director.

2. WASTE AND SALVAGE USES

A. Composting Facility

Any composting facility shall submit a site and operational plan with their application for a conditional use permit. That plan shall demonstrate compliance with the following requirements.

1. Composting piles or windrows shall be constructed to be no larger than can be managed in a nuisance-free manner by the proposed equipment and composting technology;
2. Additional area shall be provided at no less than 15 percent of size of the active composting pile or windrow area for staging, curing, and storage;
(3) A minimum 50-foot setback shall be maintained from the property boundary or public right-of-way to any active processing area of the facility including any area used for storage, active composting, and curing;

(4) A minimum 200-foot buffer zone between the active composting pile or windrow and any existing adjacent residentially zoned or occupied property shall be maintained;

(5) Compliance with all applicable state or federal laws, regulations, or standards pertaining to water quality, air quality, and solid waste management shall be required;

(6) No composting facility shall be allowed in a floodplain or floodway;

(7) Surface slope of one to five grade shall be required for any composting facility;

(8) Adequate fencing, barriers or screening shall be required for all composting facilities;

(9) Public access shall be limited to those times when an attendant is on duty and during limited operating hours;

(10) Adequate space shall be provided between the piles or windrows to allow access to vehicles, including firefighting equipment;

(11) All organic materials received at the composting facility shall be removed from any containers unless the containers are of a biodegradable type in which case the container shall be opened before composting; and

(12) A permanent sign must be posted and maintained at the composting facility showing the nature of the project, facility name, address and telephone number of operator, operating hours, materials that may be received by the facility, and the phrase, "NO DUMPING OF GARBAGE, TRASH, OR RUBBISH ALLOWED."

B. Drop-Off Recycling Center

Drop-off recycling containers are allowed in commercial, industrial, and office zones, and at schools, churches, and multiple-family developments in all zones. A zoning certificate is required from the Director for each new recycling container site, and shall be issued upon proper application at no cost to the applicant. Drop-off recycling collection sites shall comply with the following standards:

(1) Containers do not interfere with required access or parking;

(2) Containers will be kept in a state of good repair and emptied on a regular basis to prevent overflow;

(3) All containers are clearly marked as to the materials to be deposited in them; and

(4) Non-compostable residues shall be disposed or processed at a permitted solid waste disposal facility in accordance with local, state, and federal laws, regulations and standards.
CHAPTER 11-06: USE REGULATIONS
Section 11-06-07: Accessory Uses and Structures
Subsection 1: Purpose

11-06-07. ACCESSORY USES AND STRUCTURES

1. PURPOSE
This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the general standards set forth in this Section.

2. APPROVAL OF ACCESSORY USES AND STRUCTURES
Commonly allowed accessory uses are set forth in Table 11-06.1, however, this list is not inclusive. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Code. No accessory use may be established prior to establishment of the principal use with which such accessory use is associated.

3. GENERAL STANDARDS FOR ACCESSORY USES
All accessory uses and structures shall comply with the following general standards:

A. Subordinate to Principal Use
No accessory building shall be used unless the main building is also being used. The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use. The principal use and the accessory use shall be under the same ownership and shall utilize the same utility meter, with the exception of an approved accessory dwelling unit.

B. Location and Setbacks
(1) No detached accessory building or structure shall occupy any area in front of the main building, unless approved by the PZC as a conditional use. However, on lots that have factory built housing or topographical or other physical constraints, the Director may approve a detached accessory building or structure in front of the main building.

(2) Regardless of their size, detached accessory buildings shall not encroach into required street side or front yard areas.

(3) Accessory structures such as decks and patios that are one foot or less in height as measured from the property’s finished grade, may occupy any yard area.

(4) Open post patio/shade covers, pergolas, and similar structures under 250 feet in area and less than 15 feet in height and attached to the home, may have rear yard setbacks of 9 feet. Interior side yard setbacks shall be per the zone. For corner lots, a minimum 15-foot street-side yard setback is required. Structures that use these reduced setbacks may not occupy more than 50% of the lot’s rear yard widths.

(5) In-ground pools that are one foot or less in height, as measured from the property’s finished grade, may occupy any rear or interior side yard area, provided a minimum three-foot setback is maintained from the pool apron or splashguard. Hot tubs, diving boards, decks, and other features that are more than one foot above grade shall be located outside of setbacks.
(6) In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than 20 feet.

(7) Detached accessory structures with six feet of separation from other structures may utilize the following setback reductions:

(a) Detached accessory structures under 120 square feet in area and under seven feet in height (from grade to the top of the wall under the roof) are permitted in any yard area except in front of the main building and in required street side and front yard areas.

(b) Detached accessory structures that are over 120 square feet, but less than or equal to 500 square feet of area and that are less than 14 feet in height, may have reduced interior side yard setbacks of three feet and rear yard setbacks of nine feet.

(c) Accessory buildings that use these reduced setbacks may not occupy more than 50 percent of the lot's rear or side yard widths.

(d) Alley-Loaded Accessory Parking Structures

   i. Alley-loaded parking and parking structures shall provide a back up area of at least 22 feet. This back up area may be within the alley and/or the lot but not within an accessory structure.

   ii. A minimum five-foot paved apron is required regardless of alley width.

   iii. For side entry alley-loaded garages the back up area shall be provided for on the lot.

   iv. Detached accessory structures that are under 1,000 square feet in area and under 22 feet in height may be built to the rear or side lot line abutting an alley.

   v. Accessory structures over 1,000 square feet in area or over 22 feet in height shall comply with the setback requirements of the zone.

(8) Residential Accessory Buildings More than 1,000 Square Feet in Area or 22 feet in Height

A zoning certificate is required for accessory structures over 1,000 square feet in area or 22 feet in height, subject to the following:

(a) No commercial use shall take place within the building;

(b) The square footage shall not exceed the floor area of the principal building;

(c) The building shall be architecturally compatible with the primary building;

(d) The building shall be compatible with neighboring properties in mass, and design

4. ADDITIONAL STANDARDS FOR SPECIFIC ACCESSORY USES

Unless specified, standards for accessory uses are in addition to all applicable standards and approval criteria in this Code.

A. Tower and Gable Structures

No tower, gable, spire, or similar structure shall be used for sleeping or eating quarters, nor for any commercial purposes other than as incidental to the primary use.
B. Beekeeping

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

(1) Standards

Beekeeping standards shall be as follows:

(a) Noxious Insects Prohibited

The keeping of wasps, hornets, Africanized bees (Apis mellifera scutellata) and other noxious insects is prohibited.

(b) Density of Hives & Colonies

There is no minimum parcel size for beekeeping. However, the maximum density is 3 colonies per 1/4 acre. Higher densities may be permitted by conditional use permit.

(c) Nucleus Colonies

For every 2 colonies authorized above, one additional nucleus colony is allowed.

(d) Hives

Colonies shall be kept in hives with removable frames.

(e) Flyway Barriers

For colonies located within 25 feet of a property boundary, a flyway barrier at least six feet in height consisting of a solid wall, fence or dense hedge parallel to the property line and extending ten feet beyond the apiary in each direction is required.

(f) Setbacks and Placement

Hives shall be located at least 20 feet from front property lines and 3 feet from other property lines. The back of the hive shall be oriented to adjoining properties.

(g) Water Source

A constant supply of fresh water is required. It shall be readily accessible to the bees and to allow them to access water by landing on a hard surface. A water supply is not required during winter and other inactive months.

(h) Maintenance

Hives not being actively maintained shall be removed. Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties.

(i) Queens

Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened.

(j) Compliance with State Statutes

Beekeeping shall comply with all applicable state laws.

(k) Contact Information

Contact information for a responsible party shall be posted at apiaries on vacant property.
C. Home Occupation

(1) Procedure for Approval of Use

(a) Notification to the adjacent property owners and occupants, including properties across streets and alleys, must be submitted with the application, stating the adjacent property owners and occupants have been notified of the applicant’s intent to operate a home occupation on site. Certified mail is an acceptable means of notifying adjacent neighbors.

(b) 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 500 square feet.

(c) Home occupations may not be approved for some uses including, but not limited to, escort services, taxidermies, palm reading or other fortune telling businesses, and other such uses that are prohibited by the Boise City Code or are in violation of the purpose statement of this Code, as determined by the Director.

(2) Criteria for Allowed Home Occupations

A home occupation such as hair salons, graphic arts, desktop publishing, offices and instruction of small classes are allowed without application but must meet all of the following criteria.

(a) The use is clearly incidental and secondary to the use of the lot or parcel for dwelling purposes.

(b) The use is conducted entirely within a dwelling or accessory structure and the aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 500 square feet in floor area. Outdoor storage of building materials and supplies is prohibited.

(c) The owner/operator of the home occupation shall reside on the premises and shall not employ others to work in the home.

(d) Required off-street parking spaces for the residence must be maintained.

(e) Deliveries and pickups shall be limited to two per day between the hours of 8:00 am and 6:00 pm, Monday through Friday.

(f) Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires an Administrative Home Occupation.

(g) Salons shall be limited to one chair or nail table, commonly referred to as a station.

(h) Any materials used or any item produced or repaired on the premises shall not be displayed or stored so as to be visible from the exterior of the building.

(i) Only items produced on the premises may be offered for retail sale, except that items incidental to the home occupation may be sold (e.g. hair products may be sold at a salon).

(j) One square foot sign is allowed. It must be attached flat against the building and may not be illuminated.
(3) **Criteria for Administrative Home Occupations**

Administrative home occupations require Planning Director approval to ensure they will not be a detriment to the character and livability of the neighborhood. Examples include group instruction or counseling and home based contractors. Administrative home occupations are subject to allowed home occupation criteria and the following:

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

i. Commercial vehicles are prohibited. (See definitions)

ii. An off-street parking space is required and may be provided on a driveway apron.

iii. Construction trailers must be stored outside of setbacks on improved surfaces and may not be visible a street.

iv. Outdoor storage of building materials and supplies is prohibited.

(b) Instruction in such activities as swimming, yoga and dance shall be limited to a maximum of five students per class. Conditions may be added to limit hours.

(c) Internal or external changes that would make the dwelling appear less residential are prohibited. Examples include construction of parking lots, paving of required setbacks and adding commercial-like exterior lighting.

(4) **Prohibited Home Occupations**

The following occupations are prohibited:

(a) Occupations which involve highly combustible materials.

(b) Occupations where the dimensions, power rating, or weight of equipment and tools used exceed that of normal household equipment and tools.

(c) Occupations that cause abnormal automotive or pedestrian traffic or that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration or similar disturbances.

(d) Retail stores.

(e) Dispatch centers where employees meet at the dwelling unit and are sent to other locations

(f) Occupations that would detract from the residential character of the neighborhood.

**D. Livestock and Animals**

(1) **Purpose**

To define livestock and pets and establish standards for their keeping and care; that will maintain neighborhood compatibility and protect the health, safety, and welfare of the general public.

(2) **Livestock**

Livestock are animals kept outside the home in enclosures such as pens, barns or corrals. The term includes cattle, llamas, mules, swine, sheep, goats, rabbits, poultry, domestic birds and any other grazing or foraging animal except those defined as pets.
CHAPTER 11-06: USE REGULATIONS
Section 11-06-07: Accessory Uses and Structures
Subsection 4: Additional Standards for Specific Accessory Uses

(3) Pet
Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits or other small animals or poultry as determined by the Planning Director. The keeping of pets must comply with the performance standards in Section 11-06-07.4.D(7)(f).

(4) Commercial Livestock Uses
The keeping of livestock for sale or the sale of livestock products (such as milk) requires compliance with the standards in this ordinance and a conditional use permit.

(5) Animal Unit
(a) An animal unit is:
   i. One – horse, mule, cow, llama;
   ii. Four – sheep, goats, or swine;
   iii. Six – geese;
   iv. Ten – rabbits; or,
(b) The Planning Director may determine a unit number for animals not listed.

(6) Livestock as Legal Nonconforming Uses
Nonconforming status shall be in accordance with Chapter 11-011, Nonconformance. Nonconforming status shall be lost if the livestock are absent from the property for a continuous period of two years.

(7) Standards
(a) A minimum of one acre is required to keep livestock. For poultry and rabbits the minimum area is one half acre.
(b) With the exception of poultry and rabbits, a minimum contiguous area of one half acre (exclusive of structures) shall be dedicated to the keeping of the livestock. For poultry and rabbits, the minimum area is one quarter acre.
(c) Livestock shall be kept within fences, corrals, barns, or pens.
(d) Livestock enclosures must comply with setback requirements.
(e) The maximum density is two animal units per acre of area set aside for the keeping of livestock. For example, if one half of a one acre lot is set aside for the keeping of livestock one animal unit is allowed. (See exceptions listed in ‘8’ below.) Maximum density shall not apply to offspring under nine months of age, nor shall it apply to pets.
(f) Livestock shall be kept so as to not cause adverse impacts on neighboring properties. This includes, but is not limited to, such impacts as odor, noise, drainage, erosion, and insects. The presence of such impacts can constitute a public nuisance that the City may cause to be abated.
(g) Structures housing pets, as defined in Section 11-06-07.4D(3), shall be located a minimum of 10 feet from any building used or capable of being used for human habitation on adjacent lots.
(h) It shall be unlawful to keep any animal listed in B.C.C. Section 6-07-06 under the auspices of this Section.

(8) **Exceptions to Minimum Area**

(a) Livestock may be kept on less than one acre when allowed by subdivision covenants or duly adopted overlay districts. If animal density is not addressed therein, the density requirements of this ordinance shall apply.

(b) Livestock may be kept on less than one acre for educational purposes, such as 4H or FFA, though the maximum animal density shall not be exceeded.

(c) Horses that are regularly ridden and exercised off-site may exceed the standard animal unit density. One horse is allowed for every 14,500 sq. ft. of contiguous set aside area.

E. **Urban Farm Standards**

(1) **Setbacks**

There are no setback requirements for garden plants. Accessory structures, fencing, and other miscellaneous improvements are subject to the dimensional standards of the zone.

(2) **Maintenance**

Dead plants, produce, and trash not to be used for composting or other garden functions shall be removed from the site in a timely manner.

(3) **Equipment**

The use of mechanical equipment is generally limited to that typically associated with home gardening. Larger equipment may be used on a limited basis for seasonal activities such as soil preparation or clean-up in the fall. The use of mechanical equipment is limited to daylight hours.

(4) **Clear Vision Triangle**

Plantings shall not obstruct any clear vision triangle. Plantings in the public right-of-way require a license agreement from ACHD.

(5) **Water Conservation**

Drip irrigation and other methods to conserve water are encouraged.

(6) **Chemicals and Fertilizers**

Chemicals, fertilizers or other toxic materials may not drain onto adjacent properties, into waterways, or onto public rights of way. Chemicals and other flammable materials must be disposed of in accordance with Federal and State requirements. If stored on site, they must be kept in a locked structure when unattended.

(7) **Contact Information**

On vacant parcels, a non-illuminated sign displaying the name and contact information for the individual or agency responsible for the garden shall be provided. This sign shall not exceed 6’ in height or 32 square feet in background area.

(8) **Lighting**

No overhead lighting is allowed.

(9) **Historic Districts**

Urban farms located in a designated Historic Overlay District require a Certificate of Appropriateness.
(10) Produce Distribution
The pick-up and delivery of produce for the purpose of distribution to gardeners or those who have purchased shares of locally grown produce is allowed during daylight hours. Such activities shall not be considered retail sales.

(11) Retail Sales
Retail sales may be allowed at urban farms upon approval of a Zoning Certificate. In addition to the standards listed above, the following criteria apply:

(a) Sales shall be limited primarily to produce grown on the premises. Other items that have been grown or raised within the City’s Area of Impact may also be sold. These items may not exceed 25 percent of total product on display.

(b) Display areas shall adhere to the setbacks of the zone and be located as close to the front property line as feasible.

(c) Installation of new overhead lighting is prohibited.

(d) Applications shall include signatures of residents of adjacent properties, including those across streets and alleys, indicating they have been notified of the intent to conduct retail sales. The list shall include the address of any residents unwilling to sign.

(e) In Residential and Open Space zones:
   i. The area dedicated to the sale, display and storage of produce shall not exceed 500 square feet.
   ii. Sales are limited to the hours of 8:00 a.m. to 8:00 p.m.
   iii. Installation of new on-site parking to support retail sales is prohibited.

(12) Review
(a) A decision to approve or deny will be made within 15 days of receipt of a complete application. If approved, notice will be sent informing owners and residents within three-hundred feet of the decision and their right to appeal.

(b) Conditions may be imposed to protect adjacent properties from adverse impacts.

(c) These standards may be exceeded with approval of a Conditional Use Permit.

11-06-08. TEMPORARY USES

1. PURPOSE
This section authorizes the establishment of temporary uses subject to a zoning certificate.

2. APPLICABILITY
   A. Types of temporary uses and structures that may be approved under the temporary use approval process include:
      (1) Temporary buildings;
      (2) Temporary display and sale of merchandise;
      (3) Model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises;
(4) Seasonal uses (e.g., fireworks stands, Christmas tree lots, and produce stands); and

(5) Other uses that clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Director.

B. Uses that may not be considered for temporary approval include:

(1) Uses that require PZC approval.

(2) Structures or uses that are intended to be placed upon unimproved property, other than seasonal uses or uses incidental to construction.

3. GENERAL STANDARDS FOR TEMPORARY USES
A temporary use may be approved provided that the use complies with the following standards:

A. **Compliance with this Code and Other Law**
The use shall be conducted in compliance with regulations administered and enforced by other city, state and federal agencies.

B. **Location**
The temporary use shall allow for placement of a temporary structure, vehicle, sign, etc. outside of any vision triangle, required setback, required parking stall (except as permitted for temporary, outdoor display sale of merchandise), service drive area, dedicated trash dumpster location, sidewalk, or any other position on a lot that may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.

C. **Duration**
Depending on the nature of the use, and with the exception of produce stands, a temporary use certificate shall not exceed 180 (consecutive) days. Produce stands may be approved annually.

D. **Requirements for Seasonal Temporary Uses**
Seasonal uses require approval from the City Clerk’s Office.
CHAPTER 11-07: DEVELOPMENT AND DESIGN STANDARDS

11-07-01. PURPOSE
This chapter includes standards for developing property or establishing new uses of property within the City of Boise, to ensure the protection of the health, welfare, safety, and quality of life for local citizens, visitors, and business owners. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the vision and goals of the Comprehensive Plan.

11-07-02. Lots

1. LOT LAYOUT

A. Access to Public Street
No building shall be constructed or erected upon any parcel not abutting a public street, or having a permanent access easement to a public street that was of record prior to the effective date of this Code. The minimum street frontage is 30 feet and the minimum lot width is 30.

B. Clear Vision Triangle
Clear vision triangle shall be kept free of visual barriers including vegetation (except deciduous trees pruned at least eight feet in height above the sidewalk and 14 feet above the roadway), walls, signs, vehicles, solid fences, or other sight obstructions exceeding three feet in height.

C. Common Driveways
The Director may issue a zoning certificate for common driveways subject to the following requirements:

(1) The common driveway benefits the design of the development and reduces the number of public street accesses.

(2) The common driveway provides access to no less than two and no more than six lots, each occupied with one single family or townhouse dwelling unit.

(3) The maximum length is 150 feet, and the minimum width is 20 feet. "No parking" signs shall be placed on the common driveway.
(4) A five-foot wide landscaped area is required between the common driveway and lots that do not utilize the common driveway.

(5) The minimum street frontage requirement of each flag lot served by the common driveway is five feet.

(6) Lots that abut a common driveway shall take access from the common driveway and not the public right-of-way.

(7) A perpetual ingress/egress access easement and an agreement for maintenance for the paved driveway and any required landscaping shall be recorded prior to issuance of building permits.

(8) Required off-street parking shall be set back a minimum of 20 feet from the edge of the common driveway.

(9) In the case of a subdivision plat, the common driveway and utilities shall be constructed concurrently with all other public improvements.

2. CONSTRUCTION OVER PLATTED LOT LINES

Construction over platted lot lines of multiple whole lots in any zoning district is allowed provided that:

A. Prior to issuance of a building permit, a copy of a recorded notice of buildable parcel and a copy of a recorded deed describing by metes and bounds the entirety of the platted lots shall be submitted to the Director.

B. Platted or recorded easements must be vacated prior to construction of a structure within the easement area, or as may be required by the easement holder.

11-07-03. OFF-STREET PARKING AND LOADING STANDARDS

1. GENERAL PARKING STANDARDS

This chapter establishes standards for motor vehicle and bicycle parking, on-site circulation, loading areas and parking lot design.

A. Vehicle Parking Standards

(1) Required off-street parking facilities shall be used for vehicle parking only. Automobile sales, storage, and other uses are prohibited with the exception of temporary and/or seasonal uses which are subject to administrative approval.

(2) Required parking spaces shall not be assigned and shall be available on a first come, first served basis, unless otherwise approved by the Commission. In such cases, the number of parking spaces shall be increased by 20 percent of the number of assigned spaces. The number of required parking spaces is based on the primary use of the site. Any fraction will be rounded up.

(3) The Planning Director shall determine the required parking for uses not listed in Table 11.07-1.
(4) The number of off-street parking spaces shall not exceed 1.75 times that required in Table 11.07.1 if the required number is 20 or less; and 1.5 times the amount where more than 20 parking spaces are required. Parking maximums do not apply to single-family residential uses.

(5) Structured parking shall be exempt from the parking maximum requirements.
### Table 11-07.1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
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<tr>
<td><strong>Household Living</strong></td>
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</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>Per accessory dwelling unit</td>
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</tr>
<tr>
<td>Caretaker Residence</td>
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<td>*</td>
<td>*</td>
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<tr>
<td>Dwelling, Single-family</td>
<td>Per dwelling unit</td>
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<td>0</td>
<td>1.0</td>
<td>2.0</td>
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<tr>
<td>Dwelling, Duplex</td>
<td>Per dwelling unit</td>
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<td>Manufactured Home</td>
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<td>Manufactured Home Community</td>
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<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
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<td>Mobile Home Park</td>
<td>Per lot</td>
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<td>0</td>
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<td>1.33</td>
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<tr>
<td>Multi-Family Dwellings*</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Studio/Efficiency Unit</td>
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<td>One Bedroom Unit</td>
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<td>1.0</td>
<td>0</td>
<td>0.8</td>
<td>1.0</td>
</tr>
<tr>
<td>Two Bedroom Unit</td>
<td></td>
<td>1.25</td>
<td>0</td>
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<td>1.0</td>
</tr>
<tr>
<td>Three or more</td>
<td></td>
<td>1.5</td>
<td>0</td>
<td>0.8</td>
<td>1.0</td>
</tr>
<tr>
<td>Guest Parking</td>
<td>Per 10 dwelling units</td>
<td>1.0</td>
<td>0</td>
<td>0.8</td>
<td>1.0</td>
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<tr>
<td>*Refer to section 11-06—3.2 for parking reductions for multi-family dwellings.</td>
<td></td>
<td></td>
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<tr>
<td><strong>Group Living</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boarding or Rooming House</td>
<td>Per room</td>
<td>1</td>
<td>0</td>
<td>0.56</td>
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<tr>
<td>Convalescent Home, Nursing Home</td>
<td>Per bed</td>
<td>0.25</td>
<td>0</td>
<td>0.20</td>
<td>0.25</td>
</tr>
<tr>
<td>Dormitory, University-Owned Housing</td>
<td>Per resident</td>
<td>0.33</td>
<td>0</td>
<td>0.18</td>
<td>0.26</td>
</tr>
<tr>
<td>Fraternity or Sorority House</td>
<td>Per resident</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Group Home</td>
<td>Per dwelling unit</td>
<td>2.0</td>
<td>0</td>
<td>1.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Halfway House</td>
<td>Per resident</td>
<td>1.0 per 4 residents</td>
<td>*</td>
<td>0.5 per every 4 occupants</td>
<td>0.75 per every 4 occupants</td>
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<tr>
<td>Shelter Home</td>
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<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Retirement Center</td>
<td>Per dwelling unit</td>
<td>0.5</td>
<td>0</td>
<td>0.25</td>
<td>0.5</td>
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<tr>
<td><strong>Public/Institutional Uses</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Child and Adult Care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Day Care</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Child Care Home (1-6 children)</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Group Child Care Home (7-12 children)</td>
<td>Per 10 children</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Group Child Care Center (7-12 children)</td>
<td>Per 10 children</td>
<td>1.0 and minimum of 2 total</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>Intermediate Child Care Center (13-20 children)</td>
<td>Per 10 children</td>
<td>1.0 and minimum of 2 total</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>Large Child Care Center (21+ children)</td>
<td>Per 10 children</td>
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<td>1.0</td>
<td>1.0</td>
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<tr>
<td>After-school Child Care in school building</td>
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<tr>
<td><strong>Communication Facility</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broadcasting or Recording Studio</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>
Table 11-07.1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice Tower WCF</td>
<td>*</td>
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<tr>
<td>Microcell Wireless Communication Facility (WCF)</td>
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</tr>
<tr>
<td>Monopole WCF, less than maximum height of zone district</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Monopole WCF, more than maximum height of zone district</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Transmission Tower</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Visually Unobtrusive/Attached WCF</td>
<td>*</td>
<td>*</td>
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</tbody>
</table>

**Community Service**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemetery</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Club, Lodge, Social Hall</td>
<td>Per 250 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>Government Buildings, non-industrial</td>
<td>*</td>
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<tr>
<td>Mortuary</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Mausoleum</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Recreation Center</td>
<td>Per 100 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>Religious Institution</td>
<td>Per seat</td>
<td>0.20</td>
<td>0</td>
<td>0.16</td>
<td>0.20</td>
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<tr>
<td>Uses Related to and Operated by a Religious Institution</td>
<td>*</td>
<td>*</td>
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</table>

**Education**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditorium, Stadium, or Lecture Hall seating more than 500 people</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>College or University Classroom</td>
<td>Per full-time student</td>
<td>0.3 and 0.8 per faculty</td>
<td>0</td>
<td>0.3 and 0.8 per faculty</td>
<td>0.3 and 0.8 per faculty</td>
</tr>
<tr>
<td>Library/Museum</td>
<td>Per 400 s.f. GFA</td>
<td>1.0</td>
<td>*</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Grade, Elementary, Middle, Junior High School</td>
<td>Per classroom</td>
<td>1.0 and 1 per employee</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>High School</td>
<td>Per classroom</td>
<td>7.0 and 1 per employee</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Private Commercial School</td>
<td>Per 3 students</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>Student Union</td>
<td>*</td>
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<td>*</td>
<td>*</td>
<td>*</td>
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<tr>
<td>Trade or Vocational School</td>
<td>Per 3 classroom seats</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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</table>

**Health Care**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital, Sanatorium</td>
<td>Per bed</td>
<td>1.0</td>
<td>0</td>
<td>0.66</td>
<td>0.8</td>
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<tr>
<td>Laboratory, Medical/Dental</td>
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</tr>
<tr>
<td>Medical Research Facility</td>
<td>*</td>
<td>*</td>
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<tr>
<td>Office, Medical</td>
<td>Per 300 s.f.</td>
<td>1.0</td>
<td>0</td>
<td>0.66 1st floor; 0.25 other floors</td>
<td>0.8 1st floor; 0.5 other floors</td>
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<tr>
<td>Optician</td>
<td>Per 200 s.f.</td>
<td>1.0</td>
<td>0</td>
<td>0.66 1st floor; 0.25 other floors</td>
<td>0.66 1st floor; 0.25 other floors</td>
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<tr>
<td>Out-Patient Services</td>
<td>*</td>
<td>*</td>
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</tbody>
</table>
### Table 11-07.1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parks, Recreation and Open Space</strong></td>
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<td>Forest Reserve or Recreation Area</td>
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<tr>
<td>Golf Clubhouse</td>
<td></td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
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<tr>
<td>Golf Course</td>
<td>Per hole</td>
<td>4 and 1 per 3 seats of restaurant and bar area</td>
<td>*</td>
<td>4 and 1 per 3 seats of restaurant and bar area</td>
<td>4 and 1 per 3 seats of restaurant and bar area</td>
</tr>
<tr>
<td>Golf Driving Range</td>
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<tr>
<td>Park or Playground</td>
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<tr>
<td>Public Plaza</td>
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<tr>
<td><strong>Social Care</strong></td>
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<tr>
<td>Food Kitchen</td>
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<tr>
<td>Mission</td>
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<tr>
<td>Single Resident Occupancy Hotel</td>
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<td><strong>Transportation</strong></td>
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<td>Aircraft Landing Field</td>
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<td>Bus Station</td>
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<tr>
<td>Transit Terminal, Trucking Terminal</td>
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<tr>
<td><strong>Utility</strong></td>
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<tr>
<td>Gas Fired Power Plant</td>
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<tr>
<td>Utility Facility, Minor</td>
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<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Utility Facility, Major</td>
<td></td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Utility Shop or Storage Facility</td>
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<tr>
<td><strong>Commercial</strong></td>
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<td><strong>Adult Uses</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bikini Bar</td>
<td>Per 3 seat</td>
<td>1</td>
<td>0</td>
<td>0.25</td>
<td>0.33</td>
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<tr>
<td>Sexually Oriented Business</td>
<td>Per 3 seat</td>
<td>1</td>
<td>0</td>
<td>0.25</td>
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<tr>
<td>Hog Raising, Stockyard, Feedlot</td>
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<tr>
<td>Slaughterhouse, Rendering Plant</td>
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<tr>
<td><strong>Animal-Related Business</strong></td>
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<tr>
<td>Animal Daycare</td>
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<tr>
<td>Animal Hospital</td>
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<tr>
<td>Boarding Kennel</td>
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<tr>
<td>Small Animal Grooming</td>
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<td>*</td>
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</tr>
<tr>
<td>Veterinary Clinic</td>
<td>Per 300 s.f.</td>
<td>1.0</td>
<td>0</td>
<td>0.66 1st floor; 0.25 other floors</td>
<td>0.8 1st floor; 0.5 other floors</td>
</tr>
<tr>
<td><strong>Financial Service</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Bank, Financial Institution (excluding drive-up)</td>
<td>Per 300 s.f.</td>
<td>1.0</td>
<td>*</td>
<td>0.33</td>
<td>0.5</td>
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<tr>
<td><strong>Food and Beverage Service</strong></td>
<td></td>
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<td></td>
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<tr>
<td>Coffee/Espresso Stand</td>
<td></td>
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<td>*</td>
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</tr>
<tr>
<td>Restaurant, no drive-up window</td>
<td>Per 3 seats</td>
<td>1</td>
<td>0</td>
<td>0.25</td>
<td>0.33</td>
</tr>
<tr>
<td>Tavern/ Lounge</td>
<td>Per 3 seats</td>
<td>1</td>
<td>0</td>
<td>0.25</td>
<td>0.33</td>
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<tr>
<td>Brew Pub</td>
<td>Per 3 seats</td>
<td>1</td>
<td>0</td>
<td>0.25</td>
<td>0.33</td>
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<tr>
<td><strong>Office</strong></td>
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<td></td>
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<tr>
<td>Office, Business or Professional &lt; 1,000 s.f.</td>
<td>Per 300 s.f.</td>
<td>1.0</td>
<td>0</td>
<td>0.66 1st floor; 0.25 other floors</td>
<td>0.8 1st floor; 0.5 other floors</td>
</tr>
</tbody>
</table>
### Table 11-07.1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, Business or Professional &gt; 1,000 s.f.</td>
<td>Per 300 s.f.</td>
<td>1.0</td>
<td>0</td>
<td>0.66 1st floor; 0.25 other floors</td>
<td>0.8 1st floor; 0.5 other floors</td>
</tr>
<tr>
<td>University Office or Laboratory</td>
<td>Per 300 s.f.</td>
<td>1.0</td>
<td>0</td>
<td>0.66 1st floor; 0.25 other floors</td>
<td>0.8 1st floor; 0.5 other floors</td>
</tr>
<tr>
<td><strong>Personal Services</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Service, Barber Shop, Studios, Massage Parlor, Beauty Salon</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>*</td>
<td>0.5</td>
<td>0.8</td>
</tr>
<tr>
<td>Laundry and Dry Cleaning Service</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>*</td>
<td>0.5</td>
<td>0.8</td>
</tr>
<tr>
<td>Photography Studio</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>*</td>
<td>0.5</td>
<td>0.8</td>
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<tr>
<td>Printing, Lithography, Publishing &amp; Reproductions, Exclusive of Paper Manufacturing</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
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<td>0.5</td>
<td>0.8</td>
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<tr>
<td>Self-Service Laundry</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>*</td>
<td>0.5</td>
<td>0.8</td>
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<tr>
<td><strong>Recreation and Entertainment</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>Per lane and per seat in restaurant/bar area</td>
<td>4 per lane and 1 per 3 seats</td>
<td>*</td>
<td>1 per lane and 1 per 7 seats for restaurant/bar area</td>
<td>2 per lane and 1 per 5 seats for restaurant/bar area</td>
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<tr>
<td>Firing Range, Indoor</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Health Club</td>
<td>Per 250 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Recreation, Commercial – Indoor</td>
<td>Per 100 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.66</td>
</tr>
<tr>
<td>Recreation, Commercial – Outdoor</td>
<td>Per acre</td>
<td>20</td>
<td>*</td>
<td>10</td>
<td>15</td>
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<tr>
<td>Private Amusement Park, Ball Park, Race Track, Stadium or other Similar Establishment</td>
<td>Per seat</td>
<td>0.25</td>
<td>0</td>
<td>0.125</td>
<td>0.167</td>
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<tr>
<td>Recreation Center</td>
<td>Per 100 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>Social Center</td>
<td>Per 100 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>Swimming Pool, Commercial</td>
<td>*</td>
<td>*</td>
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</tr>
<tr>
<td>Swimming Lessons, Private Pool</td>
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<td>*</td>
<td>*</td>
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<td>*</td>
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<tr>
<td>Theater</td>
<td>Per seat</td>
<td>0.25</td>
<td>0</td>
<td>0.14</td>
<td>0.2</td>
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<td>Theater, Drive-In</td>
<td>*</td>
<td>*</td>
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<tr>
<td><strong>Retail (Sales)</strong></td>
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<tr>
<td>Auction Establishment</td>
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<td>*</td>
<td>*</td>
<td>*</td>
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<td>Bookstore, University</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Materials</td>
<td>Per 600 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Convenience Store with Gasoline Service</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Drive-Up Window</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Grocery</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
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<tr>
<td>Pharmacy</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Retail Store, Local Serving</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Retail Store &lt; 60,000 s.f. GFA</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Retail Store &gt; 60,000 s.f. GFA</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Seed and Garden Supply</td>
<td>Per 600 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
</tbody>
</table>

*March 2013*
### Table 11-07.1 Off-Street Parking Requirements

**GFA = Gross floor area**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shopping Center, Convenience Commercial</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Shopping Center, Neighborhood Commercial, &lt; 70,000 s.f.</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Shopping Center, Neighborhood Commercial &gt; 70,000 s.f.</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Shopping Center, Community Commercial</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
</tr>
<tr>
<td>Shopping Center, Regional Commercial</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.33</td>
<td>0.5</td>
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**Vehicles and Equipment**

<table>
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<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto Emission Van Test Site</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Automotive Sales Lot, surfaced</td>
<td>Per 600 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Battery Rebuilding</td>
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<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Car Wash</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Heavy Machinery, Trailer, and Equipment Sales or Rental Lot</td>
<td>Per 600 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
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<tr>
<td>Motor Vehicle Repair, Minor</td>
<td>Per 500 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
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<tr>
<td>Motor Vehicle Repair, Major</td>
<td>Per 900 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Parking Lot, Commercial</td>
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</tr>
<tr>
<td>Parking Lot, University</td>
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<td>Parking Lot, Off-Site Accessory</td>
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<td>Parking Garage</td>
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<td>Service Station</td>
<td>Per 300 s.f. GFA</td>
<td>1.0</td>
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**Visitor Accommodations**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed &amp; Breakfast</td>
<td>*</td>
<td>*</td>
<td>*</td>
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<td>*</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>Per Room</td>
<td>1.0</td>
<td>0</td>
<td>0.56</td>
<td>0.8</td>
</tr>
<tr>
<td>Recreation Vehicle Park</td>
<td>*</td>
<td>*</td>
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<td>*</td>
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</tr>
<tr>
<td>Recreation Vehicle Parking, Short Term</td>
<td>*</td>
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**Industrial**

<table>
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<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
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</thead>
<tbody>
<tr>
<td>Construction Business</td>
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<td>*</td>
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<td>Contractor Shop, Solid Fuel &amp; Lumber</td>
<td>*</td>
<td>*</td>
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<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Laundry, Industrial</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Newspaper &amp; Printing Establishment</td>
<td>*</td>
<td>*</td>
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</table>

**Manufacturing and Production**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atmospheric Gas Production Plant</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
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<td>0.5</td>
<td>0.75</td>
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<tr>
<td>Gas Production Plant</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Brewery, Distillery, Winery</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Food Products, Dairy Products &amp; Wholesale Bakers</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Heavy Manufacturing, General</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Light Manufacturing, General</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Lumbermill, Sawmill, Pulpmill</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
<tr>
<td>Tannery</td>
<td>Per 750 s.f. GFA</td>
<td>1.0</td>
<td>0</td>
<td>0.5</td>
<td>0.75</td>
</tr>
</tbody>
</table>
### Table 11-07.1 Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit of Measure</th>
<th>General</th>
<th>P-1 District</th>
<th>P-2 District</th>
<th>P-3 District</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mineral and Extraction</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mining, Dredging, Loading &amp; Hauling of Sand, Dirt, Gravel or Other Aggregate</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Rock Crushing, Extractive Uses</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>
# Chapter 11-07: Development and Design Standards

## Section 11-07-03: Off-street Parking and Loading Standards

### Subsection 2: Table of Off-street Parking Requirements

<table>
<thead>
<tr>
<th>Table 11-07.1 Off-Street Parking Requirements</th>
</tr>
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<tbody>
<tr>
<td>GFA = Gross floor area</td>
</tr>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>Unit of Measure</td>
</tr>
<tr>
<td>General</td>
</tr>
<tr>
<td>P-1 District</td>
</tr>
<tr>
<td>P-2 District</td>
</tr>
<tr>
<td>P-3 District</td>
</tr>
<tr>
<td>Storage</td>
</tr>
<tr>
<td>Bulk Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products</td>
</tr>
<tr>
<td>Storage of Flammable Liquids or Gases Necessary to the Processes on the Premises</td>
</tr>
<tr>
<td>Outdoor Storage</td>
</tr>
<tr>
<td>Self-Service Storage</td>
</tr>
<tr>
<td>Storage Building, Wholesale Business, Self-Service Storage</td>
</tr>
<tr>
<td>Warehouse and Freight Movement</td>
</tr>
<tr>
<td>Grain Elevator</td>
</tr>
<tr>
<td>Trucking Terminal</td>
</tr>
<tr>
<td>Truck Stop</td>
</tr>
<tr>
<td>Warehouse</td>
</tr>
<tr>
<td>Wholesale Business</td>
</tr>
<tr>
<td>Waste and Salvage</td>
</tr>
<tr>
<td>Composting Facility</td>
</tr>
<tr>
<td>Junkyard, Vehicle Wrecking</td>
</tr>
<tr>
<td>Recycling Drop-Off Center</td>
</tr>
<tr>
<td>Sanitary Landfill, Incineration</td>
</tr>
<tr>
<td>Accessory Uses</td>
</tr>
<tr>
<td>Accessory Uses to Allowed Dwellings</td>
</tr>
<tr>
<td>Accessory Uses, &lt; 1,000 s.f.</td>
</tr>
<tr>
<td>Accessory Uses, &gt; 1,000 s.f.</td>
</tr>
<tr>
<td>Accessory Uses, &gt; 2,500 s.f.</td>
</tr>
<tr>
<td>Accessory Indoor Storage of Corrosive, Acid, Alkali, Explosive or Flammable Materials or Products</td>
</tr>
<tr>
<td>Accessory Outdoor Storage</td>
</tr>
<tr>
<td>Accessory Retail Sales &amp; Service Related to the Primary Use</td>
</tr>
<tr>
<td>Backyard Composting</td>
</tr>
<tr>
<td>Bee Keeping</td>
</tr>
<tr>
<td>Golf Club Accessory Building</td>
</tr>
<tr>
<td>Home Occupation</td>
</tr>
<tr>
<td>Livestock &amp; Pets</td>
</tr>
<tr>
<td>Uses Accessory to an Allowed Use</td>
</tr>
<tr>
<td>Temporary Uses</td>
</tr>
<tr>
<td>Construction Office, Temporary Dwellings</td>
</tr>
<tr>
<td>Construction Office, Temporary</td>
</tr>
<tr>
<td>Construction Office, Temporary Dwellings</td>
</tr>
<tr>
<td>Sales Trailer</td>
</tr>
<tr>
<td>Seasonal Uses</td>
</tr>
<tr>
<td>Subdivision Office, Temporary</td>
</tr>
</tbody>
</table>
3. ADDITIONAL PARKING STANDARDS

A. Required Loading Facilities

Loading spaces shall be provided for commercial and industrial buildings as indicated and defined in this Section.

(1) Quantity

The quantity of loading spaces required shall be as indicated in Table 11-07.2. Loading spaces are not required for buildings under 20,000 square feet in gross floor area.

<table>
<thead>
<tr>
<th>Gross Floor Area (Square Feet)</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 – 50,000</td>
<td>1</td>
</tr>
<tr>
<td>50,001 +</td>
<td>2</td>
</tr>
</tbody>
</table>

(2) Definitions and Standards

(a) Loading areas must comply with setback and landscape requirements. Loading areas shall not be orientated toward residential uses or zones and shall not be permitted along the front of a building.

(b) Loading spaces shall be not less than 35 feet in length, 10 feet in width and have 13 feet of vertical clearance. Loading areas shall be clearing posted or marked.

(c) For buildings greater than 20,000 square feet and located within the C-5 zone, applicants shall submit a plan for the provision of loading spaces. This plan may include an onsite loading area or an alley. Loading within a public street right-of-way is discouraged.

(3) The PZC, DRC, or HPC may modify the requirements of this section if it is demonstrated that the site cannot accommodate these requirements and that alternative loading methods or facilities can be provided in a manner compatible with surrounding uses.

B. Required Bicycle Parking

(1) One bicycle parking space within an approved rack shall be required for each 10 required automobile parking spaces. Any fraction will be rounded up. If more than 10 bicycle parking spaces are required, 25 percent of the required bicycle parking spaces shall be covered. For multi-family residential, one space is required per dwelling unit.
(2) Bicycle parking spaces shall be a minimum of 6 feet long and 2.5 feet wide and have an overhead clearance of 7 feet if covered. A 4-foot wide aisle is required between rows of bicycle parking spaces or nearby walls. Stationary racks shall be located on improved non-permeable surfaces and anchored to the ground.

(3) Spaces shall be located within 50 feet from the main entrance of the building.

C. Motorcycle Parking

(1) Motorcycle parking spaces shall be at least 4 feet wide and 10 feet deep and must be clearly posted or marked.

(2) For every 4 motorcycle spaces provided, the number of standard vehicle spaces may be reduced by one.

(3) A minimum of 10 feet of backup space shall be provided.

D. Common Facilities for Joint or Mixed Uses

Shared use of off-street parking facilities may be approved by the Director subject to the standards of this section.

(1) Location

The distance from the main entrance to the parking shall not exceed the following:

(a) 600 feet for patrons

(b) 1,500 feet for employees

(2) Joint Use

(a) An application for the joint use of parking facilities shall include:

i. A detailed site plan identifying the proposed parking space counts and distance to the parking using traditional walking patterns.

ii. The location of a sign on the premises indicating the location to the additional parking.

iii. A parking study demonstrating sufficient off-street parking for all uses.

iv. A joint parking agreement in a form to be recorded for off-street parking facilities.

(b) Maximum distance from main entrance to parking: 600 feet for patrons; 1,500 feet for employee parking.

(3) Reduction or Increase of Parking Requirements

Parking requirements as indicated in Table 11-07.1, Off-Street Parking Requirements, may be reduced or increased as follows:

(a) Parking Reductions and Waivers to Exceed the Parking Maximums for Residential Uses:

i. Up to 10 percent of the required parking may be reduced or exceeded by the Planning Director through an administrative approval.

ii. A reduction or waiver to exceed the parking maximums of greater than 10 percent requires a conditional use permit.
(b) Parking Reductions and Waivers to Exceed the Parking Maximums for Office, Commercial and Industrial Uses:
When the building size is 5,000 square feet or less, the Planning Director may authorize the parking reduction or grant a waiver to exceed the parking maximum. Otherwise, a conditional use permit is required.

(c) Application Requirements for Parking Reduction
i. A parking study documenting a reduced need for parking
ii. List and schedule of major parking events.
iii. A detailed site plan and parking space count.
iv. A description of available public transit services.
v. A description of available on-street parking.

(4) Findings to Exceed Parking Maximums
(a) The additional parking spaces are required to reduce adverse impacts to the surrounding neighborhood; and
(b) The additional parking is required due to unique characteristics of the use.
(c) The additional parking does not harm the site circulation or pedestrian access.
(d) The additional parking does not increase pedestrian travel distance to the building.
(e) The additional parking does not cause a conflict between pedestrians and vehicles

i. Acceptable means to demonstrate adequate pedestrian access may include:
   A. Placement of buildings and building entrances near the street or near other main pedestrian routes.
   B. Clearly demarcating pedestrian pathways both through and around parking lots so drive aisle crossings are minimized.
   C. Addition of landscape between parking facilities and pedestrian paths.

4. GENERAL DESIGN STANDARDS
   A. Dimensional Standards

   (1) Dimensional Standards for Parking Lots

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width B</th>
<th>Curb Length Per Car C</th>
<th>Stall Depth D</th>
<th>Driveway Width E</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For Standard Vehicles</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0°</td>
<td>9 ft.- 0 in.</td>
<td>23 ft.- 0 in.</td>
<td>9 ft.- 0 in.</td>
<td>12 ft.- 0 in.</td>
</tr>
<tr>
<td>30°</td>
<td>9 ft.- 0 in.</td>
<td>18 ft.- 0 in.</td>
<td>17 ft.- 8 in.</td>
<td>12 ft.- 0 in.</td>
</tr>
<tr>
<td>45°</td>
<td>9 ft.- 0 in.</td>
<td>12 ft.- 9 in.</td>
<td>20 ft.- 5 in.</td>
<td>13 ft.- 0 in.</td>
</tr>
<tr>
<td>60°</td>
<td>9 ft.- 0 in.</td>
<td>10 ft.- 5 in.</td>
<td>21 ft.- 10 in.</td>
<td>16 ft.- 0 in.</td>
</tr>
<tr>
<td>90°</td>
<td>9 ft.- 0 in.</td>
<td>9 ft.- 0 in.</td>
<td>20 ft.- 0 in.</td>
<td>22 ft.- 0 in.</td>
</tr>
</tbody>
</table>
Table 11-07.3: Minimum Standards for Parking Lot Design

<table>
<thead>
<tr>
<th>Parking Angle ( A )</th>
<th>Stall Width ( B )</th>
<th>Curb Length Per Car ( C )</th>
<th>Stall Depth ( D )</th>
<th>Driveway Width ( E )</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Compact Vehicles</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0°</td>
<td>7 ft.- 6 in.</td>
<td>14 ft.- 0 in.</td>
<td>7 ft.- 6 in.</td>
<td>12 ft.- 0 in.</td>
</tr>
<tr>
<td>30°</td>
<td>7 ft.- 6 in.</td>
<td>12 ft.- 6 in.</td>
<td>14 ft.- 6 in.</td>
<td>12 ft.- 0 in.</td>
</tr>
<tr>
<td>45°</td>
<td>7 ft.- 6 in.</td>
<td>10 ft.- 6 in.</td>
<td>16 ft.- 0 in.</td>
<td>13 ft.- 0 in.</td>
</tr>
<tr>
<td>60°</td>
<td>7 ft.- 6 in.</td>
<td>8 ft.- 9 in.</td>
<td>16 ft.- 9 in.</td>
<td>16 ft.- 0 in.</td>
</tr>
<tr>
<td>90°</td>
<td>7 ft.- 6 in.</td>
<td>7 ft.- 6 in.</td>
<td>15 ft.- 0 in.</td>
<td>22 ft.- 0 in.</td>
</tr>
</tbody>
</table>

(2) Dimensional Standards for Indoor Parking Structures

(a) Spaces within parking structures shall be 8.5 feet wide and 18 feet deep.

(b) Drive aisle dimensions shall be consistent with commercial parking lots.

(c) Structural columns may encroach up to 6 inches into parking spaces.

(3) Compact Spaces

(a) A maximum of 40 percent of the total spaces provided may be designed, designated, and used for compact size vehicles. The dimensional standards for compact vehicle spaces and driveways are indicated in Table 11-07.3, Minimum Standards for Parking Lot Design.

(b) Compact spaces shall be clearly marked as such on the pavement or curb.

(4) Tandem Parking

The Director may allow tandem parking for indoor parking or single-family residential upon determination that the following are true:

(a) The tandem parking does not have a negative impact on adjacent properties; and

(b) Tandem parking is required because of physical limitations of the site; and

(c) The standard parking design(s) would have a negative impact on the functional and/or aesthetic value of the site.

B. Location for Parking Lots and Parking Structures

Rear or side street setback areas may not be used for off-street parking or loading areas, except rear setback areas may be used where lots are alley loaded. Side yards that do not abut a street may be utilized for off-street parking; provided that a minimum five-foot wide landscape area be constructed and maintained along the adjoining property line. For detached single family residential uses in the A-1, A-2, R-1A, R-1B, R-1C, R-1M, R-2, and R-3 districts, a minimum 3-foot wide landscape area is required.

C. Parking Area Design

(1) Parking in Required Yards

Public or private parking areas and parking spaces shall not be permitted in any required yard of any residential district, except as follows:

(a) Except for working vehicles in daily use parked on driveways, in front of homes, vehicles shall not be parked on:
i. **Required yard areas**; (except for in structures that comply with setback requirements;

ii. Unimproved parking areas (except per 3 (b) below; or

iii. Other areas not designed for vehicle parking.

(b) 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 yard setbacks or unimproved parking areas.

(c) Alley-loaded parking and parking structures may encroach into rear or interior side setbacks per the zone.

(d) Open air public or private parking areas and service drives in a residential use district shall be permitted in side yards that do not abut a street, provided that a minimum five-foot wide landscaping and screening area be constructed and maintained adjacent to the adjoining property line as provided for in Section 11-07-05.5, **Screening**. For detached single family residential uses in the R-1A, R-1B, R-1C, R-2, and R-3 districts, a three-foot wide landscaping and screening area is required.

(e) No commercial vehicle or trailer shall be parked, stored, or otherwise left unattended at any place in a residential district whether on public or private property for over two hours except while engaged in construction or any other permitted activity.

(2) **Third-party Auto Sales Prohibited**

With the exception of auto sales lots in commercial districts, it shall be unlawful to maintain or place vehicles on a property of another for the purpose of sale.

(3) **Driveways**

(a) All driveways shall extend into the site in a perpendicular manner. The Director may approve exceptions provided the driveway:

i. Is for access to a garage or parking area and shall not have a negative impact on adjacent properties; and

ii. Is required because of physical limitations of the site; or

iii. Will enhance the aesthetics of the site (including preserving trees); or

iv. Is required for safety reasons such as preventing vehicles from backing into a street.

(b) All parking areas, driveways, and other vehicular access for single family or two-family residential uses, may consist of wheel strips, pavers, or other hard surface material approved by the Director. Gravel surfacing is allowed for non-required parking spaces and driveways outside front and side street setbacks. Other residential uses are subject to standards in accordance with subsection (6), **Surfacing**, below.

(c) Driveways for single-family or two-family residential uses shall be a minimum of nine feet in width. For the purpose of this section, individual driveways are those vehicular access ways separated from any other by a minimum of five feet of landscaping or similar material not designed to accommodate vehicles. Driveways or service drives for other residential uses are subject to Section 11-07-04.3.
(d) Driveways are permitted in the front and street side setbacks in accordance with Section 11-07-04.3.B, Service Drives.

(e) For single family residential uses, individual driveways in the front or street side setback shall not exceed a width of 33 feet within the setback. For the purpose of this section, individual driveways are those vehicular access ways separated from any other vehicular access way by a minimum of five feet of landscaping or similar material not designed to accommodate vehicles. More restrictive standards shall prevail where applicable.

(f) Residential driveways shall be setback at least 50 feet from an intersection of public streets as depicted in Figure 11-07.4. Under unusual circumstances, the Director may waive this requirement.

(g) Parking on substandard lots of record is regulated by Section 11-06-03.3.D(7) of this Code.

(4) Residential Garages

(a) 22’ of back up space is required measured from the back of the parking stall to the far side of the alley.

(b) Street access is prohibited when alley access is available, except where there is an existing curb cut on a corner lot, or as may be approved by the Planning Director for other areas based on findings that such access will not be detrimental to the function and appearance of the affected block frontage and sidewalk system.

(5) Lighting

Lights in public or private parking area or vehicle sales area may not shine directly on adjacent residential land uses.

(6) Surfacing

(a) Driveways and parking areas must be built with a non-permeable material such as concrete or asphalt. Appropriate alternative may be approved by the Director.

(b) Gravel Surface Exception

i. A gravel surface may be utilized within industrial zones for enclosed storage yards or grounds maintenance areas. The storage and
maintenance areas must be located behind the building and be enclosed by a 6 foot high sight obscuring fence.

ii. Use of gravel parking must be approved by the Boise City Fire Department and the Boise City Public Works Department to ensure compliance with best management practices.

(7) **Bumper Overhang**

Parking stall length may be reduced to 18 feet when the adjacent sidewalk or landscaping is increased by two feet over the minimum requirement. The minimum width for a sidewalk adjacent to a bumper overhang is 6 feet and the minimum width for a landscape strip adjacent to a bumper overhang is 7 feet.

5. **ACCESSIBLE PARKING SPACES**

This section applies only to the quantity, dimensional standards, and location of accessible parking spaces.

A. Compliance with ADA and IBC standards is required. Accessible spaces are required according to the following table. For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space.

B. **Quantity**

(1) The required number of accessible spaces shall be as follows:

<table>
<thead>
<tr>
<th>Total Parking Spaces in Lot</th>
<th>Minimum Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-25</td>
<td>1</td>
</tr>
<tr>
<td>26-50</td>
<td>2</td>
</tr>
<tr>
<td>51-75</td>
<td>3</td>
</tr>
<tr>
<td>76-100</td>
<td>4</td>
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<tr>
<td>101-150</td>
<td>5</td>
</tr>
<tr>
<td>151-200</td>
<td>6</td>
</tr>
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<td>201-300</td>
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<tr>
<td>301-400</td>
<td>8</td>
</tr>
<tr>
<td>401-500</td>
<td>9</td>
</tr>
<tr>
<td>501-1,000</td>
<td>2% of the Spaces Provided</td>
</tr>
<tr>
<td>1,001 and Over</td>
<td>20 plus 1 for each 100 over 1,000</td>
</tr>
</tbody>
</table>

Figure 11-07.3: Access aisle at passenger loading zone
(2) **Exceptions**

(a) At facilities providing medical care and other services for persons with mobility impairments, are required to provide additional accessible spaces: Outpatient facilities shall provide accessible spaces equal to 10 percent of the total number of required parking spaces.

   i. Facilities that provide services for individuals with mobility impairments shall provide accessible spaces that are equal to 20 percent of the number of required parking.

(b) Valet parking facilities shall provide a passenger loading zone located on an accessible route to the entrance of the facility.

(c) Accessible parking spaces shall not contain slopes in excess of two percent and may not be accessed via steps or from adjoining pedestrian walkway.

(d) Accessible spaces shall be located closest to main entrance. When there are multiple buildings or main entrances, accessible spaces shall be distributed equally.

(e) Accessible spaces shall be clearly marked as reserved spaces.

C. **Dimensions**

(1) **Length**

   All accessible spaces shall be a minimum of 20 feet in length.

(2) **Width**

   All accessible spaces shall be a minimum of eight feet in width plus a five-foot wide adjacent access aisle.

![Accessible parking space dimensions](image)

   Figure 11-07.4: Accessible parking space dimensions

(3) **Van Accessible**

   One in every eight accessible spaces, but not less than one, shall have an adjacent access aisle eight feet in width and shall be designated as "Van Accessible."

6. **TEMPORARY PARKING LOTS**

   Temporary parking lots are prohibited in the R-1, R-2, N-O zones and the CD, C, HD overlays.

   A. **Approval Criteria**

   Temporary lots may be permitted for up to 2 years if the following approval criteria are met:
CHAPTER 11-07: Development and Design Standards
Section 11-07-04: Connectivity
Subsection 1: Public Roads

(1) Use of the land for parking is consistent with the Boise City Comprehensive Plan for the area.

(2) A minimum of 20 feet width of direct access to the parking lot from a public road right-of-way is provided.

(3) The parking lot shall be compatible with surrounding uses.

(4) Existing mature landscaping shall not be displaced by the parking lot.

(5) A detailed grading and drainage plan shall be submitted for review and approval by the ACHD and the Public Works Department before a building permit is issued.

B. Minimum Standards

All temporary parking lots shall meet the following minimum standards:

(1) Gravel surfacing with a written maintenance plan for dust control measures for the parking lot and access road.

(2) Site obscuring fencing and landscaping alongside and rear property lines that coincide with a residential use. Landscaping is required along street frontages.

(3) Wheel stops marking all parking spaces.

(4) A landscaped area of five percent of the total lot area.

(5) A temporary irrigation system adequate to maintain the temporary landscaping in a healthy condition.

C. Procedure

(1) 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. A bond for 110 percent of the cost of removing the temporary parking lot shall be required.

(2) Three one-year extensions of the permit may be granted by the Director providing the lot is in compliance with the requirements of the permit.

11-07-04. CONNECTIVITY

1. PUBLIC ROADS
   [Reserved]

2. PRIVATE ROADS
   [Reserved]

3. INTERNAL SITE CIRCULATION
   A. Ingress and Egress
      (1) Access driveways providing reasonable access to required private or public parking areas including garages may extend through the front or street side setback in a perpendicular manner provided they comply with Section 11-07-04.3.B, below.
(2) Driveways that extend through the setback in other than a perpendicular manner may be approved due to physical limitations of the site or for aesthetic or safety purposes. The Director may approve driveways upon a determination that the following:

(a) The driveway is required to enhance the aesthetics of the site such as preserving existing trees; or

(b) The driveway is required for safety reasons such as avoiding backing into a busy street or a street with limited motorist visibility.

(3) Driveways that are not approved by the Director require a variance from the PZC or Hearing Examiner.

B. Service Drives

(1) Standards

(a) Service drives may not land lock adjacent property or interfere with the continuity of public streets.

(b) Service drives must not encourage or promote pass through between public or private streets.

(c) Service drives shall intersect a street at a 90 degree angle, unless otherwise approved by the Ada County Highway District.

(d) Drive through lanes shall be at least ten feet in width.

(e) One way service drives shall be at least ten feet in width.

(f) Two-way service drives shall be at least twenty feet in width.

(g) The width of a service drive at the intersection of a street shall be twenty feet.

(h) The width of a service drive between building appurtenances such as carport overhangs shall be at least twenty four feet.

(2) Widths

(a) Drive through lanes and associated escape lanes shall each be a minimum of ten feet wide.

(b) A driveway for a single-family dwelling and for a two-family dwelling may be a minimum of nine feet wide.

(c) One-way service drives without parking on either side shall be a minimum of ten feet wide. Two-way service drives without parking on either side shall be a minimum of 20 feet wide.

(d) Garages shall be setback 20 feet or greater, or between three and eight feet from the edge of the service drive. The combined width of the service drive and the garage setback shall be a minimum of 28 feet.
(e) 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.

(f) 24 feet of clear width shall be maintained between building appurtenances, such as carport overhangs, that border service drives.

(g) Service drives shall comply with Fire Department standards before the service drive is used as a fire access drive.

(3) **Grade**

Maximum grade for service drives shall be ten percent unless a steeper grade is specifically approved by the City Engineer and the Fire Chief. A maximum grade of two percent, unless specifically approved by the ACHD and City Engineer, shall be required for the initial 80 feet from the intersecting curb to provide a landing at the junction of the service drive and the public right-of-way.
(4) Drives that Serve More Than 40 Dwelling Units

Service drives that serve more than 40 dwelling units will be designed based upon the standards of this Code and by a traffic plan prepared by a traffic engineer, submitted to and approved by the Director and the Public Works Department for the interior roadway and parking system. The required transportation plan shall include the following information:

(a) The adequacy of approach streets and highways to accommodate development traffic;
(b) The need to expand or modify existing facilities; the locations and design of development driveways; and
(c) Provisions for pedestrian and bicycle facilities that address the following:
   i. consideration for service/emergency vehicular movement;
   ii. safety for vehicular and pedestrian traffic;
   iii. livability of the residential environment;
   iv. economy of land use, construction and maintenance; and
   v. a recommended street layout and dimensional standards. This requirement may be waived when it can be shown by the applicant that no section of on-site roadway will exceed 240 vehicles per day.

C. Minimize Driveways

As a means to improve traffic safety and to improve the visual quality of an area, the number of driveway intersections with public or private roadway in residential projects shall be minimized. Use of parking courts, alleys, and common driveways is strongly encouraged.

4. PEDESTRIAN ACCESS

The development shall provide sidewalks and crosswalks that link transit stations, parking areas, buildings, open spaces, and adjacent pathways. Sidewalks shall be at least four feet wide, sited and illuminated to provide safe passage and observation of the pathway route. Sidewalk crossings of service drives shall be provided and clearly distinguished from the service drive.

5. MICRO-PATHS

A. Purpose

To encourage non-motorized forms of travel, and to provide safe, convenient, and aesthetic alternative travel routes to common destinations such as schools, parks, and shopping centers.

B. General Provisions

(1) Micro-paths shall be utilized

(a) where there are no sidewalks for safe and direct pedestrian access to the common destinations identified above;
(b) to connect with a regional path system; or
(c) to provide pedestrian connections from an internal to an external street.

(2) The following factors will be considered in the location of any micro path:

(a) the utility and need for a given path;
CHAPTER 11-07: Development and Design Standards
Section 11-07-04: Connectivity
Subsection 5: Micro-paths

(b) impacts to existing neighborhoods;
(c) pathway design as it relates to both crime prevention and function; and
(d) the responsibilities of ownership, maintenance, and liability.

C. Location

(1) The city shall require the creation and maintenance of micro-paths (except in cases where it is shown to be inappropriate) that provide access to the following facilities when adjacent to the new development:

(a) Existing or proposed schools
(b) Existing or proposed public parks,
(c) Neighborhoods,
(d) Shopping areas,
(e) Public land,
(f) Transportation or other community facilities,
(g) Adopted pathway elements of the Boise Metro Plan including but not limited to: Ridge-to-Rivers Pathway Plan, the Parks Comprehensive Plan and the Downtown Plan,
(h) Vacant parcels, held either publicly or privately, that could provide future neighborhood connection(s) to the above noted sites, and
(i) In similar cases, where deemed appropriate.

(2) In addition, micro-paths may be required to connect sites other than those noted above:

(a) When there is evidence that a pedestrian/cyclist would otherwise be forced to travel along a roadway that may be hazardous for non-motorized forms of travel, in order to reach the desired destination; or
(b) When the pedestrian/cyclist would otherwise have to travel a distance of more than one-half mile alongside a local or collector roadway in order to reach the desired destination.

D. Design

While the city may exercise considerable discretion in determining the design of micro-paths, the following minimum standards should be followed:

(1) The paved portion of the micro-pathway may range from seven to ten feet in width. Generally, micro-paths that receive high use will be wider. Barriers may be placed at the terminal ends of paths to restrict use by motor vehicles while allowing use by bicycles, wheel chairs, and other modes of travel.

(2) A five-foot wide landscaped area/building and fence setback, as measured from both edges of the paved micro-path, shall be required, and will be owned by either the abutting property owner(s) or a home owners association unless accepted by a public entity. For safety purposes, planting material in this area is limited to three feet in height. The landscape, fence, and building regulations for this area shall be indicated by a note on the plat.
(3) In order to design for crime prevention the following design standards will be followed:

(a) Fencing that provides better visibility from adjacent homes or buildings. If solid fencing is used, it may not exceed four feet in height.

(b) Lighting may be required by Department of Public Works, and shall be owned and maintained by the city.

(c) The use of corners and curves in the design of micro-paths is discouraged.

(d) The placement of micro-paths that link high use public areas such as shopping malls with neighborhoods will be subject to review and recommendation by the Police Department.

(4) Micro-pathway standards in foothill projects may be varied to take into consideration topography, soils, and drainage. Typically in areas of steep slopes these trails should not be paved unless erosion is evident, may curve to follow the contour, may be narrow to limit disturbance, may take advantage of existing landscape features, and would not require lighting.

E. Site Development Standards

With the exception of single-family subdivisions, development proposals shall be in substantial compliance with the following requirements:

(1) Lighting and sidewalks shall be designed to encourage pedestrian access and security.

(2) Pathways shall have convenient connections within the development core and between surrounding neighborhoods and parking facilities.

(3) Safe, secure, and convenient bicycle storage areas will be provided and storage/rack facilities shall comply with standards adopted by the Boise Parks and Recreation Department.

(4) Pedestrian and bicycle circulation within the project shall be designed to minimize conflicts and hazards with motor vehicles.

F. Responsibility

The following provisions are intended to provide guidance to those entities that are responsible for construction, maintenance, and/or liability for a micro-path.

(1) No Clear Responsible Entity

Micro-paths for which there is no clear responsible entity may be reserved for future use by granting an easement to the city. If no entity accepts responsibility for the micro-pathway within the period of time specified in the easement, then the full use of the property will revert to the property owner and the easement shall terminate.

11-07-05. LANDSCAPING, FENCES, WALLS, AND SCREENING

1. PURPOSE AND INTENT

The purpose of this section is to establish requirements for the design, installation and maintenance of landscapes that contribute ecologically and aesthetically to the growth and economic prosperity of the City; that achieve healthy, attractive and safe environments according to recognized design and urban forestry principles; that encourage water conservation; storm water integration; and that conserve, protect and promote the natural identity and environment of the City.
2. LANDSCAPING

A. Landscaping Plan

(1) Landscape Plan Preparation
All landscape plans shall be prepared by an architect, landscape architect, landscape designer working as a professional in this field or qualified nurseryman.

(2) Applicability
A landscape plan is required for all commercial, industrial, office, substandard lot, and multi-family developments, alterations and additions to buildings or parking lots, or changes in use. The landscape plan may be required as part of an application for a Design Review, Conditional Use, Variance, Zoning Certificate or Certificate of Appropriateness.

(3) Adopted Streetscape Plans
Where streetscape standards have been adopted by the City of Boise for the streets bordering a project site, and there is a difference between the adopted streetscape standards and the requirements of this section, the adopted streetscape standards shall govern the streetscape elements of the project.

(4) Uses / Buildings

(a) New Development
All new developments shall provide landscaping in accordance with the requirements of this section.

(b) Expansions and Alterations to Existing Buildings
The requirements of this section shall apply to the expansion and alteration of existing buildings when the project increases 50 percent or more in gross square footage.

(c) Change of Use
The requirements of this section shall not be imposed unless one or more of the following circumstances apply:

i. An expansion or alteration to the building/lot is being proposed as per Subsection (b) or (c) above; or

ii. The property never complied (or no longer complies) with the ordinance requirements in existence at the time of approval or conditions of approval at the time of construction.

(5) Existing Parking Lots

(a) Re-striping or Re-surfacing
Replace and repair the existing landscaping to previous approval standards.

(b) 0-25 Percent Expansion or Replacement of the Parking Lot
Replace and repair the existing landscaping to previous approval standards.

(c) 26-50 Percent Expansion or Replacement of the Parking Lot
Replace and repair the existing landscaping to previous approval standards and provide perimeter landscaping.

(d) 51 – 100 Percent Expansion or Replacement of the Parking Lot
Comply with all requirements of this section.
(6) **Waivers**

If the location of existing buildings or other structures prevents conformance with the requirements of Sections 11-07-05.2.A(4) and/or 11-07-05.2.A(5), or its implementation would create non-conformity of parking standards or other special circumstances, the Planning Director may grant a waiver based on the following findings:

(a) That the requirements of Sections 11-07-05.2.A(4) and/or 11-07-05.2.A(5) are not feasible due to existing development or circumstances regarding the property;

(b) That granting a waiver will not have a detrimental effect on adjacent properties; and

(c) That granting a waiver will not be in conflict with past approvals that required landscape improvements. A letter requesting a waiver and reasons therefore, shall be submitted at the time of application. Decisions of the Planning Director may be appealed to the Planning and Zoning Commission within 10 calendar days from the date of the decision in accordance with Chapter 3 of this Code.

(7) **Alternative Compliance**

(a) **Purpose**

To provide for alternative means to meet the intended purposes of the landscape requirements when explicit compliance is not feasible or the alternative means are superior to what is required.

(b) **Process**

i. **General**

The applicant shall request alternative compliance in conjunction with the submittal of a Conditional Use Permit or Design Review application or upon the determination that the development does not comply with the specific provisions of this title. The request will be considered by the same approval body as the base application. The request shall specify:

A. The specific requirements that are proposed to be modified;

B. The reasons for the modification; and

C. A demonstration of how the alternative means for compliance meets the requirements’ intended purpose.

ii. **Stormwater Swales**

Stormwater swales within front setbacks can be approved at staff level provided that the landscape plans approved by the applicable approval body are not changed substantially and comply with Section 11-07-05.2.G(2). A landscape plan with swale construction details which incorporate the landscape design shall be submitted for the staff level review.

(c) **Standard**

The proposed alternative means for compliance with the specific requirements shall demonstrate that the alternative provides an equal or superior means of meeting the intent and purpose of the regulation.

(d) **Required Findings**

In order to grant approval for an alternative compliance, the director shall determine the following:
i. Strict adherence or application of the requirements is not feasible because one of the following conditions exist:
   A. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
   B. The site involves space limitations or an unusually shaped lot;
   C. Safety considerations;
   D. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this section;
   E. The proposed design includes innovative design features based on “new urbanism,” “neotraditional design,” or other site designs that promote walkable and mixed use neighborhoods; or
   F. Environmental quality benefits;

ii. The alternative compliance provides an equal or superior means for meeting the requirements; and

iii. The alternative means will not be detrimental to the public welfare or adversely affect the uses and character of surrounding properties.

B. Minimum Design Standards and Requirements

(1) Approved Plant Material
   (a) The publication titled Tree Selection Guide by the Community Forestry Unit of the Boise Parks & Recreation Department (latest edition) is hereby adopted as the list of approved and recommended trees for on-site planting.
   (b) The Stormwater Plant Materials Resource Guide published by the Boise City Public Works Department is recommended for plant selection, establishment and maintenance for storm water facilities.
   (c) New plant varieties are being produced every year and other species not listed in the above publications or species which are more disease resistant, pest resistant, or drought tolerant may also be considered.

(2) Prohibited Plant Material
   The plants listed under “Trees not permitted for Rights-of-Way Property Planting” in the Tree Selection Guide are prohibited from being planted along any street or within any parking lot regulated by this section.

(3) Minimum Plant Sizes

<table>
<thead>
<tr>
<th>Type of Plant</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shade/Ornamental Trees</td>
<td>2 inch caliper</td>
</tr>
<tr>
<td>Evergreen Trees</td>
<td>6 foot height</td>
</tr>
<tr>
<td>Woody Shrubs</td>
<td>2 gallon</td>
</tr>
<tr>
<td>Perennials</td>
<td>1 gallon</td>
</tr>
</tbody>
</table>

(4) Tree Species Mix
   When five or more trees are to be planted to meet the requirements of any portion of this section, a mix of species shall be provided as per the table below:
Table 11-07.7 Tree Species Mix

<table>
<thead>
<tr>
<th>Required Number of Trees</th>
<th>Minimum Number of Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-10</td>
<td>2</td>
</tr>
<tr>
<td>11-30</td>
<td>3</td>
</tr>
<tr>
<td>31-50</td>
<td>4</td>
</tr>
<tr>
<td>50+</td>
<td>5</td>
</tr>
</tbody>
</table>

Note: When the total number of trees is greater than 10, one species cannot amount to more than 40% of the total.

(5) **Tree Spacing**

For design flexibility, trees may be grouped together or spaced evenly as desired. However, trees shall be spaced no closer than 80 percent of the average mature width of the trees, as demonstrated in the following examples:

![Figure 11-07.7: Tree spacing](image)

(6) **Mulch**

Organic mulch such as bark or soil aid shall be applied to all planting areas, except that rock mulch may be permitted as part of the approved landscape plan. Planting areas utilizing rock mulch shall have 50 percent of the ground surface covered by vegetation at plant maturity. Natural colors shall be used and patterning of the materials is prohibited. Use of mulch as the only ground cover in required planting areas is prohibited. Impermeable plastic weed barrier under the mulch is prohibited.

(7) **Curbing**

All planting areas that border driveways, parking lots and other vehicle use areas shall be protected by curbing, wheel stops or other protective devices. Such devices shall be a minimum of 30 inches from all tree trunks to prevent cars from damaging tree trunks.

(8) **Utilities**

The following standards apply to the planting of trees near existing utilities and to trenching for new utilities near existing trees:

(a) **Overhead Utilities**

Only approved Class I trees in the Tree Selection Guide may be planted under or within ten lateral feet of any overhead utility wires.
Underground Utilities

All trees shall be planted outside of any utility easement, unless written approval is obtained from the applicable agency. All trees shall be planted outside of any easement that contains a City sewer main, unless written approval is obtained from the City Engineer. If any utility easement precludes trees required by this section, the width of the required buffer shall be increased to accommodate the required trees.

Trenching

New underground utilities shall be located outside of the dripline of existing trees if trenched, or be tunneled a minimum of three feet below existing grade within the tree’s dripline. The guiding principle is that no root two inches or larger shall be cut. Note: This requirement is for placement of new utilities and does not affect the City’s or the Utility’s ability to access existing utilities for repair, replacement and maintenance.

Berms

Berm slopes shall not exceed 3:1 (horizontal: vertical). Slopes shall not exceed 4:1 on areas which require mowing.

Water Efficiency

The landscape plan shall provide for water efficient landscaping as follows:

Lawn Areas

Where appropriate and on sites where other landscape options can be incorporated, large expanses of mown lawn, such as Kentucky Bluegrass, are discouraged due to its high water consumption. Lawn should not be treated as a fill-in material but rather as a functional or aesthetic element of the landscape. Mown lawn should not be used in median strips, parking strips, or other difficult areas to irrigate less than six feet in width. Areas of lawn larger than 15,000 square feet shall have soil moisture sensors that are properly installed and adjusted.

Plant Selection and Location

Plants should be placed based on adaptability to regional and micro climatic conditions, i.e., shade, sun, wind, etc. Plants having similar water needs should be grouped together in distinct hydrazones, and spaced to minimize watering needs while maximizing growth and spread of plants. The use of native and other low-water-use plants is encouraged.

Irrigation

Irrigation Required

All landscape areas requiring irrigation shall be served with an automatic underground irrigation system. Areas of landscaping which will not require supplemental watering after initial establishment are not required to have permanent irrigation.

Irrigation Water

Use of non-potable irrigation water is required when determined to be available and adequate. Year round water availability is also required by connecting to potable water or an on-site well as a secondary source.
D. Perimeter Buffers

(1) Street Buffers

(a) Applicability
Landscape street buffers shall be required for all multi-family residential, office, commercial and industrial developments. Street buffers shall not be required in the C-5 (Central Business) zone in circumstances where a landscape buffer would prevent the placement of a proposed building at the allowed zero foot front or street side setbacks. For single family subdivisions, buffers shall be as required by Chapter 11-09, Subdivision Standards.

(b) Size and Location
Landscape buffer widths along streets shall be based on the required setbacks of the underlying zone. All required buffers shall be located outside any street right-of-way and shall be maintained by the property owner. All street buffers shall be measured from the property line (after dedication of any right-of-way) and not from the sidewalk or curb. Subdivisions shall comply with Chapter 11-09, Subdivision Standards.

(c) Street Trees
All required landscape street buffers shall be planted with trees and shrubs, lawn or other vegetative groundcover, with a minimum density of one tree per 40 lineal feet. If this calculation results in a fraction of .5 or greater, round up to an additional tree. Class I trees are discouraged within street buffers except where justified. Clustering is allowed, however, trees shall be spaced no closer than 80 percent of the average mature width of the trees.

(d) Conifers Along Streets
Coniferous trees are allowed along streets only within planting areas 20 feet or greater in width.

(e) Tree Wells
Tree wells shall be a minimum of 36 square feet in size.

(f) Parkways & Detached Sidewalks
Parkway widths shall be six feet for Class II trees with ACHD approved root barriers, eight feet for Class II trees without root barriers, and ten feet for Class I and III trees as measured from the inside of the sidewalk to the inside of the curb.

(2) Side and Rear Perimeter Buffers

(a) Applicability
Side and rear landscape buffers shall be required for all residential, office, commercial and industrial developments. For single family subdivisions, buffers shall be as required by Chapter 11-09, Subdivision Standards.

(b) Size and Location
Landscape buffer widths shall be based on the required setbacks of the underlying zone. Single family residential subdivisions shall comply with Chapter 11-09, Subdivision Standards. All required side and rear buffers shall be located within the property and shall be maintained by the property owner.
Parking Lot/Vehicular Use Area Buffers

If an interior side or rear lot line is adjacent to a parking lot or other vehicular use area, such as, but not limited to, vehicle sales areas, truck and bus parking areas and driveways the following standards shall apply.

i. Landscaping

The perimeter landscape strip shall be planted with one tree per 40 lineal feet. If this calculation results in a fraction of .5 or greater, round up to an additional tree. Species shall be selected from the Boise City Tree Selection Guide. Clustering is allowed, however, trees shall be spaced no closer than 80 percent of the average mature width of the trees.

ii. Exceptions

Where two properties have a shared access and parking agreement that has been approved by the city, the above requirements may be waived.

Buffers Between Different Land Uses

(a) Applicability

Land use buffers shall be required along contiguous property lines between residential uses and dissimilar uses such as industrial, commercial, and office. The buffers are required along the entire contiguous property line. This section shall not apply to mixed use projects on contiguous properties.

(b) Size

The minimum buffer width between land uses is based on the required setbacks of the underlying zone.

(c) Buffer Materials

The materials within the required buffer between incompatible land uses are regulated as follows:

i. Mix of Materials

All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative groundcover. Fences, walls and berms may also be incorporated into the buffer area.

ii. Barrier Effectiveness

The required buffer area shall result in an effective barrier within five years of installation and be maintained such that 60 percent or more of the vertical surface is closed and prevents the passage of vision through it. Clustering is allowed, however, trees shall be spaced no closer than 80 percent of the average mature width of the trees.

iii. Buffer Walls

Where existing or proposed adjacent land uses cannot be adequately buffered with plant material(s), the City may require inclusion of a wall, fence, or other type of screen that mitigates noise and/or unsightly uses. If a wall or fence at least six feet tall is provided, the planting requirement may be reduced to at least one tree per 40 lineal feet, plus shrubs, lawn, or other vegetative groundcover, in lieu of the requirements of subsection (b). Clustering is allowed, however, trees shall be spaced no closer than 80 percent of the average mature width of the trees.
iv. **Chain-link Fencing**

Chain-link fencing does not qualify as a screening material; therefore the buffer must still be landscaped as per subsection (b), even if a chain-link fence is provided.

v. **Pedestrian Access**

Landscaping and screens shall not eliminate pedestrian access between commercial and residential districts.

E. **Parking Lots (Interior)**

Interior parking lot landscaping shall be required in any parking lot with 12 spaces or more, including vehicle sales lots.

(1) **Planter Size**

Landscape planters shall be a minimum of 8 feet in width for Class I & II trees and ten feet in width for Class III trees. Required parking lot planters shall be the length of the adjacent parking space. Dimensions are measured inside curbs.

(2) **Parking Lot Layout**

No linear grouping of parking spaces shall exceed ten in a row, without an internal planter island. Interior landscaping shall be used to delineate and guide major traffic movement within the parking area. Terminal planters shall be provided at the ends of rows of parking to protect parked vehicles and confine moving traffic to aisles and driveways. Interior landscape planters shall be spaced as evenly as feasible to reduce the visual impact of long rows of parked cars.

(3) **Trees Required**

Each interior planter that serves a single row of parking spaces shall be landscaped with at least one tree and shall be covered with low shrubs or other vegetative groundcover. Each interior planter that serves a double row of parking spaces shall have at least two trees and shall be covered with low shrubs or other vegetative groundcover. Deciduous shade trees must be pruned to a minimum height of eight feet above the adjacent parking areas. Evergreen trees are prohibited in interior planters.

(4) **Lights Prohibited**

Light poles and fixtures shall be located outside of landscape planters which contain trees as required by this section.

(5) **Industrial Exclusion**

Industrial parking, storage, and loading areas are specifically excluded from the interior landscape requirements, but shall meet all perimeter and right of way landscape and screening requirements.

F. **Preservation of Existing Trees**

(1) **Landscape Plan**

All existing trees four inch caliper and greater shall be shown on the landscape plan. Indicate whether each tree is to be retained or removed and include an assessment by an approved Arborist of the health of the trees. Include on the plan a description of how existing trees to be retained are to be protected during construction.
(2) **Protection During Construction**

Existing trees that are retained shall be protected from damage to bark, branches, and roots during construction. Protection fences around existing trees are required for the duration of construction.

(3) **Construction within the Dripline of Existing Trees**

Specific requirements for construction within the dripline of existing trees are as follows:

(a) **Paving**

Impervious surfaces may be allowed at a distance from the trunk of a retained tree equal to the diameter of the tree trunk plus five feet.

(b) **Grade Changes**

Grade changes are discouraged within the dripline of existing trees and are subject to recommendation by the City Forester or an approved Arborist.

(c) **Utilities**

New underground utilities to be placed within the dripline of existing trees shall be installed as per Subsection 11-07-05.2.B(8)(c) of this section.

(4) **Mitigation Trees**

Healthy desirable trees four inch caliper or greater that are removed shall be replaced with an equal replacement of the total caliper inches lost either on site or off-site per recommendation of the City Forester. Example: two 10-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five 4-inch caliper trees, or seven 3-inch caliper trees.

(5) **Required Landscaping**

Existing trees that are retained or relocated on site may count toward the required landscaping.

(6) **Incentives**

The Planning Director may allow up to a ten percent reduction of the required parking spaces to save healthy desirable trees.

G. **Stormwater Integration**

(1) **Purpose**

The City encourages the incorporation of vegetated, well-designed stormwater filtration swales into landscape areas where topography and hydrologic features allow. Such integrated site designs can improve water quality and provide a natural, effective form of flood and water pollution control. Landscape areas which incorporate stormwater swales shall generally be above and beyond the landscaping required by this section.

(2) **Design Guidelines**

Below are requirements for designing a landscape area that integrate stormwater facilities. The Planning & Zoning and Public Works Departments should be involved in the initial design and determining the appropriateness of any site. Additional information regarding stormwater system design is provided in the publications titled Boise Stormwater Design Manual and Stormwater Plant Materials Resource Guide, which are available from Boise City Public Works.
(a) **Street Buffers**

Except in industrial areas, swales shall not be located in required landscape buffers along streets. However, swales located along streets within required landscape buffers may be approved through the Alternative Compliance process at staff level provided that the landscape plans are not changed substantially from the previous approval and comply with this section. Swales located within street buffers shall meet the following standards:

i. Swales shall not exceed twelve inches in storage depth;

ii. Swales shall be separated from back of sidewalk by a minimum of two feet;

iii. Street trees shall be provided as required by this section;

iv. Rapid sand infiltration windows shall be integrated for timely drainage of stormwater; and

v. No infiltration basins are allowed.

(b) **Perimeter Buffers**

Swales located within required buffers in side and rear yards shall meet the following standards:

i. Swales shall not exceed 18 inches in storage depth;

ii. Trees shall be provided as required by this section; and

iii. Rapid sand infiltration windows shall be integrated for timely drainage of stormwater.

(c) Gravel, rock, or cobble on the surface of swales shall not exceed 20 percent of the surface area of the bottom of the swale. Cobble may be incorporated into required landscape areas if designed as a dry creek bed or other design feature.

(d) Stormwater swales shall be vegetated with appropriate plant materials. Plant materials shall be a species that are able to withstand the anticipated changes in soil wetness and moisture levels. Examples of appropriate plants materials include, but are not limited to:
11-07: Development and Design Standards
Section 11-07-05: Landscaping, Fences, Walls, and Screening
Subsection 2: Landscaping

i. **Trees**
   River Birch (Betula nigra), American Hornbeam (Carpinus caroliniana),
   Green Ash (Fraxinus pennsylvanica), Sweetgum (Liquidambar styraciflua),
   Sycamore (Platanus occidentalis) and Mountain Alder (Alnus tenuifolia)

ii. **Shrubs**
   Red Osier Dogwood (Cornus sericea), Serviceberry (Amelanchier alnifolia),
   Rhododendrons (Rhododendron sp.), American Cranberry Bush
   (Viburnum trilobum), Golden Currant (Ribes aureum) and Drummond
   Willow (Salix drummondianna)

iii. **Groundcovers**
   Sedges (Carex sp.), Spike Rush (Eleocharus acicularis), Maiden Grass
   (Miscanthus sp.), and Fountain Grass (Pennisetum sp.)

   (e) Organic mulch shall not be used adjacent to the flow path. Plant material shall
   be installed adjacent to the flow path and infiltration area to aid in capturing
   sediment and reducing clogging.

   (f) Open water ponds and holding areas with a permanent water level are not
   permitted in required landscape or buffer areas, except along Interstate-84.
   However, ponds that are aesthetically designed with special grading and
   vegetative features may be approved as provided for through Alternative
   Compliance.

   (g) Slopes shall not exceed 3:1 (horizontal: vertical).

H. **Arterial and Collector Street Buffering**
   Landscaped buffer areas shall be provided where single family residential lots are adjacent to
   collector or arterial streets.

   (1) **Perimeter Landscape Buffer**
   (a) The buffer shall be located outside of any planned future right-of-way.
   (b) The width of the buffer along arterial streets shall be a minimum of 30 feet. Along
       collector streets it shall be a minimum of 20 feet.
   (c) The buffer area may be located within the lot provided that:
       i. The depth of the lot is a minimum of 130 feet; and
       ii. In cases where the side lot line runs along an arterial or collector, the
           width of the lot is a minimum of 80 feet.
   (d) Fences and walls shall not be placed in buffer areas.

   (2) **Frontage Road**
   (a) Frontage roads, as permitted by the ACHD, and separated from a collector or
       arterial street by a ten foot wide landscaped median, may be permitted.
   (b) The landscaped median shall be planted with trees and shrubs that at maturity
       will form a solid screen at least six feet high and a continuous tree canopy.
I. Installation

1. Certificate of Completion

Before issuance of the final certificate of occupancy, the author of the landscape plan shall submit to the City certification that the landscaping has been installed in compliance with the approved plans.

2. Installation Schedule

All required landscaping, irrigation systems and site features shall be installed according to the approved landscape plan prior to issuance of a final certificate of occupancy.

3. Extension of Time for Installation

Upon recommendation of the director, a temporary certificate of occupancy may be issued for a specified time period, not to exceed 180 days when:

(a) Due to weather or other circumstances, the landscaping or other required site amenities cannot be completed; and

(b) The applicant has provided surety to the City for the required improvements.

J. Landscape Maintenance

1. Applicability

The requirement for landscape maintenance applies in all districts where landscaping has been required.

2. Standards

(a) The property owner is responsible for the maintenance of all landscaping and screening devices required by this section.

(b) Topping any street tree required by this section is prohibited. For trees not within street right-of-way, alternative pruning techniques to achieve specific horticultural or aesthetic effects may be used if approved by Boise City Forestry. Examples include pleached allee, pleached bosque, espalier, and pollarded canopy.

(c) Tree grates shall be widened to accommodate the growing tree trunk and prevent girdling of any trees planted in tree wells within sidewalks or other public right of way.

(d) Plant materials that exhibit evidence of insect pests, disease, and/or damage shall be appropriately treated to correct the problem. Dead plant materials shall be replaced.

(e) All landscaping required by this subsection may be subject to periodic inspections by City officials to determine compliance or to investigate.
3. **FENCES**

**A. General Provisions**

1. In historic districts, a Certificate of Appropriateness is required for fences made with any material other than dog-eared cedar.

2. Electric fences are prohibited.

3. Barbed wire is permitted in commercial and industrial zones only as the top section of a security fence. Barbed wire must be located at least 72 inches above grade.

4. Walls, lattices, and screens shall be considered to be fences.

5. Boxes, sheet metal, old or decayed wood, broken masonry blocks, or other unsightly materials may not be used for fencing.

**B. Allowed Fences**

1. In residential and office districts maximum fence heights are as follows:
   - (a) Solid fences to a height of 36 inches or open-vision fences to height of 4 feet may be built within the front yard setback. Fences to a height of 72 inches may be built outside the front yard setback.
   - (b) Fences, walls, or plantings on or within the clear vision triangle shall be limited to 36 inches in height.

2. Any variance from the above requirements shall be considered per Section 11-03-04.14, Variance.

3. If a fence is to be erected upon and within public right-of-way, approval must also be obtained from the ACHD.

4. Concrete and masonry walls of any height and fences over six feet tall must also be approved by the Building Department.

5. The fence must be built entirely upon the property on which it was permitted for unless agreements are made with the adjoining property owners. These agreements need not be submitted with the application. However, the permit shall become void if the applicant fails to procure them.

6. All fences shall be maintained and kept structurally sound so as to not endanger life, property or become a nuisance.

7. One ornamental gate/entryway in a front or street side setback may be allowed to exceed the fence height limits, provided the gate/entryway and does not exceed eight feet in height by six feet in width, and is not located within a clear vision triangle.

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**Figure 11-07.9: Fence dimensions**

- 6'-0" MAX.
- 4'-0" MAX.
- 8'-0" MAX.
- 8'-0" MAX.
- 4'-0" MAX.
- 8'-0" MAX.
- 6'-0" MAX.
- 4'-0" MAX.

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Fences adjacent to micro-paths shall comply with Section 11-07-04.5.D(3).

4. RETAINING WALLS

The following shall apply to retaining walls located within setbacks:

(1) Individual retaining walls may not exceed three feet in height when located within a front setback or clear vision triangle. Individual retaining walls may not exceed six feet in height when located within any other setback.

(2) Walls must be separated by a minimum distance of five feet in order to be considered as separate walls.

(3) Multiple walls with a combined height that exceeds the height allowed in the setback may be approved through the Category 1 Hillside permit process when in compliance with the following conditions:

(a) The additional height is necessary and appropriate because of the size, configuration, topography, or other unique characteristics of the property;

(b) The Director and Public Works Director have jointly determined that the height, location, and grading for the walls are the minimum necessary for reasonable development of the property;

(c) The additional height will not have any substantial detrimental effect on adjacent or nearby properties;

(d) Terraces between the walls are of sufficient width and depth to accommodate landscaping or other techniques designed to reduce the visual impact. Conditions requiring such techniques shall be incorporated into the Category I permit; and

(e) Clear vision triangles are free of obstructions that exceed three feet in height.

5. SCREENING

All parking and storage areas (except those in conjunction with single family residences) including vehicle sales areas, truck parking areas, bus parking areas, and service drives shall meet the following standards: A solid screen with a height not less than five and one-half feet shall be provided when a parking lot is adjacent to residential land uses. This screen may include fencing, walls, or landscape combinations that will provide a dense barrier.
11-07-06. DISTRICT-SPECIFIC DEVELOPMENT STANDARDS

The standards in this section apply in addition to the generally applicable design and development standards this chapter unless indicated otherwise. Where there is a conflict, this Section shall prevail.

1. RESIDENTIAL-OFFICE (R-O) ZONING DISTRICT

Certain conditional uses in the R-O district may only be approved as part of a mixed use project of allowed uses such as office or residential and shall not exceed 30 percent of the gross floor area of the mixed use project. The conditional uses may be included within a permitted use building or in a separate building within a multi-building mixed use project. The conditional use may not be occupied until an equal amount of floor area of the principally allowed uses have been constructed to the core or shell stage.

A. Standards for Mixed Uses

The standards of this section shall apply to the listed uses as part of a mixed use development in the R-O district.

B. Retail Uses

The proportion of retail in mixed use development shall be not exceed 30 percent, except that the PZC may allow the proportion of retail to increase up to a maximum of 40 percent if the following criteria are met.

(1) Residential dwelling units represent the larger portion of the mixed use; or

(2) One or more of the following amenities are furnished at the developer’s expense:

(a) Public Space

A public space (e.g., plaza, courtyard, pedestrian mall) with the following requirements:

i. A minimum square footage equal to 30 percent of the total building footprint,

ii. A minimum dimension of 20 feet,

iii. Shall be predominantly open above, designed for pedestrian use,

iv. At least ten percent shall be landscaped, and

v. Seating and other site amenities such as tables, trash receptacles, lighting, public art, and similar items shall be provided as appropriate.

vi. The PZC may allow private residential open space to constitute a portion of the public open space requirement; or

(b) Parking Structure

A parking structure with the following requirements:

i. The parking structure must provide at least 50 percent of the parking for the project.

ii. Below-ground parking structures shall be covered by a structure or by developed open space accessible to the public.

iii. Above grade structures shall be designed so that vehicles are not visible from adjacent public rights-of-way or pedestrian walkways, shall feature leasable floor space on the ground floor adjacent street(s), and shall have the same exterior surface materials as used on the principle building; or
New Urbanism Design

i. A design in which the buildings front on the sidewalk and the parking is located in no case closer to the street than the building.

ii. In the case of a parking lot beside the building, the width of the parking lot shall not exceed the width of the building.

iii. Parking lots may not be located at street intersections.

iv. A minimum ten-foot wide landscape strip shall separate all sidewalks from the street. The sidewalks shall be at least ten feet wide, of which the six feet closest to the street shall be established as a public easement.

v. The main entrance to the building shall face the street.

C. Planned Unit Developments

Planned developments in the R-O district shall comply with the provisions of Section 11-07-06.5, Planned Unit Development Standards, except as modified by the following:

(1) Minimum size provisions is 18,000 sq. ft.

(2) Area allowed for use exceptions will be based on the greater of land area or floor area.

(3) Special Use Provision: One square foot of residential use shall be provided for each gross square feet of use(s) approved by special exception.

2. PEDESTRIAN COMMERCIAL (PC) ZONING DISTRICT

A. Building Types Allowed

Three types of buildings may exist in the PC District as follows:

(1) Rear Yard Building
This type of building occupies the front of its lot, full width, leaving the rear portion as a private space. The building facade clearly defines the edge of the public space while the rear elevation may be articulated for functional purposes. The depth of the rear yard can contain substantial parking.

(2) Side Yard Building
This type of building occupies one side of the lot with the primary open space to the other side. This type permits systematic climatic orientation with the long side yard elevation facing the sun or breeze. The side yard can be used for parking.

(3) Courtyard Building
This type of building occupies all or most of the edges of its lot while internally defining one or more private spaces. If the front or rear of the courtyard is left open, the courtyard interior may be used for parking.
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Subsection 2: Pedestrian Commercial (PC) Zoning District

B. General Provisions

1. Accessory and Ancillary
   (a) Accessory structures constructed in the rear yard only shall adhere to the standard setback requirements of this Code.
   (b) All ancillary equipment or facilities (gasoline pumps, car washes, etc.) shall be set to the side or rear of the principal building.

2. Access
   (a) Drive-through windows and services shall be accessed at the side and rear property lines.
   (b) Driveways to parking areas shall not exceed 24 feet in width if two lanes or 12 feet in width if one lane.
   (c) Alleys shall be 20 feet in width and constructed to the standards of the ACHD.
   (d) Main customer access shall be in the front half of the building nearest the fronting street.

3. Screening
   (a) Hedges, garden walls, and fences may be built on property lines provided that they do not obstruct sidewalks or drive aisles. No berms shall be allowed. Front yard fences and walls shall not exceed three feet in height. Side and rear yard fences shall not exceed six feet in height.
   (b) Trash containers, mechanical equipment, and outdoor storage shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping, or a combination thereof.
   (c) Bays and garages may not face the street.
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(4) Setbacks
(a) Where a zero-foot setback is used on an interior side yard, building walls shall be constructed without windows and with an appropriate fire wall in order to allow for future attachment of an adjacent building.
(b) A minimum of 15-feet from a front yard setback is allowed on arterials when one or more of the following conditions are present, and subject to discretionary approval under Section E:
   i. Legal on-street parking exists adjacent to the project;
   ii. A landscape median exists in the roadway adjacent to the project; and
   iii. The arterial is designed as a three-lane roadway adjacent to the project.
(c) Front and exterior side setbacks shall be measured from immediately behind the curb.

(5) Conditional Uses and Variances
Conditional use applications under this code are intended for unusual uses and/or larger projects that may not easily comply with the standards or intent of this code. When considering such a conditional use application, the PZC may grant deviations from the code (such as to allow a large shopping center to have buildings dispersed around a site, not just at curb-side) without need for granting of a variance, provided that the intent of the code is met to provide a pedestrian-oriented design and an attractive, uncluttered street scene that is not dominated by parking lots.

(6) Building Height Standards
(a) Two to three-story buildings are preferred on arterials of four or more lanes.
(b) When a building is on a corner lot and has frontage on both an arterial and a collector, the height allowed for the arterial frontage may also be allowed for the collector frontage.

C. Parking Areas
A primary purpose of the PC district is to ensure that parking lots shall not dominate the street frontage, interrupt pedestrian routes, or negatively impact surrounding neighborhoods. Parking areas in the PC district shall conform to the generally applicable parking regulations of this Code, except as indicated this section.

(1) Location and Design
(a) All parking areas shall be located to the side or rear of the principal building. Parking lots should be located behind buildings or in the interior of a block whenever possible.
(b) Parking areas shall not abut street intersections, be adjacent to squares or parks, or occupy lots that terminate a street vista.
(c) All sites, where feasible, shall provide cross-access to adjacent parcels.
(d) Alley-loaded covered parking shall be set back five feet and located behind a paved apron.
(e) No off-street parking shall be located within any front yard, except as provided for in Section 0, Accessible Parking Spaces.
(f) Landscaping requirements shall be as established Section 11-07-05, with the exception of subsection D, Transition Yards and E, Street Yards below.
(g) No parking space shall be closer to the street than the building.
(2) Parking Ratios

(a) For non-residential uses, the requirements of Section 11-07-05, Off-Street Parking and Loading Standards, shall apply except that they may be reduced ten percent (cumulative to 30 percent) for each of the following categories of criteria that the development meets:

i. Located on an active transit route.

ii. Located on a street with a striped bike lane.

iii. Includes an integrated residential component pursuant to this Code that constitutes at least one-third of the floor area of the development; or shares primary vehicular and pedestrian access with an abutting residential use (the residential street and sidewalk system bisect the shopping center and primary access to the pedestrian commercial development is taken from the residential street).

(b) No development may provide parking in excess of ten percent more than the minimum requirements established in Section 11-07-05, Off-Street Parking and Loading Standards.

(c) All developments are encouraged to provide joint use of parking facilities pursuant to Section 11-07-03.3.D of this Code. Allowance of joint use may be made in addition to the maximum 30 percent reduction allowed for in this Code.

(3) Bicycle Parking Required
All developments shall provide bike racks in a prominent location at a ratio of one space per 5,000 square feet of gross building area.

D. Transition Yards

(1) Pedestrian Commercial lots that abut existing residential lots shall provide a screen/buffer between the two uses in order to minimize visual contact and create a strong impression of spatial separation. This may include a wall, wood fence, landscaped earthen berm, planted vegetation, existing vegetation, or any combination of these elements. Minimum planter width shall be ten feet. Intermittent planting of deciduous and evergreen trees shall obtain a height at maturity of no less than 20 feet and have no obstructed openings wider than ten feet between tree canopies upon maturity. Species selection shall be provided for in accordance with the Boise Community Forester’s Tree Selection Guide or with approval of the City Forester. Pathway, driveway, or roadway connections between uses may cross these buffer areas.

(2) When new residential development is proposed on a back or side lot, with shared parking and/or vehicular access between the PC district and the residential district, the transition yard requirements may be waived or modified by the approving body, provided that the landscape requirements of Section 11-07-05 are met.
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E. Street Yards

1. Separated Sidewalk

(a) A minimum ten-foot wide sidewalk, of which at least the outer five feet shall be secured by public easement, shall be constructed along the entire street frontage of the PC lot. The sidewalk shall be separated from the street curb by a landscape strip that meets the dimensional standards of this Code, except where the strip transitions to meet an existing attached sidewalk on adjacent properties or where other flexibility is granted by this Code.

(b) On arterials, the landscape strip between curbside and the public sidewalk shall be ten feet wide, unless an alternative reduced setback standard is granted based upon the criteria in Section 11-04-03.3.A, Exceptions in the Residential Zoning Districts and as allowed in subsections (c) or 11-07-06.2.E(2)(d), below. On local and collector streets, a five-foot wide landscape strip shall be provided. These landscape area dimensions shall be in addition to any utility easement that exists adjacent to the sidewalk or curb. Paved sidewalk connections between an attached sidewalk and the building shall be provided through the landscape area on 50-foot intervals at a minimum.

(c) Exception: In cases where the applicant can demonstrate that utility locations, existing mature landscaping or other unique circumstances preclude the use of a separated sidewalk as required by this Code, the DRC may allow alternative designs such as an attached sidewalk or a variation in the dimensions of the sidewalk and landscape strip, provided that street trees are still provided as required by the code.

2. Landscaping

(a) Minimum two-inch caliper trees shall be planted in the front and exterior side landscape area. Tree spacing shall be determined by the spread of the mature tree, so crowns of adjacent trees touch at maturity. Where possible, Class II or Class III species shall be used to provide the maximum environmental benefits. Species selection shall be approved by the City Forester.

(b) Where any building or combination of buildings has a continuous street facing facade 100 feet or greater in length, provisions for a Class II or III tree within a sufficiently sized landscaped building offset shall be incorporated into the project subject to the approval of Design Review and the Boise City Forester.

(c) All species planted within public rights-of-way shall have the approval of the City Forester and be in compliance with the City Tree Ordinance (Title 9, Chapter 16).

(d) Alternatives to the provision of the full width front and street side landscape area (such as tree wells and street furniture) may be allowed with design review and City Forester approval in instances where pedestrian activity is expected to be high, adjacent roadway design (per 11-07-06.2.B(4), Setbacks) is conducive to smaller setbacks and/or the surrounding streetscape would be more compatible with alternative landscape and hardscape treatments. In these cases, the setback from back-of-curb may be reduced through reduction of landscape area. The presence of overhead utility lines in the landscape area may also be cause for modifications to the tree planting requirements of this Code, subject to design review and City Forester approval.
F. **Residential Units**

Residential uses are allowed as a secondary use at ground level or on upper floors above commercial or entertainment uses on the ground floor subject to the setbacks and height limitations stipulated in this Code. In addition, the following standards shall apply:

1. Private open space (patio or balcony) per unit shall be a minimum of 60 square feet.
2. The parking requirement shall be one space/unit plus one-half space for each bedroom beyond two.
3. Parking must be accessed from the same driveway as the commercial parking area, and, residential parking spaces may be designated for the exclusive use of the residents.

3. **CENTRAL BUSINESS (C-5) ZONING DISTRICT**

A. **Development Standards**

1. Warehouse, storage, repair, manufacture, and similar uses or related activities shall be conducted in an enclosed structure.
2. The sides of a building shall be designed to minimize environmental impacts such as glare, reflected heat, and wind. High quality non-reflective materials such as stone, tile, and brick are encouraged.

B. **Ground Floor Retail Design**

Design criteria shall be as follows:

1. At least 70 percent of the ground level, street facing facade(s) must abut and be oriented to a public sidewalk or plaza.
2. Shall be accessible to the pedestrian from the sidewalk or plaza.

C. **Sidewalk Improvements Required**

A continuous public walkway, located between the face of building and adjacent street or a street vacated for vehicular use, is required to provide for an improved pedestrian experience. Adopted city standards apply, except that where this section specifies more restrictive criteria, this section shall control. Design criteria shall be as follows:

1. **Size**
   - The minimum width for clear pedestrian movement shall be seven and one-half feet. The overall width shall be at least 13 and one-half feet.
2. **Pattern**
   - Location of pedestrian zone, and amenities zone, shall be consistent with adjacent blocks. The paving pattern and the placement of trees and pedestrian amenities shall be unobstructed.
3. **Surface Treatment**
   - Surface shall be skid resistant, free of surface obstruction, and of a smooth gradient. The cross slope shall freely drain and not exceed four percent gradient.
4. **Street Trees**
   - Trees shall be consistent with adjacent tree species (except when existing trees do not comply with city standards). Trees shall be two and one-half to three-inch caliper,
symmetrical, and shall provide no physical or visual obstructions. Spacing shall be of a consistent pattern, with a minimum of 21 feet, and a maximum of 40 feet between trees.

(5) Pedestrian Amenities
Pedestrian amenities may include benches, bollards, newsstands, kiosks, tree grates, bicycle racks, planters, and trash receptacles. Elements shall be constructed of durable materials; of adequate quantity to meet the intended level of use; and compatible with the design of the space.

(6) Pedestrian Lighting
Shall be a minimum of 12 feet and a maximum of 16 feet in height, shall replace mid-block high mast lighting, and be normally spaced at 60 feet apart.

D. Floor Area Ratio Bonus
Buildings within the C-5 zone may exceed the maximum Floor Area Ratio (FAR) stated in Table 11-04.7, Dimensional Standards for Commercial Zoning Districts and Table 11-04.9, Dimensional Standards for Industrial Zoning Districts, in accordance with the following:

(1) General
(a) A FAR bonus shall be awarded for an amenity feature if it complies with the required minimum design standards.
(b) Selection of amenities shall be subject to approval by the Design Review Committee to ensure conformance with adopted standards for the Downtown Policy Planning Area.

(2) Amenities
The following amenities shall be furnished at the developer’s expense.

(a) Landscape Feature
An open space located at or near grade. Landscaped areas shall be in addition to other landscaped areas required by this Code. The minimum area shall be 200 square feet, or ten percent of the site, whichever is greater. The minimum width shall be five feet or ten feet if trees are utilized. The area shall be visible to adjacent vehicular and pedestrian traffic in the public right-of-way. Amenities may include lighting, water, art and provisions for seating.

i. FAR Bonus
5:1 maximum, measured as gross square footage of permitted development for each qualifying square foot of area.

(b) Plaza
A public plaza of at least 500 square feet and 20 feet wide in any direction. A plaza space shall be predominantly open above; and designed for pedestrian use only.

i. FAR Bonus
12:1 measured as gross square footage of permitted development for each qualifying square foot of area.
Design Criteria

A. **Environmental Considerations:**
   Plaza shall be located to minimize vehicular noise and prevailing winds. Solar protection shall occur from orientation or adequate tree canopy.

B. **Accessibility (Physical & Visual):**
   Plaza shall be visible from the public right-of-way. Three feet of vertical change to the adjacent street is permitted.

C. **Compatibility (Location & Materials):**
   Materials shall reflect those used on-site for the primary structure. Plaza layout shall be compatible with surrounding uses.

D. **Aesthetics:**
   The space shall be well proportioned, inviting, and compatible with its immediate context.

E. **Landscaping:**
   Between five percent and 30 percent of the area shall be landscaped. Seasonal flower plantings shall be incorporated. Tree grates shall be provided if trees are included.

F. **Surface Treatment:**
   Paving shall be compatible and complimentary to surrounding uses.

G. **Seating:**
   At least two linear feet of seating shall be provided for each 100 square feet of plaza area.

H. **Site Amenities:**
   Trash receptacles and security lighting are required. At least one of the following shall also be included if appropriate seating areas, tables, tree grates, bollards, shelter structures, water, fountains, art, historic artifacts, and kiosks.

I. **Special Features:**
   Shall be included if appropriate to the design of the space. Includes: water, fountain, art, historic artifacts, etc.

(c) **Residential Development**
   Residential units for sale or lease located within a structure that is developed as an integral part of a building or building complex.

i. **FAR Bonus:**
   4:1, measured as gross square footage of non-residential development area for each qualifying square foot of residential development area restrictions.

ii. **Below-grade residential units shall not be included in the square footage calculations for bonus floor area.**

iii. **Hotel or motel units shall not be included in the calculations for bonus floor area.**

iv. **Common hallway areas shall not be included in square footage calculations for bonus floor area unless the entire floor is residential.**

(d) **Parking Structure:**
   A parking facility located within a structure.
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Section 11-07-06: District-Specific Development Standards
Subsection 4: Residential Modular (R-1M) Zoning District Design Standards

i. FAR Bonus
4:1, measured as gross square footage of development area for each qualifying square foot of parking structure located below grade; 1:1 one square foot for each qualifying square foot of parking structure located at or above grade.

ii. Design Criteria
A. Below-grade structures shall be covered by a structure or developed open space that is accessible to the public.
B. Parking shall be enclosed so vehicles are not visible from adjacent public rights-of-way or pedestrian walkways.
C. The same materials used on the principal building must be used on the parking structure.
D. Parking maneuvering areas may be included in the calculations for bonus floor area.

4. RESIDENTIAL MODULAR (R-1M) ZONING DISTRICT DESIGN STANDARDS

A. Site Orientation
Multiple dwellings in a single building are allowed only in townhouse or row house design, with one dwelling per lot and with the dwellings attached at the common lot line. Units must have an entrance visible from the street and a sidewalk to the entrance from the street. On a street corner these features may be on the exterior side of the building. Where feasible, a detached sidewalk with a street landscape strip is preferred.

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

C. Open Space
Units have individual on-site (backyard/courtyard) or common area open space equal to ten percent of the lot area. Open space must be at least 12 feet wide and may not be located within setback areas, except in the case of zero-foot lot line developments where interior side yard setback areas may be used as open space. Common area open space may not be closer than five feet to a dwelling unit opening. Decks and balconies shall not constitute open space.

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

5. PLANNED UNIT DEVELOPMENT STANDARDS
For planned unit developments, changes from zoning district development standards may be approved in accordance with this Section.

A. Planned Development Size
The minimum size for a planned development shall be as follows:

(1) Residential - no minimum.
(2) Commercial - one acre.
(3) Industrial - five acres.
(4) Office - two acres.

B. Amenities

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

(a) Energy conservation measures such as solar energy, heating, or water heating capacity or water conservation measures such as the use of drought-tolerant plants.

(b) Private recreational facility, such as a swimming pool, tennis court, playground, or picnic area, in scale with the development.

(c) Landscaped open space of at least ten percent of gross development area. Setbacks are not included in the calculation of the gross area. The open space shall be designed so as to benefit all residents.

(d) Public access to or additions to the Boise River Greenbelt, neighborhood park system or other public open space.

(e) A Class I public bicycle circulation system to connect to existing or planned routes on the periphery of the development. Such facilities shall be designed and constructed in accordance with The Bicycle Pedestrian Design Manual for Ada County.

(f) Other amenities as approved by the PZC or Hearing Examiner.

(2) Residential planned developments on less than one acre shall provide each dwelling unit at least 100 square feet of open space.

C. Required Setbacks

(1) Attached structures may be permitted in planned developments.

(2) Along the periphery setbacks must meet the district standards.

(3) At the periphery, the setbacks should, match the setbacks of existing development. For example, side setbacks should be provided adjacent to side setbacks, rear setbacks adjacent to rear setbacks and front setbacks opposite front yards.

D. Residential Density

The maximum number of dwelling units shall be calculated by multiplying the number of acres set aside for residential uses by the maximum density number from the tables in Chapter 11-04, Zoning Districts.

E. Residential Uses

A variety of housing types or residential uses may be included in planned developments including attached units (duplexes, townhomes), detached units (patio homes), single family dwelling units (except mobile homes and manufactured homes, see Section 11-06-03.1.D), and multiple family units (three or more units) regardless of the zoning classification of the district, provided that the overall density of the zone is maintained. Duplexes reviewed as part of a planned development shall meet the design criteria of Section 11-06-03.1.B, Dwelling Duplex.

F. Amenities Waived for Residential Infill Planned Developments

In reviewing residential infill planned development, the PZC may allow exceptions to the amenity standards of this Section.
11-07-07. HISTORIC STREET LIGHT DISTRICTS
This Section establishes the criteria for historic street light districts. Where a historic street light district is established pursuant to this Section, the standards of this Section shall apply.

1. DISTRICT LOCATIONS
   The following areas may be considered appropriate locations for improvement with historic street lights:
   
   A. Gateway Streets;
   B. Historic districts;
   C. Conservation districts;
   D. Any area to which the Downtown Plan is applicable; and
   E. Any other areas with historic character.
2. MAPS

Figure 11-07.12: Maps of Historic Street Light District
CHAPTER 11-07: Development and Design Standards
Section 11-07-07: Historic Street Light Districts
Subsection 2: Maps
3. REQUESTING A NEW OR EXPANDED DISTRICT
Request for inclusion in a historic street light district shall be made in writing to the Director and the Public Works Director. The request will be forwarded to the Public Works Commission and the DRC for their recommendation to Council.

4. DECISION CRITERIA
The decision to make an area into a historic street light district will be based on the following:
   A. Appropriateness of location based on subsection A, above.
   B. Source and availability of funding of initial installation (both city and outside funding sources).
   C. Source and availability of funding for continued maintenance.

5. INSTALLATION AND MAINTENANCE
All installations shall be installed and paid for by the developer of the project, shall meet current Public Works standards and be approved and inspected by Public Works. If the installation is not associated
with a specific development, the applicant shall contract the work with technical assistance provided by Public Works. Upon completion and successful inspection, Public Works will accept ownership of the lights and assume responsibility for operation and maintenance costs.

6. **ESTABLISHED LIGHTING DISTRICTS**

The following are existing historic street light districts. Maps showing the exact location of each district are appended to this Code.

A. Vista Historic Street Light District,
B. Hyde Park Historic Street Light District,
C. Warm Springs Historic Street Light District,
D. Downtown Historic Street Light District, and
E. Harrison Boulevard Historic Street Light District.

7. **SPACING REQUIREMENTS**

A. **General**

The spacing standards for each historic street light district are listed below. These standards establish general location requirements only; exact locations will be determined in consultation with the Public Works Director. Generally, historic street lights shall be located to match the street light on the opposite side of the street. When a District is fully built out, historic street lights shall be replaced to maintain the current location.

B. **By Sub-District**

(1) **Downtown district**

Set standard, as adopted by latest approved Capitol City Development Corporation design standards. See exceptions listed below.

(2) **Vista Avenue district**

Three lights per block evenly spaced along street.

(3) **Harrison Boulevard district**

Lights shall be located at either end and center island.

(4) **Hyde Park district**

65 to 75 feet spacing, both sides of the street.

(5) **Warm Springs district**

Three lights per block evenly spaced along street.

8. **EXCEPTIONS**

Following are the areas which are exceptions to the Historic Street Light District but fall within the areas mentioned above:

A. The Grove Plaza
B. 30th Street Area
C. Broad Street
9. **SPECIAL STREET LIGHT DISTRICTS**

The following are special street lighting districts. Maps showing the exact location of each district follow this section. The requirements for expansion of the district and installation and maintenance follow the above requirements.

A. **The Grove Plaza**

1. The light for this area is the Landscape Forms FGP 12-foot light. Model numbers and light requirements can be obtained from the Public Works Department.

2. The locations of the lights will be regulated by the Public Works Department.

B. **30th Street Area**

Main Street south to the Connector and following district boundary east and west.

1. The light for this area is the EPAX Eurotique Aluminum Pole Series 12-foot light. Model numbers and light requirements can be obtained from the Public Works Department.

2. Four lights per block evenly spaced on the east and west running streets.

3. North and South Street shall have a light at the alley. Locations to be determined by the Boise City Public Works.
C. **Broad Street**

Broad Street from Capitol Boulevard to Second Street.

1. The Lights for this area is the EPAX Eurotique Aluminum Pole Series 12 foot, Eurotique Arms and Antique Street Lamps Munich Pendant. Model numbers and light requirements can be obtained from the Public Works Department.

2. Light locations are to be determined by the Public Works Department.
1. **PURPOSE AND INTENT**
   To development of hillsides and foothills is consistent with the Boise City Comprehensive Plan and to ensure protection from hazards due to slope, erosion-prone soils, unstable soils, earth movement, and other geologic and hydrologic hazards.

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

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

   **A. Category I**
   Category I permits are issued by the Director for minor, routine construction on prepared building pads and single-lots that do not involve significant grading. For example:
   
   (1) Single-family residential homes or accessory structure placed on lots needing little modification, in a development for which a Category III permit has previously been issued.
   
   (2) Single-family residential homes or accessory structures, placed upon lots of record that; comply with approved building envelopes and limits to grading; and, for which Category II permit criteria are not exceeded.

   **B. Category II**
   Examples of the development requiring a Category II permit are:
   
   (1) Exterior additions to existing structures; or
   
   (2) Grading with significant modification of approved topography; including:
   
   (a) A retaining wall which is greater than four feet of exposed height or more than one retaining wall when the horizontal distance between retaining walls is less than ten feet and the total of all exposed retaining walls exceeds four feet in height.
   
   (b) An excavation or fill which exceeds the limits as defined International Building Code Chapter 18 and Appendix J as amended by Boise City Code Chapter 4-02.
   
   (3) Access roads or driveways in excess of 100 feet in length or in excess of 15 Percent grade. Such driveways shall be reviewed for impacts on drainage and soil stability, emergency access, access to the public street and potential physical impacts on neighboring properties.
   
   (4) Multiple retaining walls located within setbacks, per Section 11-07-05.4, Retaining Walls.

   **C. Category III**
   Category III permits are for PUDs, preliminary subdivision plats, or grading involving modification of approved topography beyond that allowed under Categories I and II, including:
(1) Projects where the Director, with input from the City Engineer, determines that slope stability or drainage problems exist.

(2) Projects involving modification of pre-graded lots in excess of 30 percent of the volume of previous excavation or fill or 30 percent of the surface area by square footage.

(3) Projects involving modification of lots with natural topography in excess of 30 percent of the surface area of the lot.

(4) Projects not defined as a Category I or II but that fall under the purview of this chapter.

4. HILLSIDE DEVELOPMENT RESTRICTIONS

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

A. Landslide areas or scarps, or areas of active landslides.
B. Lines of active faults.
C. Areas with expansive soils or collapsible soils.
D. Slopes greater than 25 percent.
E. High water table and springs.

5. HILLSIDE DEVELOPMENT STANDARDS

A. Standards Applicable to All Categories of Hillside Development Permits

(1) Planning of development shall account for the topography, soils, geology, vegetation, outstanding features such as outcropping and cliffs, hydrology and other conditions existing on the proposed site.

(2) Development shall be oriented on the site so that grading and other site preparations are kept to a minimum.

(3) Essential grading shall be completed during site preparation, rather than left for future lot owners so that:
   (a) Shaping shall blend in with existing topography to minimize the necessity of padding or terracing of building sites; and
   (b) Building pads and terracing shall be graded to blend into the natural contours.

(4) Paving shall be completed within 60 days after final grading (final grading any grading done after the placement of utilities).

(5) Areas not well suited for development because of soil, geology, vegetation, or hydrology limitations shall be reserved for open space.

(6) Disruption of existing plant and animal life shall be minimized.
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(7) Innovative methods of slope and soil stabilization, grading, and landscaping are encouraged.

(8) Multiple access points and street grades that meet requirements of the Fire Department and ACHD shall be provided.

(9) Pedestrian access to and through the project shall be provided.

(10) Conformance Bond and Surety

A bond and surety agreement or an irrevocable letter of credit in an amount of 110 percent of the cost estimated by the City Engineer is required to enable restoration of the site if the project is not completed as approved. The bonding shall be provided prior to the issuance of a grading permit or signing of the final plat by the City Engineer.

(11) Prior to issuance of a grading permit, the owner and/or developer shall provide a legally binding easement allowing the City of Boise and/or its agents to enter upon the property to do work, as deemed necessary by the City Engineer, to restore the site’s appearance and drainage in case of non-completion or substantial deviation from the approved plans of the project by the developer/owner.

(12) All work must be performed in accordance with the latest approved contract plans and specifications. Work not in accordance may not be accepted. Revisions to the plans and specifications shall be submitted to the City Engineer and Planning Director, allowing sufficient time for review, comment, revision and approval.

B. Grading Standards

(1) No grading, filling, clearing, or excavation of any kind in excess of 50 cubic yards or stripping of vegetation shall be initiated until the required final grading plan is approved by the Public Works Department and a grading permit is issued.

(2) Fill areas shall be prepared by removing any organic material that is determined by the geotechnical report to be detrimental to proper compaction or otherwise not conducive to stability.

(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 higher than four feet shall be engineered so that structural members are keyed into stable foundations and are capable of sustaining the design loads.

(5) Fills shall be compacted to at least 95 percent of maximum density, as determined by AASHTO T-99, ASTM D-698, ASTMD-1557 or greater as recommended by the geotechnical report. The frequency of compaction testing shall be addressed in the geotechnical report and shall be approved by the City Engineer.

(6) Cut slopes shall be no steeper than two feet horizontal to one foot vertical unless it can be shown by the project geotechnical engineer that steeper slopes are feasible, taking into account safety, stability, erosion control, and re-vegetation. For cut slopes steeper than two feet horizontal to one foot vertical, subsurface drainage shall be provided as necessary for stability.
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Section 11-07-08: Hillside and Foothills Development Standards
Subsection 5: Hillside Development Standards

(7) Fill slopes shall be no steeper than two feet horizontal to one foot vertical unless it can be shown by the project geotechnical engineer that steeper slopes are safe, stable, erosion resistant, and can be adequately re-vegetated. Fill slopes shall not be located on natural slopes two to one or steeper, or where fill slopes toe out within 12 feet horizontally of the top of an existing or planned cut slope.

(8) Prior to placement of fill, the ground shall be prepared in accordance with the International Building Code Chapter 18 and Appendix J as amended by Boise City Building Code Chapter 4-02. Subsurface drainage shall be provided as necessary for stability.

(9) Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of the International Building Code Chapter 18 and Appendix J as amended by Boise City Building Code Chapter 4-02.

C. Re-vegetation and Erosion Control Standards

(1) Vegetation should not be disturbed beyond the limits of the approved grading plan.

(2) Topsoil removed during construction shall be conserved for later use on areas requiring re-vegetation or landscaping.

(3) Topsoil shall be placed at a minimum thickness of four inches.

(4) The minimum acceptable plant coverage is 80 percent two years after planting.

(5) Seed mix shall include deep-rooted plants and subsequent planting of seedlings.

(6) Erosion shall be controlled to prevent deposition of sediment on adjacent property.

D. Hydrologic Controls

(1) Interceptor ditches or other methods approved by the City Engineer shall be established above all cut or fill slopes, and the intercepted water shall be conveyed to a stable channel with adequate capacity. Provision for ditch maintenance must be approved by the City.

(2) Curb, gutter and pavement design and lot grading shall be such that water on roadways is prevented from flowing off roadway, except in conveyance conduits.

(3) Natural stream channel shall be stabilized using a method acceptable to the City Engineer.

(4) Runoff from areas of concentrated impervious cover such as roofs, driveways, and roads shall be retained on-site or collected and transported to a channel with sufficient capacity to accept the discharge without erosion or flooding. Provision should be made by the owner or developer for the cleaning of drainage facilities from the onset of construction through the completion of the project.

(5) Waste material from construction, including soil and other solid materials, shall not be deposited within the 100-year flood plain unless the City Engineer concurs that there is no reduction in storage and flow capacity of the flood plain.

(6) Drainage systems shall be designed to accommodate a 100-year flood event.
With the exception of road crossings, approved drainage structures, and recreation and open space uses that do not involve the destruction of vegetative cover, development shall be prohibited within the 100-year floodway.

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.

The overall drainage system shall be completed and made operational at the earliest possible time during construction.

Alterations of major floodways shall only be made with approved drainage conveyance systems and structures as approved by the City Engineer, Army Corps of Engineers, and FEMA.

Natural streams or improved open channels shall be preserved or provided for in major (ten acres or larger) catchments except where otherwise approved by the City Engineer. In minor catchments, drainage shall be permitted to be enclosed in conduits.

Flow rates from a newly developed site shall not exceed the flow rate from the site in its natural condition prior to development. Exceptions shall be appropriate if compliance with the prior sentence creates more adverse impacts to the overall drainage area than other drainage alternatives.

Drainage facilities shall be designed to coordinate with any Master Drainage Plan for the drainage basin in which the proposed development is located.

Special drainage facilities or an overflow path for floodwater shall be designated in all locations where there is a sag in the profile of the street or at the end of a cul-de-sac that is lower than the intercepting street. Restriction shall be placed to protect the overflow path from the future building of any fence, shed, dwelling, or obstruction that would impede the flood flow.

E. Roadways and Circulation

Roads shall be designed to minimize land coverage and soil disturbance.

Existing deep-rooted perennial vegetation shall be preserved to the extent possible.

Variations in road design and construction and right-of-way requirements shall be sought through ACHD in order to keep grading and cut or fill slopes to a minimum.

Road alignments should follow natural contours; cul-de-sacs and common driveways are encouraged.

One-way couplets shall be encouraged where appropriate for the terrain and where public safety would not be jeopardized. Road width shall be a minimum of 20 feet to allow the passage of emergency vehicles.

If the sidewalk is to be installed parallel to the roadway on fills, the slope shall be rounded for four feet from the back of the sidewalk.
(7) A pedestrian pathway shall be required as approved by the PZC. (See 11-07-04.4, Pedestrian Access.)

(8) Combinations of collective or common private driveways, cluster parking areas, and on-street parallel parking bays shall be used where possible to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design, and aesthetic sensitivity.

F. Maintenance

The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved under the provisions of this Section, or a building permit granted by the Development Services Department, within a subdivision approved under the provisions of this Section 11-07-08, Hillside and Foothills Development Standards, shall maintain in perpetuity and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures, means, or devices deemed not to be the responsibility of the ACHD or other public agency, and plantings and ground cover installed or completed. Such requirements shall be incorporated into the protective covenants for any subdivision or development.

G. Waivers

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

H. Inspection and Enforcement

(1) 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.

(2) 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 to 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.
6. 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 section 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 11-03-04.17.

D. The requirement for a public work session 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 percent.

7. TERM OF PERMITS

A. Due to the special problems related to hillside developments, the applicant or developer shall have 36 months in which to affect a hillside and foothill development permit after approval by the PZC. 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;
(2) Commence the use permitted by the permit in accordance with the conditions of approval;

(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.

B. 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 PZC specifically approves a different phasing schedule.

C. The PZC 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.

D. Extensions

(1) The PZC may, upon written request by the holder, grant a one-year time extension to an unexpired conceptual or detailed hillside and foothills development permit.

(a) A maximum of three extensions may be granted to initiate the project or a phase of a project.

(b) Additional conditions of approval may be required based upon the existence of legal requirements not existing at the time of the original approval.

(2) Upon receipt of written request for extension, the Director shall determine if a hearing on the request is required, based on the following considerations:

(a) Detailed Permits

i. Whether there have been significant amendments to the Boise City Comprehensive Plan or Title 11, Boise City Code, which will apply to the subject permit;

ii. If significant land use changes have occurred in the project vicinity which would adversely impact the project or be adversely impacted by the project;

iii. Whether hazardous situations have developed or have been discovered in the project area; or

iv. If community facilities and services required for the project have become inadequate.

(b) 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:

i. 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, and utilities;
ii. 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;

iii. 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; and

iv. If any of the considerations in i, ii, or iii 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 11-03-03.4 of this Code 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.

8. MODIFICATION AND REVOCATION

A. Upon application by the holder of a hillside and foothills development permit, the PZC may modify the conditions and limitations of the permit in accordance with the limitations and requirements of Section 11-03-04.17. The PZC may revoke or modify a hillside and foothills development permit, upon notice and hearing, for breach or violation of any condition or limitation of said permit.

B. Administrative Review of Minor Modifications

(1) The PZC may delegate to the Director authority to consider minor modification to approved hillside and foothill development permits. Minor modifications to Category III permits shall be limited to the following considerations:

(a) A reduction in development density which does not exceed 25 percent 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 including elimination or significant reduction.

(e) Minor change in proposed location of building envelope.

(2) Prior to approving a minor modification, the 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.
9. **APPLICATION REQUIREMENTS**

All required information shall be prepared in conformance with the adopted Boise City Public Works Hillside Development Manual.

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### 11-07-09. Foothills Planned Development Standards

1. **PURPOSE AND INTENT**

To implement residential subdivision density and design elements of the Comprehensive Plan in the Foothills Planning Area. It is also designed to protect and promote preservation of contiguous areas of Foothills open space that contain important and significant natural and cultural resource values, as identified in The Plan and this ordinance.

2. **APPLICABILITY**

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

3. **GENERAL APPLICATION AND DEVELOPMENT REQUIREMENTS**

   A. All developments shall be processed as Planned Developments (PDs) Section 11-03-04.7.
   
   B. 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.
   
   C. 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.
   
   D. Developments shall be required to connect to municipal water and sewer services and participate in other municipal service districts as applicable.
   
   E. Density bonuses do not add to buildable area to be developed, they simply add to the number of units allowed.

4. **DENSITY BONUS**

   A. **Basic Provisions of the Density Bonus**

      (1) A density bonus pursuant to the formula in Table 11-07.9 shall be granted in return for preservation of open space.
      
      (2) Density bonuses do not increase the area that may be developed. Rather, they increase the number of units that may be developed within the buildable area.
      
      (3) The base density is according to that stated in the existing base zoning district(s).
      
      (4) The bonus density units may be added to the density base units without the requirement for additional open space preservation.
(5) 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 Chapter 11-012, Definitions, for the definition of “Buildable Area.”

(6) Open space or density bonus points are allowed between the numbers shown in Table 11-07.9, Density Bonus Formula, provided that the formula is unchanged.

(7) The density formula may be adjusted to allow density transfers from non-contiguous parcels after a Transfer of Development Rights (TDR) ordinance is in effect.

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B. **Eligible Preserved Open Space**

Preserved Open Space Eligible for a Density Bonus as per the formula in Table 11-07.9, Density Bonus Formula, shall meet the following requirements:

1. Slopes shall be 25 percent or less. Size shall be at least one acre with a minimum average width of 30 feet.

2. Public rights-of-way that connect development pockets, and provide access to public open space may be included in the density calculation for open space, 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. Shall be classified as Priority Open Space in Section D below.

C. **Ineligible Preserved Open Space**

The following may not be considered as preserved open space in the density bonus calculation, except as may be provided in subsection D:

1. Urban development such as club houses, tennis courts, swimming pools, dirt bike tracks, golf driving ranges, and similar uses that dramatically alter land from its natural state;

2. Commercial land uses; and

3. Internal park sites may only be included as eligible open space when in a primarily natural condition and include a significant opening from the subdivision into a larger designated open space area outside the subdivision.
D. Priority Open Space Eligibility

(1) 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 paragraph B above. When these areas are identified on a property and proposed for preservation, the PZC may classify them as priority open space and allow all or a portion of them to qualify for the granting of a density bonus.

(2) In order to qualify for a density bonus, Priority open space lands demonstrating four of the characteristics listed below in (a) may qualify for a density bonus as high priority open space lands.

(3) 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. 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.

(a) Priority Open Space Characteristics

Four of the following characteristics of priority open space, must be present to be eligible for a density bonus:

i. Wetlands;

ii. Riparian areas;

iii. Rare plant communities;

iv. Critical deer and elk winter range and migration corridors;

v. Potential Public Preservation Sites as documented by the HPC;

vi. Unique geologic or visual features;

vii. Archeological or other historic sites;

viii. Designated trails and trail-heads in the Ada County Ridge to Rivers Pathway Plan;

ix. Other public trails and trail heads as approved by the Parks and Recreation Board;

x. Adjacent to publicly-held open spaces;

xi. Adjacent to areas that are, or have been identified for consideration as permanent public open space; and

xii. Dedicated or discounted sale to a public agency.

(b) 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:
i. Allowance for public access.

ii. 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.

iii. Linkage of interspersed eligible open space areas into a more biologically complete and continuous wildlife corridor.

iv. Dedication or discounted sale to a willing public agency.

(c) **PZC Consideration of Priority Open Space**

i. 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.

ii. When the applicant demonstrates that a portion of his property not otherwise qualified as open space eligible for a density bonus per Section 11-07-09.4, does meet the above-listed criteria, the PZC 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 PZC shall seek the input of the Idaho Department of Fish and Game, the Parks and Recreation Board, and other public agencies with expertise in the issue at hand in determining the proper amount to be allowed to be set aside in return for a density bonus.

iii. **Golf Courses Allowed in Open Space**

Link type golf courses may be permitted in designated preserved open space areas, provided that the intervening spaces are maintained in a primarily natural condition. Golf courses shall use native plants and natural contours shall be left intact. Parking lots, club houses, driving ranges, maintenance facilities, and similar golf related uses shall not be counted as open space contributory to the density bonus. Designated trails and park sites must be preserved in or around the golf course.

E. **General Design Criteria**

(1) Residential uses shall be clustered pockets rather than scattered throughout the property.

(2) Development pockets shall be designed in compliance with policies in the Comprehensive Plan concerning clustering, environmental protection, open space conservation, and scenic and aesthetic goals.

(3) Designated open space areas shall be linked wherever possible.

(4) Road and trail access to adjacent properties shall be provided to prevent landlocked parcels or breaks in the trail systems; and to provide the opportunity for future connectivity.

(5) Where possible roads and infrastructure shall not cross designated open space, floodways, wetlands, and areas of high wildlife habitat value.
(6) Disturbance of the land shall be minimized and development shall be avoided in areas that would necessitate excessive grading, cut, and fill.

(7) Fire safety and protection measures shall be incorporated into the design in accordance with the International Fire Code and Boise City Code Title 7. Such measures shall include residential sprinkling systems, defensible space around structures, and the provision of safe evacuation routes.

(8) Gated entrances to a PUD are prohibited due to the potential for such limited access to restrict or delay emergency response in the Foothills.

(9) Crossing designated open space, floodways, wetlands, and areas of high wildlife habitat value with roads and infrastructure shall be avoided to the greatest extent possible.

(10) A mixture of dwelling unit types is encouraged, including single family and multi-family dwelling units.

(11) Commercial and service commercial uses that serve the immediate neighborhood are allowed, but must be designed to be compatible with the height, mass, materials, and site design of the residential structures in the planned development.

F. Standards for Trails

Trails are required in accordance with the following:

(1) Public access to trails within and contiguous to the development shall be provided.

(2) Trail design should preserve the natural scenic and wildlife habitat values.

(3) The Ada County Ridge-To-Rivers Pathway Plan shall guide 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 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.

G. Standards for Preserved Open Space

(1) Preserve contiguous areas of open space, within the development and adjacent properties by aligning them along common corridors to the extent possible.

(2) Maintain indigenous plant species undisturbed to the extent possible. Noxious and invasive weeds are not considered indigenous and need not be preserved.

(3) Preserve areas of highest wildlife habitat value and migration corridors in designated wildlife habitat areas per the Comprehensive Plan.

(4) Preserve unique geologic and historic features, defined as heritage sites and sites designated for historic preservation by city, state, and federal agencies.

(5) Landslide areas and areas with unstable soils shall not be developed.

(6) Agricultural or utility uses 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 or drainage systems.
(7) Fencing shall not encroach into preserved open space areas.

H. Ownership and Maintenance of Open Space

(1) Open space areas may be owned and maintained as follows:

(2) Owned and maintained by and for the use of the homeowners’ association of the project of which it is a part;

(3) 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 that would then be jointly maintained under an agreement contained in the conditional use permit or development agreement with the city;

(4) Dedicated or sold to the city, if recommended for approval by the Board of Parks and Recreation PZC, or other public agency, or private land trust for open space uses as may be approved in the development agreement or the conditional use and approved by the Council; or

(5) 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.

(6) Where the goals and policies of adopted plans specify the need for public trails or open space, easements for public lands or trails may be required. Trails or open spaces may be held in private ownership subject to an easement, or may be purchased by the city, or dedicated by the landowner(s) to the city.

(7) 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 or drainage systems. These use exceptions shall comply with the policies of the Foothills Policy Plan, shall be shown on the conditional use site plan, and shall not degrade the value of the permanent open space.

(8) The city will accept no responsibility for the costs for maintenance of open space or recreational facilities unless the Board of Parks and Recreation PZC and the Council specifically approve such charges.

I. Building and Grading Disturbance Envelopes

(1) Building envelopes may be required on the final site plan for a conditional use. If required, the building envelopes shall be recorded or referenced in the notes on the final plat.

(2) Slopes greater than 25 percent shall be shown on the conditional use permit site plan with a disturbance envelope that defines the area outside of which no grading will be allowed.
J. Appendix A

(1) 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 11-03-04.7, and a “Hillside and Foothill Area Development” permit application under Section 11-03-04.17.

(2) 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;
   (c) Buildable areas equal to, or greater, than one acre in size labeled as such on map and table.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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 insures 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.
(8) **Phase I - Pre-application**

(a) Meet with the city staff about basic design issues before development of a conceptual design.

(b) Meet or confer with surrounding landowners about the potential for cooperative development plans.

(c) 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.

(d) Meet with city staff about design issues based on sketch map findings.

(9) **Phase II - Preliminary/Conceptual Design requirements for Annexation, Development Agreement, Conceptual Conditional Use, Conceptual Preliminary Subdivision Plat, Conceptual Hillside and Floodplain Permit Applications**

(a) Map potential buildable areas.

(b) Determine which preserved open space/cluster density formula will be applied based upon site characteristics, access and market constraints.

(c) 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.

(d) Apply the density bonus formula to the remaining buildable area, according to the Table 1, to determine how many dwelling units may be permitted.

(e) Lay out the cluster subdivision with roads, drainage system and the appropriate number of lots in the development pockets.

(g) Prepare a fire protection plan following guidelines set by the Boise City Fire Department.

(h) 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.

(i) Prepare a traffic mitigation plan including appropriate neighborhood protection, traffic calming and buffering techniques.

(j) Prepare a general grading plan under the conceptual “Hillside and Foothill Area Development” ordinance.

(k) Prepare an infrastructure phasing plan.

(l) Prepare a building and grading disturbance envelope plan.

(m) Complete any other items required by The Plan, Planned Unit Development Standards, Section 11-07-06.5, the Flood Hazard Regulations, Chapter 11-08, and the Hillside and Foothill Development Standards, Section 11-07-08.
(10) Phase III - Final Conditional Use, Hillside Permit, Floodplain Permit, Annexation, Development

(a) Agreement and Preliminary Plat Subdivision applications:

(b) Meet with city staff about design issues based on conceptual approval findings;

(c) 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.

K. Appendix B

(1) Sample Conservation Easement Document and Deed Restriction Statement

In reference to the requirements for ownership and maintenance of open space in Section 11-07-09.4.H, a sample conservation easement document is provided. This example is taken from the New Hampshire State Code.

(a) 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.

L. Appendix C

Maps and guides to the regulated features in the Foothills: In reference to the requirements for submitting applications in Section 11-03-04.7, 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.
CHAPTER 11-08: FLOOD HAZARD REGULATIONS

11-08-01. GENERAL PROVISIONS

1. CHAPTER PURPOSE

A. The flood hazard areas of Boise City, Idaho, are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Flood losses are caused by natural forces and construction practices which increase flood heights and velocities, and by structures which are inadequately anchored and which may damage property in other areas. Uses that are inadequately flood-proofed, elevated or otherwise unprotected from flood damage also contribute to flood losses.

C. It is the purpose of this chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditures of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding which are generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Areas of Special Flood Hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified when property is in an Area of Special Flood Hazards; and
8. To ensure that those who occupy the Areas of Special Flood hazard assume responsibility for their actions.

2. METHODS OF REDUCING FLOOD LOSSES

This chapter describes guidelines and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which resulting damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
CHAPTER 11-08: Flood Hazard Regulations
Section 11-08-01: General Provisions
Subsection 3: Applicability

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood water or may increase flood hazards in other areas.

3. APPLICABILITY
The provisions of this chapter shall apply to all areas of special flood hazard, within the jurisdiction of Boise City, and as such lands are identified, within the Floodway, Floodway Fringe, or the Area of Shallow Flooding. The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study" for Ada County, Idaho, and incorporated areas dated February 19, 2003, which includes Flood Insurance Rate Maps, and flood profiles, along with all subsequent amendments which are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file with the Boise City Planning Director, Boise City Planning and Development Services Director, and the Boise City Engineer, Department of Public Works.

4. CREATION OF ZONES
The Floodway Zone, the Floodway Fringe (FF) Zone and Area of Shallow Flooding (ASF) Zone: The Floodway zone, the Floodway Fringe Zone and Area of Shallow Flooding Zone are hereby created and shall have the boundaries as defined in this chapter (Section 11-08-08) and shall have the requirements as set forth in this chapter.

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

6. COMPLIANCE
No new development shall hereafter occur within the Area of Special Flood Hazard (ASFH) unless such new development is undertaken in full compliance with this chapter. Enforcement of violations shall be in accordance with Section 11-1-01-8.

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

8. SEVERABILITY
Each section, clause, and provision of this Code is declared severable as per Section 11-01-06.
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Section 11-08-02: Floodway Zone
Subsection 9: Interpretation

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

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

11-08-02. FLOODWAY ZONE

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

2. STANDARDS

A. No new development shall be permitted including fill, new construction, substantial improvements or other development, unless

   (1) It is public infrastructure, including but not limited to bridges, roadways, sewer and water lines, and

   (2) A licensed professional engineer certifies that there is not any increase in flood levels during the occurrence of the Base Flood discharge, either as a result of the development or its cumulative effect.

B. All new development, new construction and substantial improvements shall comply with the applicable standards for uses in the Floodway Fringe.

C. Existing structures in the Floodway Zone which are displaced by floodwater shall not be reconstructed.

D. No alteration or relocation of a water course shall be permitted which would diminish the flood carrying capacity of the water course, or which would result in the flooding of lands which are not subject to flooding prior to such alteration or relocation of the water course, or which will result in adverse effects on other properties including but not limited to, bank erosion resulting from higher velocities, increased heights of floodwaters, extended flood duration, or alterations that may promote channel blockage.

E. Uses on parcels which include any portion of a floodway shall provide for channel stabilization, bank stabilization, or a setback from the edge of the floodway sufficient to protect the use from flood related erosion. Such measures shall be reviewed by a licensed professional engineer for effectiveness for the flood flow and velocity conditions anticipated at the site.
F. Check dams shall be designed and reviewed by a licensed professional engineer, and reviewed and approved by the Boise City Engineer to ensure the safety of persons and property which could be affected by the construction of the check dam.

G. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, other development (including fill) shall be permitted within zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than two feet at any point within the community.

3. **PROHIBITED USES**

   A. New construction or substantial improvements of residential and non-residential structures, including both principal and accessory use structures, except as provided in 11-08-02.2.

   B. Manufacture and storage of materials which are buoyant, flammable, toxic or explosive, or which may present a hazard to public health or safety in time of flooding.

   C. Standards for Sand and Gravel Extraction - Material stockpiles and permanently installed structures shall not be located within the floodway.

4. **RELOCATING THE FLOODWAY (LINE)**

   A. All proposals to redefine the floodway boundary lines require a resolution from the Boise City Council to adopt the amendments to the Floodway Insurance Rate Map, Floodway Boundary Maps, Floodway Maps, and the Flood Profiles. The procedure shall include a review by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, the Boise City Department of Public Works, and the Boise City Planning and Development Services Department, prior to submittal to the City Council.

   B. The Floodway Boundary Line may be relocated due to refinements of the floodway calculations based upon new information concerning the existing conditions.

   C. The floodway boundary line may not be relocated through physical alterations to the lands in the floodplain.

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**11-08-03. FLOODWAY FRINGE (FF) ZONE AND AREA OF SHALLOW FLOODING (ASF) ZONE**

1. **PERMITTED USES**

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

A. **Uses**

1. Except for levees, all new development shall utilize methods and practices that minimize development and prevent the increase in flood damage potential to other properties or other adverse impacts including but not limited to, bank erosion resulting from higher velocities, increased heights of floodwaters, extended flood duration, or alterations that may promote channel blockage.

2. All new development shall utilize materials and utility equipment resistant to flood damage.

3. All new construction and substantial improvements to structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.

4. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to; use of over-the-top or frame ties to ground anchors (Reference FEMA’s "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

5. Drainage practices shall be utilized which minimize exposure to flood hazards.

6. Manufacture and/or storage of material which is buoyant, flammable, toxic or explosive is prohibited.

7. River crossings shall be designed to withstand the flows and velocities of the base flood discharge and shall not impede the flows.

8. All development and structures shall meet or exceed the requirements of Section 11-05-06 Boise River System Overlay District if applicable.

9. Water velocities within the floodway fringe are not significantly increased so as to cause adverse effects on the site or to surrounding properties.

10. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. **Utilities**

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

2. New and replacement wastewater disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems are prohibited in the Floodway Fringe Zone and Area of Shallow Flooding Zone.

4. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
C. **Subdivisions**

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage to reduce exposure to flood damage.
4. Base flood elevation data shall be provided and shown on the preliminary plat for all subdivision proposals. Such elevation data shall be certified by a licensed professional engineer or registered land surveyor. Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

D. **Residential Structures**

1. New construction and substantial improvement of any residential structure (including but not limited to mobile or manufactured homes) located in the Floodway Fringe shall have the lowest floor including basement, elevated one foot above the base flood elevation.
2. New construction and substantial improvement of any residential structure located in the Area of Shallow Flooding (AO Flood Zone) shall have the lowest floor, including basement, elevated to the base flood elevation. The height of the adjacent grade and the lowest floor including basement and/or the first floor shall be certified by a licensed professional engineer or registered land surveyor.
3. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer and must meet or exceed the following minimum criteria:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. **Manufactured Homes**

1. All manufactured homes shall be placed or substantially improved on sites:
   a. Outside of a manufactured home park or subdivision;
   b. In a new manufactured home park or subdivision;
   c. In an expansion to an existing manufactured home park or subdivision; or
   d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood.
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Subsection 2: Standards

(2) All manufactured homes shall be elevated on a permanent foundation such that
the lowest floor of the manufactured home is elevated to or above the base flood
elevation and be securely anchored to an adequately anchored foundation
system to resist flotation, collapse and lateral movement.

(3) Manufactured homes to be placed or substantially improved on sites in an existing
manufactured home park or subdivision that are not subject to the provisions of
"A" above, be elevated so that either:

(a) The lowest floor of the manufactured home is at or above the base flood
elevation, or

(b) The manufactured home chassis is supported by reinforced piers or other
foundation elements of at least equivalent strength that are no less than 36 inches
in height above grade and be securely anchored to an adequately anchored
foundation system to resist flotation, collapse, and lateral movement.

F. Nonresidential Structures

(1) Elevating

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

When located in the Floodway Fringe, such structures shall have the lowest floor,
including basement, elevated to one foot above the base flood elevation. When
located in the Area of Shallow Flooding, such structures shall have the lowest
floor, including basement, elevated to the level of the base flood elevation.

(a) Elevations of adjacent grade and the first floor shall be certified by a licensed
professional engineer or registered land surveyor to the Building Director.

(b) Nonresidential structures that are elevated, but not flood proofed, must meet the
same standards for space below the first floor as described in subsection D above.

(2) Flood-proofing

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

(a) When located in the Floodway Fringe, such structures together with attendant
utility and sanitary facilities shall be flood-proofed to one foot above the base
flood level so the structure is watertight with walls substantially impermeable to
the passage of water.

(b) When located in the Area of Shallow Flooding, such structures, together with
attendant utility and sanitary facilities, shall be flood-proofed to the base flood
level so the structure is watertight with walls substantially impermeable to the
passage of water.

(c) Such flood-proofing may not be required if a licensed professional engineer
certifies that such flood-proofing is not necessary to resist hydrostatic and
hydrodynamic loads and the effects of buoyancy because uplift will not occur due
to the nature of the flood, provided however, that flood-proofing of attendant
utility and sanitary facilities is still required.

(d) Structural components shall be capable of resisting hydrostatic and hydrodynamic
loads and the effects of buoyancy.
A licensed professional engineer shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Section based on their review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director.

**G. Accessory Structures and Uses**

(1) New accessory structures are prohibited in the floodway. Accessory structures shall not exceed the following standards if constructed or placed in the Floodway Fringe:

(a) Accessory structures to nonresidential principal uses shall meet the standards listed for nonresidential structures (subsection F above) if the accessory structure exceeds 1,000 square feet in size.

(b) Accessory structures to residential principal uses shall not exceed 1,000 square feet in size; or 40 percent of the area of the rear yard of the property; or have construction costs of more than 10 percent of the market value of the principal residential structure, whichever is the least.

(2) Accessory structures and uses shall be designed to have a low flood damage potential and shall be placed on the building site and constructed so as to offer the minimum resistance to the flow of floodwaters.

(3) Accessory structures shall meet the requirements of subsection A above, Standards for Uses.

**H. Recreational Vehicles**

Recreational vehicles placed on sites within areas of special flood hazard (ASFH) or areas of shallow flooding (ASF) as identified on the City’s most recently adopted Flood Insurance Rate Map (FIRM) shall either:

(1) Be on the site for fewer than 180 consecutive days, or

(2) Be fully licensed and ready for highway use, or

(3) Meet the permit and elevation requirements for residential structures (subsection D above) and the anchoring requirements for manufactured homes (subsection E above).

### 11-08-04. UNNUMBERED "A ZONES"

**1. PERMITTED USES**

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

**2. STANDARDS**

**A. Uses**

(1) The use shall meet the standards listed in the standards for uses in the Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.A).

(2) Where elevation data is not available either through the Flood Insurance Study or from another authoritative source (Section 11-08-01.3), applications for building permits shall be reviewed to assure that proposed construction will be
reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

B. Utilities

The utilities shall meet the standards listed for utilities in the Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.B).

C. Subdivisions

The subdivision shall meet the standards listed for subdivisions in the Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.C).

D. Standards for Residential Structures

The residential structures shall meet the standards for residential structures listed in Floodway Fringe Zone and Area of Shallow Flooding Zone (Section 11-08-03.2.D).

11-08-05. CRITICAL FACILITIES

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

11-08-06. ADMINISTRATION

1. DUTIES OF THE FLOODPLAIN ADMINISTRATOR (BOISE PLANNING DIRECTOR)

The Boise City Planning Director is hereby appointed to administer and implement this chapter and, as the Floodplain Administrator, shall perform the following duties:

A. Review Applications

Review all applications for Base Zone District changes, subdivisions, special use permits, conditional use permits and planned developments to determine:

(1) If the development is within an area of special flood hazard;

(2) To determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; and

(3) For compliance with the provisions of this chapter and disclose to the PZC and Council whether the application is, or is not, in compliance with the provisions of this chapter.
B. **Interpretations**

(1) Make interpretations of the location of the boundaries of the Floodway and the Floodway Fringe.

(2) When uncertainty exists as to whether a new development is within an Area of Special Flood Hazard, determine whether development is within the Floodway or Floodway Fringe.

C. **Zoning Certificates**

Issues zoning certificates for those structures which are to be constructed or modified in compliance with the provisions of this chapter and the other applicable provisions of this code.

D. **Variance**

Variances may be issued by the Director for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this chapter.

E. **Available Data**

Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source when such data has not been provided in the Flood Insurance Study.

F. **Record Keeping**

Compile and maintain for public inspection all records pertaining to the provisions of this chapter, including records of all appeal actions and variances, records of first floor elevations, flood-proofing certificates, letters of map amendment and all other records required by this chapter and by federal regulations.

G. **Notification**

Notify adjacent jurisdictions and the Idaho Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and require that maintenance be provided within the altered or relocated portion of such watercourse so that the flood carrying capacity of the watercourse is not diminished.

H. **Annual Reports**

Submit annual reports, and other reports to the Federal Emergency Management Agency, as required and as requested.

I. **Engineer Certification**

(1) Require that for all new or substantially improved structures in an Area of Special Flood Hazard along the Boise River or in the gulches, a licensed professional engineer or registered land surveyor certify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of the structure; and record the certified elevation and whether or not the structure contains a basement.

(2) Require that for all new or substantially improved structures in an Area of Shallow Flooding in an Area of Special Flood Hazard, a licensed professional engineer or registered land surveyor shall certify the actual height in feet, as measured from the building edges at the lowest floor height to the highest ground which surrounds the building and record the certified height and whether or not the structure contains a basement.
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Section 11-08-07: Variances and Appeals
Subsection 2: Duties of the Boise City Engineer

(3) Require that for all new or substantially improved flood-proofed non-residential structures; a licensed professional engineer or registered land surveyor certify that the actual elevation (in relation to mean sea level) to which the structure is flood-proofed; and the Boise City Planning and Development Services Director shall maintain copies of the flood-proofing certificates as required in this chapter.

J. Permit Issuance
Issue building or grading permits for new construction, new development, and substantial improvement to structures which are in compliance with the provisions of this Ordinance.

2. DUTIES OF THE BOISE CITY ENGINEER
Upon request from the Director, the Boise City Engineer shall provide technical assistance and information including but not limited to verify field surveys and technical information submitted by any applicant for new development.

11-08-07. VARIANCES AND APPEALS

1. GENERAL PROVISIONS

A. Consideration of Size and Location
Generally, the only circumstances under which a variance may be issued are for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size, contiguous to and surrounded by, lots with existing structures constructed below the Base Flood Elevation.

B. Consideration of Standards
Variances may only be approved after the standards provided in (see Section C below) have been fully considered. As the lot size increased beyond 1/2 acres, the technical justification for issuing the variance increases.

C. Consideration of Technical Information
In the review of requests for variances, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, and standards specified in this chapter:

(1) The danger that materials may be swept onto other lands to the injury of others;
(2) The danger to life and property due to flooding or erosion damage;
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(4) The importance of the services provided by the proposed facility to the community; the necessity to the facility of a waterfront location where applicable;
(5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
(6) The compatibility of the proposed use with existing and anticipated development;
(7) The relationship of the proposed use to the Boise City Comprehensive Plan and floodplain management program for that area;
(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(9) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, if applicable, expected at the site; and
2. CONDITIONS FOR VARIANCES

For new developments and substantial improvements to existing structures, the conditions for a variance shall comply with Section 11-08-07.1 as well as the following:

A. Prohibitions

Variance shall not be issued within any designated floodway if any increase in flood levels during the Base Flood discharge would result.

B. Necessary Minimum

A variance shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Approval Criteria

A variance shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, degradation of or victimization of the public, or conflict with existing local laws or ordinances.

D. Rarely Allowed

Variance as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

E. Variances for Nonresidential Structures

Variance may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, and otherwise complies with of the Standards for Uses and Standard for Utilities.

F. Conditions for Approval

Upon consideration of the factors and the purposes of this chapter, the PZC may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. Flood Insurance Notice Required

Any applicant to whom a variance is issued shall be given written notice that the cost of flood insurance may be commensurate with any increased flood risk.
3. **APPEALS**

**A. Process for an Appeal**

1. The applicant or any aggrieved party may appeal the Director’s decision or determination to the PZC in accordance with this Code (Section 11-03-03.9).

2. The applicant or any aggrieved party may appeal the PZC decision or determination to the Council in accordance with this Code (Section 11-03-03.9).

3. Within 10 calendar days after receipt of the appeal, the Council shall establish a date for hearing such appeal and shall notify the appealing party and all persons notified for the previous hearing.

4. The Council, in reviewing the decision of the PZC, may sustain or deny the PZC, or the Council may amend or modify the decision or determination of the PZC by imposing additional or different conditions or limitations.

**B. Basis for an Appeal**

An appeal which alleges that there is an error in any requirement, decision, or determination made by any administrative officer of Boise City, or by the PZC in the enforcement or administration of this chapter, shall be supported by technical and scientific evidence, which may include, but is not limited to:

1. An actual copy of the recorded plat map showing the property;

2. A topographic map showing ground elevation contours and the curvilinear line representing the area subject to inundation by the Base Flood; and

3. Certification by a licensed professional engineer or licensed land surveyor of the elevation of the lowest floor (including basement), the elevation of any fill and the date on which the fill was placed, the elevation to which any structure has been flood-proofed, and written statement setting forth the error alleged and the basis for appeal.

**11-08-08. DEFINITIONS**

As used in this Chapter each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the context.

**Accessory Use or Structure**

A use or structure which is subordinate to the principal use structure on the same parcel and which serves a purpose customarily incidental to the principal use or structure. The accessory use or structure shall, in no instance, include a dwelling unit or be used for human habitation.

**Appeal**

A request to the Planning and Zoning Commission for a review of the floodplain administrator’s interpretation of any provision of this chapter.

**Area of Shallow Flooding (ASF)**

An area shown on the flood insurance rate map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. These areas are also referred to as the alluvial fans, and are characterized as sheet flow.

**Area of Special Flood Hazard (ASFH)**

The lands within Boise City which are subject to flooding from the base flood (or 100 year flood). These areas are also referred to as the floodplain. Designation on maps always include the letters A or V.
CHAPTER 11-08: Flood Hazard Regulations
Section 11-08-08: Definitions
Subsection 3: Appeals

Base Flood
The flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with "one-percent flood" and "100 year flood." Designation on maps always include the letters A or V.

Base Flood Elevation
The elevation in feet in relation to mean sea level as determined by the Federal Emergency Management Agency to which flood water can be expected to rise during a base flood.

Base Flood Height in Areas of Shallow Flooding
The height expressed in feet above adjacent grade to which flood waters can be expected to rise during a base flood. This height is determined by the Federal Emergency Management Agency and is shown on the Flood Insurance Rate Map (FIRM). Adjacent grade is the elevation of the crown of the nearest street or back of the adjacent curb after adjustment is made for slope of the ground.

Base Zone District
The zone district classification which is in effect on any given land for which standards are included in the Development Code of Boise City, Idaho dated June 2002, and as amended.

Basement
Any area of the building with its floor sub-grade (below ground level) on all sides.

Check Dam
A structure erected in a floodway which does not exceed ten feet in height or impound more than fifty acre feet of water. For the purposes of this Chapter, energy dissipating devices shall be considered to be check dams.

Critical Facility
A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Development
Any manmade change to improved or unimproved real estate over which the Boise City Council exercises control. In addition to structural construction, the term includes mining, drilling, dredging, grading, paving, excavation and filling.

Elevated Building
For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings or columns.

Existing Manufactured Home Park or Subdivision
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

Expansions to an Existing Manufactured Home Park or Subdivision
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA)
The agency with the overall responsibility of administering the national flood insurance program (NFIP).
Flood or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of a watercourse and/or the unusual and rapid accumulation of run-off of surface waters from any source., including but not limited to snow melt or heavy rain.

Flood Insurance Rate Map (FIRM)
The official report provided by the Federal Emergency Management Agency which has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)
The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood-Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain
The land that has been or may be covered by floodwaters, or is surrounded by floodwater and inaccessible, during the occurrence of the regulatory flood. The riverine floodplain includes the floodway and the flood fringe.

Flood-proofing
Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate potential flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood Protection Elevation (FPE)
An elevation that shall correspond to the elevation of the one percent chance flood (one hundred year flood) plus any increased flood elevation due to floodway encroachment, plus any required freeboard.

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

Floodway Fringe (FF)
The area between the floodway boundary and the outer limits of the 100 Year Flood. These lands within Boise City are subject to flooding from the Base Flood (aka the 100 year Flood), and are also referred to as part of the floodplain or the Area of Special Flood Hazard located outside of the floodway.

Letter of Map Amendment (LOMA)
A letter issued by the Federal Emergency Management Agency exempting a specific structure or site from the Flood Insurance requirements. The site is exempted by virtue of its being elevated above the 100 year flood elevation.

Letter of Map Revision (LOMR)
A letter issued by the Federal Emergency Management Agency exempting a specific structure or site from Flood Insurance requirements. The site or structure is exempted by virtue of its being elevated above the 100 year flood elevation.

Levee
A levee is a continuous dike or ridge, constructed of earth or other materials that confines flood waters (excluding landfill).

Lowest Floor
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter. (Section 11-08-03.2.A)
Manufactured Home
A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a "recreational vehicle."

Mobile Home
A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to enactment of the National Housing include and Safety Standards Act of 1974, which became effective June 15, 1976.

Mobile Home Park or Subdivision
Any area, tract, plot or parcel of land, developed and designed primarily for placement of mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

New Construction
Structures for which the start of construction commenced on or after the effective date of this Chapter.

New Development
Any development for which final approval entitling the applicant to proceed with the development was issued on or after the effective date of this Chapter.

New Manufactured Home Park or Subdivision
A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

Non-residential Structure
A building other than a residential structure. The term includes but is not limited to: buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums and nursing homes.

Ordinary High Water Mark (OHWM)
The line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes.

Recreation Vehicle
A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway
The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

Residential Structure
A building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, dormitories, (and the guest or patient rooms of), hotels, and motels. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

Start of Construction
The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor
does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Structure**

Anything constructed or erected, which requires permanent location on the ground or is attached to something having location on the ground.

**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement**

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or the repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "Substantial Improvement" does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or: any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Unnumbered "A Zone"**

An area shown on the Flood Insurance Rate Map as an "A Zone" in which base flood depths and a clearly defined channel are not shown.

**Variance**

A grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.
CHAPTER 11-09: SUBDIVISION STANDARDS

11-09-01. PURPOSE AND APPLICABILITY

1. PURPOSE
To promote the public health, safety, and general welfare of present and future residents, and to ensure the coordinated and efficient subdividing of land. Procedures for review and decision-making on subdivision applications are located in Sections 11-03-04.4, Subdivision Plat, of this Code.

2. APPLICABILITY
   A. This Chapter shall apply uniformly to all land divisions within the City of Boise. However, if a parcel to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the regulations in this chapter would result in substantial hardship or inequity, the Council or Commission may waive or modify the regulations according to the procedures and criteria of Section 11-09-05.1 Modifications and Waivers.
   B. Five-Acre Parcel Division (Record of Survey not required)
The division of land into parcels of five acres or more meeting the following standards:
   (1) The land is not zoned for or intended to be used for residential development purposes;
   (2) The dedication of public streets or construction of private streets is not required other than dedications for the widening of existing streets, and
   (3) The parcels front onto a street and meet the dimensional standards of the zoning district within which they are located, unless a modification or waiver of those standards is granted by the Commission.

11-09-02. RECORDS OF SURVEY

1. STANDARDS
The following divisions of land and/or change of parcel boundaries will require the review and approval of a Record of Survey prepared in accord with Idaho Code, 55-19, to establish that resulting parcels are conforming, buildable parcels.

   A. Minor Land Division
   The purpose of the Minor Land Division is to allow the creation of up to four buildable parcels without being subject to the procedural provisions of the Preliminary and Final Plat regulations of this title. A Record of Survey, application and the appropriate fee are required for a Minor Land Division of a lot, tract or parcel of land. The Minor Land Division must meet the following conditions:
   (1) No Minor Land Division shall create more than 4 new parcels.
   (2) No property involved in a Minor Land Division shall be involved in a subsequent Minor Land Division for a period of 1 year from the recording date of the previous Record of Survey for a Minor Land Division;
   (3) No new street dedication, excluding widening of an existing street, is involved
CHAPTER 11-09: Subdivision Standards
Section 11-09-02: Records of Survey
Subsection 1: Standards

(4) No new public utility lines shall be extended within the right-of-way to property involved in a Minor Land Division;

(5) Wet line sewer and central water lines must be currently located in the public right-of-way that abuts the parcel to be divided;

(6) All resulting parcels must conform to the minimum requirements of all existing land use regulations including the adopted Zoning Ordinance; and

(7) All existing buildings to remain shall meet applicable zoning requirements regarding allowed uses and parking and shall comply with the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Additionally, the following shall apply:

(a) Any setback that was legally non-conforming prior to the Minor Land Division may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the Minor Land Division;

(b) Any building not meeting the required setback that is to be partially or completely demolished or moved shall be either demolished or moved prior to the approval of the Minor Land Division;

(c) Any existing structures shall connect to public water and sewer lines prior to approval of the Minor Land Division;

(d) If required parking is provided by means of a permanent shared-parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking provisions of the shared-parking agreement applies;

(e) When utilities cross land being divided, a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Planning Director’s approval of the Minor Land Division; and

(f) All new parcels that abut the public right-of-way shall be improved with sidewalk, curb and gutter, and if applicable, a paved driveway apron that extends to the edge of street pavement will be required. All right-of-way improvements, license agreements, and/or bonding shall be completed prior to the Planning Director’s approval of the Minor Land Division.

B. Property Line Adjustment
A property line adjustment that establishes buildable parcels with boundaries that differ from existing buildable parcel and/or buildable lot boundaries.

(1) Conforming Lots of Record

(a) The total number of buildable parcels must not be greater than the number of buildable parcels and/or lots existing prior to the record of survey. When Property Line Adjustments occur between section land and subdivided lots no lot shall increase in area by more than 20 percent.

(b) The resultant parcels must meet the minimum requirements for area, frontage and width for the existing zone.

(c) All existing buildings, driveways and parking areas must meet the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Any setback that is legally non-conforming may remain
as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the Property Line Adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the Planning Director’s approval of the Record of Survey.

(d) If existing residential buildings are to remain, the parcel containing such building(s) must comply with current Boise City Zoning Ordinance parking requirements. The parking shall be located on-site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with current parking requirements, either within the parcel or by means of a permanent recorded shared-parking agreement, as evidenced by a note on the Record of Survey stating both the number of spaces provided and the code required number of spaces. If required parking is provided by means of a permanent shared-parking agreement, the Record of Survey must list the total required and provided parking for all parcels to which the parking provisions of the shared-parking agreement applies.

(e) When utilities cross land being divided a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Planning Director’s approval of the Record of Survey.

(f) If the street(s) adjacent to the lot(s) have not been improved with sidewalk the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the paved street width, the Ada County Highway District may require some separation between the landscaping and the edge of the street pavement. If the lot is not alley loaded and has driveways off of the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the right-of-way. Sidewalks shall be installed if sidewalk exists on adjoining property.

(g) The boundaries of a parcel with a residential zone or use may be adjusted through the Property Line Adjustment process twice. Any additional boundary adjustments shall require a subdivision plat or a Record of Survey for a Minor Land Division.

(2) Substandard Original Lots of Record

(a) A Property Line Adjustment shall not result in more buildable parcels than the total number of original substandard lots of record.
(b) Property Line Adjustment that includes a partial lot requires documentation that the split of the lot was recorded prior to October 30, 1965. If the partial lot does not qualify as a buildable parcel, it must be combined with an original lot to count as 1 buildable parcel if the partial lot was created by recorded deed prior to October 30, 1965.

(c) Adjusted side property lines shall be perpendicular to the public street. Exceptions can be made for lots where the original side lot lines were not perpendicular to the street, such as pie shaped lots.
(d) A Property Line Adjustment shall not result in buildable parcels that decrease the area, frontage or width below that of the substandard original lots of record.

(e) All existing buildings, driveways and parking areas must meet the setback requirements of the existing zone as measured from any parcel boundary being created by this process. Any setback that is legally non-conforming may remain as a legal non-conforming setback, provided the legal non-conforming setback is not altered by the Property Line Adjustment. If any building not meeting the required setback is to be partially or completely demolished, the demolition must be completed prior to the Planning Director's approval of the Record of Survey.

(f) If existing residential buildings are to remain, the parcel containing such building(s) shall comply with current Boise City Zoning Ordinance parking requirements. The parking shall be located on-site. If existing commercial, office or industrial buildings are to remain, the parcel containing such building(s) must comply with current parking requirements, either within the parcel or by means of a permanent recorded shared-parking agreement, as evidenced by a note on the Record of Survey stating both the number of spaces provided and the number of spaces the Boise City Zoning Ordinance requires. If required parking is provided by means of a permanent shared-parking agreement, the Record of Survey must list the total required and provided parking for all parcels to which the parking provisions of the shared-parking agreement applies.

(g) All parcels that abut an improved alley shall be required to take parking access from the alley.

(h) If the street(s) adjacent to the lot(s) have not been improved with sidewalk the applicant shall landscape the right-of-way area between the edge of the street pavement and the property line with lawn or other vegetative ground cover that will prevent the area from being used as an off street parking area. Depending on the paved street width, the Ada County Highway District may require some separation between the landscaping and the edge of the street pavement. If the lot is not alley loaded and has driveways off of the street, the area between the edge of the street pavement and the property line shall be paved to align with the driveway. The applicant shall obtain a license agreement from the Ada County Highway District prior to landscaping and/or paving in the right-of-way. Sidewalks shall be installed if sidewalk exists on adjoining property.

(i) When utilities cross land being divided a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Planning Director's approval of the Record of Survey.

(j) The boundaries of a parcel with a residential zone or use may be adjusted through the Property Line Adjustment process twice. Any additional boundary adjustments shall require a subdivision plat or a Record of Survey for a Minor Land Division.

(k) A Property Line Adjustment shall only occur between an original corner lot and an original interior lot if the original corner lot is a minimum of 35 feet or more in width, unless three or more lots are combined resulting in a reduction in density. Adjusted corner lots shall comply with the following standards:
The adjusted corner lot shall be of the same square footage as the original corner lot.

If an existing home is located on a corner lot, a 15 foot rear setback shall be provided from the existing home to the new property line, regardless of the orientation or street address of the existing home.
iii. A minimum of 150 square feet of open space, located outside of the setbacks, is required for existing homes. Open space that complies with the standards in this Code shall be designated as such on the Record of Survey.

(3) Parcel Consolidation
A Record of Survey is required to allow the consolidation of two or more existing contiguous parcels, with at least one parcel deemed as buildable, into one buildable parcel.

(a) Prior to issuance of a building permit, a copy of a recorded Notice of Buildable Parcel and a copy of a recorded deed describing by metes and bounds the entirety of the platted lots shall be submitted to the Planning Director.

(b) If platted or recorded easements exist within any lot, the easements must be vacated prior to any construction within the easement area.

(4) Within 15 calendar days the Planning Director shall either approve or deny. If approved each Notice of Buildable Parcel shall be signed and returned to the applicant for recording.

11-09-03. SUBDIVISION DESIGN STANDARDS
All subdivisions, except minor subdivisions as defined in Section 11-012-05, Other Terms Defined, shall comply with the following standards:

1. GENERAL
   The PZC and Council shall give full consideration and weight to the following:
   A. Street intersections in residential areas may be of a “T” rather than an “X” design wherever such design will not unduly restrict a free movement of traffic.
   B. Reserve strips controlling access to public streets shall be permitted provided that the control and disposition of land comprising such strip is placed within the jurisdiction of the city under conditions specified by the Council and shown on the plat.

2. BLOCK NUMBERS
   Block numbers shall be designated as required by Idaho Code.

3. LOT LAYOUT
   A. Dimensions
      Lot area, dimensions, and minimum street frontage shall be as established in Chapter 11-07, Development and Design Standards, and as otherwise provided in this Code. An alley does not qualify as required street frontage. The front lot line may directly abut a collector or arterial street provided that a public, rear-loaded access is provided at the rear of such lots to provide direct lot access. Direct lot access to the collector or arterial is prohibited.
   B. Building Envelope
      To guide compatible building siting, the Director may require a building envelope that identifies the setbacks shown on the preliminary plat or site plan.
C. **Double Frontage Lots**

Double frontage lots are prohibited except where it is shown that unusual topography or other conditions make it impossible to meet this requirement. Lots with double frontage shall be limited to one street access on one frontage by a plat note.

D. **Landlocked Parcels**

All parcels that do not have required frontage shall be labeled “non-buildable” on the plat. Each such non-buildable lot shall be required to have a pedestrian ingress and egress easement provided to it unless street frontage exists that adequate for a pedestrian pathway.

4. **PUBLIC STREETS**

The arrangement, character, extent, width, grade, and location of all streets shall conform to the standards of the City of Boise, ACHD, and Idaho Transportation Department as applicable, and shall be considered in their relation to existing and planned streets, topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land served.

A. **Street Design**

The design of all public streets shall conform to requirements as established by the ACHD.

B. **Street Grades**

Street grades shall be such as to provide for the safe movement of traffic in all weather and for adequate drainage of both streets and abutting properties.

C. **Partial Street Dedications**

Partial street dedications shall not be permitted unless the street forms the boundary of the property being subdivided, the adjacent property is not under common ownership, and the street is anticipated to be a through street upon development of adjacent properties. All partial street dedications shall require construction of partial street sections that meet ACHD standards.

D. **Dead-end Streets**

Dead-end streets shall not be permitted, except that streets terminating at the boundary of a subdivision may be allowed when the street is shown on the Boise City Comprehensive Plan or when, the ACHD or Council, agrees that the extension of the street is necessary to the proper development of the street pattern. A sign indicating that the street is planned to be extended in the future will be installed at the end of the street.

E. **Street Names**

Proposed streets that are a continuation of an existing street shall be given the same name as the existing street. All street names used shall not duplicate or be of a spelling or pronunciation apt to be confused with the names of existing streets within the Ada County area. The applicant shall obtain approvals for all street names within the proposed subdivision from the Ada County Street Name Committee prior to submitting the plat for signature by the City Engineer.

F. **Sidewalks**

Sidewalks shall be required on both sides of the street. Sidewalks shall be a minimum of five feet wide when adjacent to curbs and a minimum of four feet wide when separated from the curb by a landscaped area.

G. **Street Patterns**

1. **Street Network**

Street patterns in residential neighborhoods shall be designed to create a network of streets that allow local trips to circulate in the area without encouraging through traffic.
between arterial streets. Such a pattern shall benefit the collector and arterial network by keeping local trips on local roads and provide emergency vehicles with multiple routes to access any parcel.

(2) **Multi-Modal Street Patterns**

Street patterns in residential neighborhoods shall be designed for the needs of the bicyclist, pedestrian, and motor vehicle alike.

(a) The circulation plan for a subdivision shall incorporate and tie into existing or proposed pathways and take into account topography, parcel lines, or other features.

(b) Streets should be designed to convey residents conveniently to parks, schools, and shopping areas in the neighborhood; and to adjacent neighborhoods. A multi-use subdivision should be designed to provide roadway connections between the various uses.

(c) A free flow of pedestrian and vehicular traffic through local neighborhoods is encouraged. Pedestrian traffic shall be accommodated on local roads, or on pathways, in cases where the roadway network is inadequate for this purpose. Connectivity with adjacent parcels and subdivisions shall be included where ever possible. Except for designated connector and arterial streets, connectivity shall be designed to discourage cut-through traffic while allowing flow of local traffic without accessing the connector-arterial network.

(d) Local streets shall provide for non-motorized travel and shall be designed to encourage slow auto speeds. Traffic calming strategies, such as reduced rights-of-way, chokers, traffic circles, and chicanes (as described in the ACHD Traffic Calming Policy) should be employed. Traffic calming devices that can significantly impede the response of or possibly damage emergency vehicles, such as speed-bumps are not allowed.

(e) Roads shall be designed to accommodate bike routes or lanes.

5. **PRIVATE STREETS**

A. **Required Findings**

Private streets shall:

1. Provide safe and effective movement of vehicular and pedestrian traffic;
2. Not adversely affect access or good public transportation planning to adjacent property and the area network;
3. Not landlock adjacent property;
4. Not restrict public access to places of public interest;
5. Not connect one public street to another; and
6. Not interfere with the continuity of public streets.

B. **Requirements**

1. Comply with the ACHD structural standards for streets. The design shall be prepared and certified by a registered professional engineer.
(2) The plat shall contain the following:
(a) A legal description
(b) Identification of a recorded ingress-egress easement agreement,
(c) Conveyance to each lot owner the perpetual right of ingress and egress over the described private drive, and
(d) Provision that such perpetual easement shall run with the land.
(e) Certification of construction to ACHD specifications is required, with the exception of ACHD street width requirements.

C. Use Specific Standards

(1) Single Family/Townhouse/Duplex Residential

(a) Private streets may be permitted when:

i. The parcel shape or site topography will not allow street design to meet ACHD width standards; or

ii. In the cases in which conformance to ACHD requirements is in conflict with the intent of minimizing disruption to vegetation as defined in the Hillside and Foothill Areas Development Ordinance.

(b) Standards for Single Family/Townhouse/Duplex Residential

i. Single Family/Townhouse/Two Family Private Residential Street Standards shall be according to Table 11-09.1, Private Residential Street Standards: Single-family/Townhouse/Duplex:

<table>
<thead>
<tr>
<th>Number of Residential Lots vs. Street Length</th>
<th>Minimum R/W Width (feet)</th>
<th>Street Width Back of Curb to Back of Curb (feet)</th>
<th>Sidewalk Required Both Sides</th>
<th>Sidewalk Required One Side</th>
<th>Sidewalk Easement Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 3 lots w/length less than 200 feet</td>
<td>24</td>
<td>24</td>
<td>No</td>
<td>Yes</td>
<td>Yes*</td>
</tr>
<tr>
<td>Up to 3 lots w/length greater than 200 feet</td>
<td>28 (24 for the final 200 feet)</td>
<td>28/24</td>
<td>No</td>
<td>Yes</td>
<td>Yes*</td>
</tr>
<tr>
<td>4 to 10 lots w/length less than 200 feet</td>
<td>24</td>
<td>24</td>
<td>Yes</td>
<td>No</td>
<td>Yes*</td>
</tr>
<tr>
<td>4 to 10 lots w/length greater than 200 feet</td>
<td>28 (24 for the final 200 feet)</td>
<td>28/24</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>11 or more lots</td>
<td>40</td>
<td>28</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

* Setback requirements shall be from the back of sidewalk where sidewalks are placed within an easement and not separated from the street by landscaping. If such sidewalks are separated from the street by landscaping, only the setback for the garage door portion of the building shall be measured from the back of sidewalk.

ii. If sidewalks are detached or placed within an easement, building setback requirements shall be measured from the back-of-sidewalk or the property line, whichever is more restrictive, unless sidewalks are separated by landscaping in which case only the garage portion of the building shall be set back from the back of sidewalk or as otherwise approved through a conditional use permit.
(2) **Multi-family Residential**

A private street in a multi-family residential development provided that the proposed street meets the general requirements as identified in subsection A and B, above and:

(a) The developable land that was saved by use of a private street must be utilized as open space. If there are lots to be owned individually, the open space shall be a common lot; and

(b) The private street serves less than 40 dwelling units.

(c) The application has complied with the requirements for a PUD including a traffic circulation plan.

(d) **Standards for multi-family developments**

   i. Dimensional requirements for private streets shall be the same as permitted in this Code for service drives for multi-family developments (Section 11-07-04.3.B, Service Drives) when the use of the private street provides a similar function, such as the drive aisles and the common parking for the development are interrelated, as opposed to units that front on the private street and have individual garages or parking pads in front of each unit as is typical with townhouses or single family dwellings. If the private street does not provide a similar function, the standards of Section 11-07-04.2, Private Roads, shall apply.

   ii. In developments of over 40 dwelling units, the dimensions of any private street shall be as recommended in the approved internal traffic circulation and as permitted in this Code for service drives for multi-family developments Section 11-07-04.3.B, Service Drives. Exception: This requirement may be waived in developments of over 40 dwelling units when it can be shown by the applicant that no section of roadway will exceed 240 vehicles per day in daily traffic.

   iii. All utility easements shall be within, or immediately adjacent to, the private streets.

(3) **Commercial/Industrial Developments**

Private streets used solely for commercial/industrial purposes shall:

(a) Be a minimum of 24 feet in width.

(b) Not be required to have curbs, gutters, and sidewalks unless specifically required by Council.

6. **EASEMENTS**

A. Easements shall be provided as required by the utilities, and other public services.

B. The Council may require applicants to reserve permanent public use easements for public access micro-pathways. Such easements shall be for future improvement and maintenance by either the city or the landowner or association. Any easement required under this section may be utilized in conjunction with or as an alternative to a public pedestrian access requirement under Section 11-07-04.4, Pedestrian Access.
7. ARTERIAL AND COLLECTOR STREET BUFFERING

Landscaped buffer areas shall be provided where single family residential lots are adjacent to collector or arterial streets.

A. Perimeter Landscape Buffer

(1) The buffer shall be located outside of any planned future right-of-way.

(2) The width of the buffer along arterial streets shall be a minimum of 30 feet, along collector streets it shall be a minimum of 20 feet.

(3) The buffer area may be located within the lot provided that:

(a) The depth of the lot is a minimum of 130 feet; and,

(b) In cases where the side lot line runs along an arterial or collector, the width of the lot is a minimum of 80 feet.

(4) Fences and walls shall not be placed within the buffer areas.

(a) The boundary farthest from the street of the landscape buffer;

(b) A minimum of five feet from the back of attached sidewalks;

(c) At the back of sidewalks separated from the curb by landscaping (provided the fence is not higher than four feet tall); or

(d) 15 feet from back of curb.

B. Frontage Road

(1) Frontage roads, as permitted by the ACHD, and separated from a collector or arterial street by a ten foot wide landscaped median, may be permitted.

(2) The landscaped median shall be planted with trees and shrubs that at maturity will form a solid screen at least six feet high and a continuous tree canopy.
C. Alley-loaded

The front lot line of a parcel may directly abut a collector or arterial street provided that an ACHD-approved alley is provided at the rear of such lots to provide direct lot access. Direct lot access to the collector or arterial is prohibited.

8. ALLEY (PUBLIC OR PRIVATE)

Minimum alley width for a one-way alley shall be 12 feet. Minimum alley width for a two-way alley shall be 20 feet. Alley construction shall meet ACHD standards.

11-09-04. REQUIRED IMPROVEMENTS

The following improvements are not required for minor land divisions as defined in Section 11-012-05.

1. GENERAL

No building permit for the construction of any new structure upon property within a proposed subdivision plat shall be issued until the subdivision plat has been recorded.

2. FILING OF PLANS AND BONDING SURETY

A. Plans for the required improvements shall be certified by a professional engineer registered in the State of Idaho, unless otherwise specifically approved by the applicable public agency.

B. At or prior to the time of filing certification of the final plat, the applicant shall file with the Director a surety bond to secure the completion of the construction of required improvements not yet completed. All bonds or other guarantees shall be in the amount of 110 percent of the estimated cost of the improvement.

C. The period of construction may be extended for six months upon the payment of extension fees and adjustments of the bonding surety amount to reflect revised construction costs. Extensions of bond surety and construction time beyond this initial six month extension may be approved.
CHAPTER 11-09: Subdivision Standards
Section 11-09-04: Required Improvements
Subsection 3: Water

by the Council upon a showing of undue hardship and the payment of appropriate fees.

D. Improvement(s) installed by the applicant as a condition of platting shall require certification by a professional engineer that the construction is in accordance with approved plans.

E. After the completion of improvements the applicable public agency shall certify the completion and acceptance of said improvements in writing and shall transmit a copy of the certification to the City Clerk and to the applicant. Upon receipt of the certification, the city shall authorize release of the surety bond or other guarantee upon application.

3. WATER

A. Water Lines and Hydrants

Central water lines and fire hydrants shall be provided in all subdivisions as noted below.

(1) In any subdivision, alternate provision may be made for domestic water supply and fire protection provided that such provision shall meet the standards of the Fire Code as adopted by Fire Department, the Idaho Public Utilities Commission, the Idaho Department of Water Resources, and the Idaho Department of Health and Welfare and further provided that such alternate provision shall be made to the satisfaction of the Council.

(2) In considering such alternate provision, the Council may require an increase in the minimum lot size and may impose any other requirement that it deems necessary to protect the public health, safety, or welfare.

(3) Water facilities necessary to meet Boise Fire department standards shall be provided.

4. SANITARY SEWER

A. Wet-line sewers shall be provided in all subdivisions per the requirements of the appropriate sewer entity.

B. Plans and specifications shall be approved by the appropriate sewer entity prior to signing of the Final Plat by the City Engineer.

5. DRAINAGE

A. Improvement plans and hydrology calculations shall be prepared in accordance with the Storm Water Ordinance B.C.C. 8-15 and Public Works’ Storm Water Management Design Manual:

(1) Plans shall be submitted to the Public Works Department.

(2) All natural drainage courses shall be left undisturbed or be improved in a manner that will improve the hydraulics and ease of maintenance of the channel.

(3) Relocation of natural swales is acceptable if the hydraulics and ease of maintenance are provided for. The term “natural drainage course” shall not be deemed to apply to minor swales and depressions that are located entirely on the applicant’s property and that serve a relatively small area where runoff is infrequent.
B. In single family residential subdivisions where public streets are being
dedicated to ACHD and development drainage will be discharged to an
ACHD-maintained storm water system, the development drainage system
will be required to meet the ACHD design and review requirements.

C. The reservation of an easement along any stream or important surface
drainage course located in an area being subdivided may be required
by the Council for the purpose of widening, deepening, sloping,
improving, or protecting the stream or drainage course.

6. IRRIGATION

A. Irrigation Conveyance

(1) No ditch, pipe, or structure for delivery of irrigation water or for carrying
irrigation wastewater shall be obstructed, rerouted, covered, or changed in any
way unless it has first been approved in writing by the authorized representative
of the person(s) owning the water rights delivered or diverted by means of the
ditch. For the purpose of this section, “person” shall be defined as an irrigation
district, ditch company, water users association, or water right holder. Should the
person not have an authorized representative, a determination of the majority of
the holder(s) of the water right shall be binding. A copy of such written approval
by such authorized representative or majority holder(s) of the water right shall be
filed with the subdivision application. In the event the applicant cannot obtain a
response from said authorized representative, approval will be assumed to be
obtained if the applicant meets the conditions as outlined in subsection (5).

(2) All irrigation ditches, laterals, canals, and drains, exclusive of natural waterways,
intersecting, crossing, or lying adjacent to an area being subdivided shall be
covered or fenced with a chain link fence at least six feet in height to deter access
to said ditch, lateral, or canal. Adjacent means being located within 60 feet of
any lot included in the development. This requirement may be waived if it is found
that the public purpose requiring such will not be served in an individual case.
Any covering or fencing program involving the distribution system of any irrigation
district shall have the prior approval of the affected district.

(3) The fencing requirement may be waived by the Director for “water amenities”. A
water amenity is any body of water that is to be part of the development, in
which the banks are no steeper than one foot vertical per four feet horizontal and
where the depth (in feet) multiplied by the peak velocity (feet per second) does
not exceed four. Plans prepared by a professional engineer shall be submitted
to the Director and the authorized representative of water facility for approval.

(4) In the event the applicant cannot obtain a response for the modifications proposed
from the authorized representative of the water entity, approval shall be assumed
to be obtained if the following documents are submitted to the Director:

(a) Copy of certified letter to said authorized representative along with
documentation of receipt of letter. Said letter to authorized representative shall
be accompanied by plans and shall request written approval forwarded to the
Director within 30 days of receipt.

(b) Letter from a registered professional engineer stating that the improvements
and/or modifications to the ditch, lateral, canal, or drain will meet the provisions
of Titles 31 and 42 of the Idaho Code, relating to requirements of delivery of water to downstream users.

7. **PARK OR SCHOOL DEDICATION**

Whenever the applicant desires or proposes to reserve area for a school or public park, the area shall be delineated on the subdivision plat and such proposal must be acceptable to the school district and the city. Acceptance of school site or park must be in writing from the appropriate entity prior to signature by the City Engineer.

8. **PEDESTRIAN ACCESS**

Pedestrian access shall be required where deemed essential by the Council to provide pedestrian access to schools, playgrounds, shopping areas, transportation, or other community facilities. Said access shall be not less than ten feet wide.

9. **STREET LIGHTING**

All applicants subdividing within the city limits shall be required to install, at the applicant’s expense, street lights in accordance with Public Works specifications and standards. After installation and acceptance by the Public Works Department, street lights shall become city property and the city shall pay the cost of maintenance and power.

10. **LANDSCAPING**

Where landscaping is required by the city, such as parkways, perimeter buffers, street medians, and other such areas, their design shall comply with the following standards:

   A. **Definition**

   The term “landscaping,” as used in this Section shall include, as a minimum, grass and trees as required below.

   B. **Non-vegetative Materials**

   (1) Non-vegetative materials, such as decorative rock, bark, and perma-bark, shall not be used in lieu of landscaping. Non-vegetative material may only be used to augment the landscape or around the base of shrub groupings or flower beds as long as the coverage does not exceed 20 percent. The use of bark or other loose material shall be designed or located to keep the bark from being blown onto the paved path, shall be approved by the Director.

   (2) The 20 percent limitation on non-vegetative material shall not apply provided the landscape is designed by a licensed landscape architect and further provided that the non-vegetative material is used to complement or visually enhance the vegetative material.

   C. **Trees**

   (1) The city shall require trees with a minimum size of two inch caliper in the landscape area. Tree type and class to be in accordance with the Community Forestry’s “Tree Selection Guide.”

   (2) All landscaped areas shall be provided with an underground irrigation system.

   (3) For every 60 feet of perimeter landscape, one Class III tree shall be included therein. Class III trees shall be spaced no more than 60 feet apart. Class II trees may be utilized and spaced 25 to 50 feet apart, depending on mature crown
spread. Class I trees shall be used where overhead power lines prohibit use of
taller trees and may be used to mark entry points into a subdivision or to mark a
special feature. Class I trees shall be spaced 15 to 30 feet apart, depending on
mature crown spread. The location and selection of required trees shall be subject
to approval by Community Forestry. Trees located in the public right-of-way shall
be planted and maintained in accordance with the Boise Tree Ordinance (Boise
City Code 9-16).

D. Maintenance
Required landscaped areas shall be placed under the control and maintenance of a Homeowners
Association, unless the applicant can demonstrate that the landscaping will be maintained in an
attractive condition by another entity including but not limited to individual property owners, or
the ACHD.

E. Berms
Berm height is not limited; however, the slope of the berm shall not exceed a 3:1 ratio. The height
of a fence and/or wall that is placed on top of a berm is limited to six feet.

F. Clear Areas
Trees, shrubs and other landscaping shall not encroach into the minimum required clear height and
width of primary or emergency vehicle access. Landscaping shall not block the clear vision triangle
at street intersections as determined by the ACHD.

11. PRESSURE IRRIGATION FACILITIES

A. Except as a waiver is allowed a pressurized individual lot irrigation
system is required for any residential subdivision.

B. Irrigation system maintenance and operation shall be provided by the
irrigation district or canal company a municipal irrigation district, or
another entity capable of operating and maintaining a pressurized
irrigation system.

C. Waivers
(1) The requirement for a pressurized irrigation system may be waived by the City
Engineer in any of the following situations:

(a) Where a lack of sufficient surface irrigation water has been documented by the
appropriate irrigation district or canal company and the Idaho Department of
Water Resources. The sale or transfer of a water right may not be grounds for
requesting a waiver.
CHAPTER 11-09: Subdivision Standards
Section 11-09-04: Required Improvements
Subsection 11: Pressure Irrigation Facilities

(b) Where water cannot be delivered to the property due to capacity or scheduling. In these situations, the City Engineer may still require the installation of the pressure irrigation system, provided that an irrigation district or canal company will commit in writing to make improvements to their delivery system so water can be supplied within two years of the subdivision approval.

(c) Where another means of delivery such as flood irrigation can be provided.

(d) When the City Engineer finds that the cost of obtaining water rights, re-establishing water rights, or developing the system would impose an undue economic hardship. Undue economic hardship may be demonstrated if the cost per lot to develop the pressurized irrigation system is 25 percent higher than the cost per lot to serve subdivisions of similar size and density constructed in Boise City within the previous two years; or that the cost per lot of the pressurized irrigation system would exceed five percent of the expected per lot market value of the subdivision. The applicant shall bear the burden of providing documentation, acceptable to the City Engineer. For phased developments, costs will be analyzed over all phases.

(2) Requests for waivers shall be submitted to the City Engineer and shall be accompanied by an irrigation report prepared by a licensed professional engineer analyzing the location and availability of surface irrigation water and documenting the basis for the waiver request. If applicable, the irrigation report shall include a letter from the Irrigation District or Canal Company stating refusal to make improvements to its delivery system so irrigation water can be supplied within two years.

(3) Decision may be appealed to the Public Works Commission by filing a written appeal with the Public Works Department within 60 days of receipt of the written decision of the City Engineer. The Public Works Commission may uphold, overrule or modify the decision of the City Engineer. The decision of the Public Works Commission may be appealed to the Council.

D. Written Assurance

(1) Written assurance that provisions have been made for ownership, operation and maintenance of the system is required before the plat is signed by the City Engineer. Such assurance shall include: A letter from an existing entity capable of owning, operating and maintaining the system assuming responsibility for such operation, and maintenance.

(2) If the system is to be owned, operated and maintained by a Home Owners Association, the applicant shall create binding covenants, conditions, and restrictions, approved by the City Attorney, providing for control, use, maintenance, and operation of the system.

E. Proof of Compliance

Prior to signing of the final plat by the City Engineer, proof of compliance with this section and with Idaho Code, Section 31-3805(1)(b) shall be required.
12. **UTILITY LOCATION**

   Residential projects, that at a later date may be subdivided, should place utilities in the roadway or in easements parallel and next to the roadway. Projects that are later subdivided and do not comply with this recommendation may be subject to significant reconstruction and relocation costs.

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**11-09-05. MODIFICATIONS AND WAIVERS**

1. Whenever a tract to be subdivided or altered by a record of survey is is of unusual size or shape or has unusual conditions such that the strict application of these regulations would result in substantial hardship or inequity, the Council may waive or modify such regulations so that the property may be developed in a reasonable manner. The Council must first find that the quality of the development is not diminished, that the public welfare and the interests of the City are protected, that the general intent and spirit of these regulations are preserved and that conformity to the Comprehensive Plan is assured.

   A. A written request to the Director is required.

   B. The request shall be referred to the PZC within 35 days of receipt, but allowing at least ten working days review prior to the PZC meeting.

   C. The PZC shall act upon request and make recommendation to the Council.

   D. The Council, after receiving the recommendations of the PZC, shall act upon request at its next regular meeting per Section 11-03-04.4.

   E. In the case of a record of survey the Commission may issue the waiver or modification.

2. In granting waivers and/or modifications from these regulations, the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so waived or modified.

3. Any person, firm, or corporation may appeal the decision of the Council to the District Court in the same manner and within the same time as other appeals may be taken from orders of the Council.
CHAPTER 11-010: SIGN STANDARDS

11-010-01. PURPOSE

1. To protect the health, safety, property and welfare of the public;

2. To provide for the neat, clean, orderly and attractive appearance of the community;

3. To improve the effectiveness of signs;

4. To provide for safe construction, location, erection and maintenance of signs; and

5. To minimize adverse visual safety factors to the traveling public.

11-010-02. SIGN DEFINITIONS

This Section contains definitions for types of signs and parts of signs.

1. TYPES OF SIGNS

   A. Animated Sign
      Any sign that uses movement or change of lighting to depict action or to create a special effect or scene or the illusion of movement. A sign utilizing static message displays as allowed in 11-11-010-05.6 shall not be considered animated.

   B. Awning, Canopy, or Marquee
      Any shelter or decorative dimensional shape extending from the exterior surface of a building constructed of a supporting framework and covered with non-rigid materials.

   C. Awning, Canopy or Marquee Sign
      The copy area or separate background area attached to an awning, canopy or marquee.

   D. Banner
      A flexible substrate on which copy or graphics may be displayed.

   E. Construction Sign
      Any sign that warns of construction or demolition or that describes a construction project and indicates the builder, architect, or others involved.

   F. Directional Sign
      A sign that is designed and erected for the purpose of providing direction for pedestrian or vehicular traffic.

   G. Electronic Message Display
      A sign or portion thereof capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

   H. Free-Standing Sign
      A sign supported by a column, pole, foundation, pedestal or other structure in or upon the ground.

   I. Frame
      A complete, static display screen on an electronic message display.

   J. Frame Effect
      A visual effect on an electronic message display applied to a single frame.
K. **Height of Sign**
The distance from the ground supporting the sign to the highest point of the sign. A landscape berm or other structure erected to support the sign shall be measured as part of the height. If the street to which the sign is oriented is higher than the grade at the base of the sign, then the street elevation shall be used in determining the permitted height.

L. **Mansard**
A sloped roof-like projection that is attached to an exterior building wall or façade.

M. **Monument Sign**
A free-standing sign in which the sign face is supported by a continuous and solid base which extends the full length of the sign face or is supported by posts not more than six inches above the ground on which the sign face is mounted.

N. **Nit**
A luminance unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.

O. **Projecting Sign**
A sign other than a wall sign, which projects from and is supported by a wall of building or other structure.

P. **Roof Sign**
A sign erected on the roof of a building. Signs mounted on mansard facades, eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

Q. **Sign**
Any device visible from a public right of way that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered signs.

R. **Sign Area**
The area comprising the message portion of a sign, not including the supporting structure. When computing the area of sign background, only the face or faces, which may be seen from one direction at one time, shall be considered. It is computed by measuring the area enclosed by straight lines drawn around the extremities of the text or graphics.

S. **Sign Structure**
Any structure that supports a sign, including any decorative cover.

T. **Temporary Sign**
A sign that is used only temporarily and is not permanently mounted or embedded in the ground.

U. **Wall Sign**
A sign that is affixed to or painted on an exterior wall of a building or structure.

V. **Window Sign**
A sign affixed to the surface of a window that is intended to be viewed from the public right of way or from adjacent property.
11-010-03. GENERAL SIGN REGULATIONS

1. PERMIT REQUIRED
   Unless specifically exempted, a permit must be obtained from the Planning Director for the erection and installation of any sign. Exemption from the need for a permit shall not relieve the responsibility to erect and maintain signs in a safe manner and in conformance with all other provisions of these regulations. Permits are not required for change of copy, repainting, or other normal maintenance and repair. Application shall be made on a form provided by the Planning Division. The permit shall be approved or denied within five working days and shall be valid for a period of one year.

2. SIGNS NOT REGULATED
   An application for a sign not regulated herein shall be considered by the Director as to whether the sign is allowed, prohibited or whether a variance or conditional use permit may be required.

3. ABANDONED SIGN
   Any on-premise sign associated with a building or business that has been vacant and unoccupied for at least 6 months, or any sign no longer associated with the use on the property shall be deemed abandoned. An abandoned sign is prohibited.

4. MAINTENANCE AND REPAIR
   Signs shall be maintained in a state of good appearance, safety and repair.

5. BLANKETING OF SIGNS
   No sign shall be erected in the same horizontal plane with other signs unless spaced at least 25 feet apart.

6. TRAFFIC VISIBILITY
   Signs shall not be permitted in the clear vision triangle as defined in this Code. Signs shall not be erected at any intersection so as to obstruct clear vision, or at any location where they may interfere with or obstruct the view of traffic.

7. GATEWAY STREETS
   A free-standing sign oriented to a gateway street may be regulated differently (see 11-010-04). The following are gateway streets:
   
   A. Capitol Boulevard
   B. Vista Avenue, 1-84 north
   C. Broadway Ave., 1-84 north
   D. State Street, State Capitol to Highway 55
   E. Myrtle Street
   F. Front Street
   G. Federal Way, Capitol Blvd. to Bergeson
   H. Warm Springs Avenue
   I. Park Center Boulevard
8. DESIGN GUIDELINES FOR ALL SIGNS
   A. Signs are to be integrated with and harmonious to the building and site.
   B. Pole support structures shall be covered.
   C. Signs shall complement the architectural style of the building.

9. LEGAL NONCONFORMING
   A. Any non-temporary sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size shall be considered legal nonconforming.
   B. Legal nonconforming signs may not be structurally altered, moved, or replaced without being brought into conformance with the provisions of this Code. Routine maintenance and repair is allowed.
   C. Copy changes and sign face changes that use similar materials are allowed.
   D. If the sign is abandoned or the use associated with the sign is changed, the sign shall lose its nonconforming status and be removed or brought into compliance.
   E. Violation of these provisions shall result in the sign losing its legal nonconforming status.

10. SIGN VARIANCE
    Variances from sign standards may be granted in accordance with Section 11-03-04.14.

11. ADJACENT TO RESIDENTIAL ZONES
    Signs in non-residential zones shall not be located within 50 feet of a residential zone.

12. STREET TREES
    Trees may not be topped or removed to facilitate better view of signs.

13. SIGNS FOR WHICH A PERMIT IS NOT REQUIRED
    The following shall be exempt from the provisions of this chapter except that no sign shall be exempt from the requirement to maintain clear vision triangles.
    A. Official notices authorized by a court, public body or public safety official.
    B. Directional, warning or information signs authorized by a government.
    C. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made an integral part of the building or structure.
    D. The flag of government or noncommercial institution, such as a school, and business identification flags.
    E. Religious symbols and seasonal decorations.
    F. Works of art containing no form of advertising.
G. Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 square feet in area.

H. Signs oriented only to the property on which they are located and which are not visible from the public right of way.

I. Signs in the display windows of a business which are incorporated in a display of merchandise.

J. “No Trespassing,” “No Dumping” or similar signs not to exceed one and one-half square feet in area and not exceeding four per parcel.

14. PROHIBITED SIGNS

The following are prohibited in all districts:

A. Non-permitted signs or posters that are visible from a public way and are affixed to walls, buildings, trees, poles, fences, bridges or other structures.

B. Signs placed on any street right of way, sidewalk, pole, bridge or tree, unless specifically permitted herein. Such signs may be deemed nuisances and removed by the City without prior notice.

C. Banners, pennants, strings of lights, ribbons, streamers, balloons or similar devices that call attention rather than contribute to the business décor except as maybe specifically permitted by this chapter.

D. Portable signs except those allowed as temporary signs and those allowed in the C-5 district.

E. Signs whose lighting, location or appearance would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings.

F. Any sign attached to or placed on a vehicle or trailer that is parked on public or private property or driven on public streets, except for signs meeting the following:

   (1) The primary purpose of such a vehicle or trailer is not the display of signs.

   (2) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment.

   (3) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, and actively used or available for use in the daily function of the business to which such signs relate.

G. Roof signs.

H. Animated signs.

I. Strobe lights and flashing lights.

J. Any sort of sign used to advertise or display any visually communicated message by letter or by picture, of any kind, on any seating bench, or in direct connection with any bench unless authorized by the regional public transportation system authority as permitted from the Director.
11-010-04. ON-PREMISE SIGNS

1. ACCESSORY ON-PREMISE SIGNS

A. Wall Signs

Wall signs may be displayed in accordance with the standards set forth in Table 11-010.1 and the following:

1. Wall signs shall not project above the wall.
2. Wall signs shall face the street or streets which the building faces, except that a sign on a building wall in a commercial, office or industrial zone that does not face a street may be permitted according to the following:
   a. The sign background area may be borrowed from that allowed on the building wall facing the street; and
   b. The sign area may not exceed 10% of the building wall; and
   c. The adjoining property is zoned commercial, office or industrial.
3. Number allowed

   In commercial, office and industrial zones the area allowed may be divided among multiple signs.

<table>
<thead>
<tr>
<th>Table 11-010.1: Wall Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District</td>
</tr>
<tr>
<td>R (multi-family and non-residential signs) and A zones</td>
</tr>
<tr>
<td>L-O, N-O, R-O, HS</td>
</tr>
<tr>
<td>C-1, C-4, PC, M-4</td>
</tr>
<tr>
<td>C-2, C-3, C-5, M-1, M-2, T-1, T-2</td>
</tr>
</tbody>
</table>

B. Free-Standing Signs (Accessory)

Free-Standing accessory signs may be displayed in accordance with the standards set forth in Table 11-010.2 and the following. Free-standing signs:

1. Signs shall be located within a landscaped area no smaller than the background area of the sign. New landscaped areas shall be reviewed as part of the sign application. Decorative rock or part may be a component of the landscaping.
2. Shall include the street address in letters at least 3.5 inches tall;
3. Shall be oriented to the street providing frontage to the business and be located toward the front of the parcel and as close to the main vehicle entrance as possible. Orientation to interstate highways is prohibited; and,
4. Shall be set back at least five feet from the front property line in residential and office zones; one foot in other zones. Setback shall be five feet from side property lines.
5. Number allowed: One per street frontage. Where two signs are allowed for a business on a street corner, each sign must be designed and located so as to be viewed only from the street on which it is located. In lieu of two signs, one corner
sign designed to be viewed from both streets is allowed, provided it complies with other provisions of this code.

(6) May have architectural appurtenances with no text extend up to 2 feet over the allowed height.

### Table 11-010.2: Free-standing Sign, Maximum Background Area and Height

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Background Area (square feet)</th>
<th>Maximum Height (feet)</th>
<th>Gateway (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1, R-2, R-3, A-1, A-2</td>
<td>1 per 3 lineal ft. of street frontage up to 50</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>L-O, N-O, R-O, HS, T-1</td>
<td>1 per 3 lineal ft. of street frontage up to 50</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>C-1, C-4, C-5, M-1, M-2, T-2</td>
<td>70</td>
<td>15</td>
<td>12</td>
</tr>
<tr>
<td>C-2, C-3</td>
<td>80</td>
<td>20</td>
<td>12</td>
</tr>
</tbody>
</table>

### C. Master Sign Plan

For multi-tenant commercial developments on at least two acres that are planned and developed as a unit including but not limited to, hospital complexes, office centers (multiple buildings on at least 2 acres) and industrial parks (multiple buildings on at least five acres), a master sign plan is required prior to the placement of any signs.

(1) The master sign plan shall establish standards and criteria for all signs that require sign permits and shall address location, materials, design and quantity.

(2) One free standing center sign is permitted on each street frontage (maximum of two) according to the provisions of the following table. Where there is more than 1,000 feet of frontage on a street, a second sign is allowed. Center signs on Gateway Streets may not exceed the Gateway Street height standards.

(3) Free-standing signs shall be located as near to the primary access driveway as practical. Free-standing signs in commercial and industrial zones shall not be closer than 150 feet from any residentially zoned property.

(4) Separate building pads within centers and parks are allowed one monument style sign with a maximum height of 8 feet and maximum background sign area of 32 square feet, but may not exceed the standards in Table 11-010.2.

(5) Attached signs are permitted in any number, location, or orientation, except toward an adjoining residential property, provided that the total square footage does not exceed 18% of the wall face upon which the signs are placed.

(6) Sign height and placement shall be consistent throughout the development.

(7) Design

Signs shall incorporate materials, colors and design motifs that are compatible with buildings in the development.

### Table 11-010.3: Center Sign Maximum Background Area and Height

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Background Area (square feet)</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>L-O, N-O, R-O, HS, T-1</td>
<td>80</td>
<td>15</td>
</tr>
<tr>
<td>C-1, C-4, C-5, PC, M-1, M-2, T-2</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>C-2, C-3</td>
<td>150</td>
<td>30</td>
</tr>
</tbody>
</table>
D. Directional Signs

(1) Up to two directional signs shall be permitted at the street entrance to any parcel. The maximum area is four square feet and the maximum height is four feet.

(2) Non-accessory directional signs may be erected by governments giving direction to places of general interest such as colleges, parks, hospitals, etc. Such signs shall be subject to approval by the Director as to the size, location and method of erection.

2. TEMPORARY SIGNS

A. Real Estate Signs

Non-illuminated real estate signs shall be allowed in all zones without permits subject to the following:

(1) Number
(a) One per residential parcel.
(b) One per frontage for nonresidential.

(2) Size
(a) Six square feet for a single residential lot
(b) 32 square feet in residential and office zones
(c) 64 square feet in commercial and industrial zones.

B. Development and Construction Signs

Non-illuminated signs temporarily erected during construction to inform the public of the nature of the project shall be allowed in all zones subject to the following:

(1) Number
(a) One per residential parcel.
(b) One per frontage for nonresidential parcel.

(2) Size
(a) Six square feet for a single residential lot
(b) 64 square feet in residential and office zones
(c) 96 square feet in commercial and industrial zones.

(3) Display Duration
Such signs may not be displayed until after the issuance of construction permits and must be removed not later than 24 hours following issuance of an occupancy permit for any portion of the project.

C. Special Promotions, Event and Grand Opening Signs

Any lawful business location (except a home occupation) may utilize one temporary, portable sign after obtaining a permit and in accordance with the following:

(1) Within any calendar year, a business shall be limited to the display of one temporary sign for a maximum of three 30 consecutive day periods. Each 30 day period shall be separated by at least 30 days.
CHAPTER 11-010: Sign Standards
Section 11-010-05: Regulations by Sign Type
Subsection 1: Canopy and Marquee Signs

(2) Maximum sign area is 32 square feet for free-standing signs the maximum height is 8 feet.

D. Special Community Event Signs
Signs advertising a special community event shall be permitted, including in or over public rights-of-way, subject to approval by the Director as to the size, location and method of erection. Signs that might impair safety or obstruct traffic visibility may not be approved.

E. Political Signs
Political signs shall be allowed in all zoning districts without permits. Such signs shall not be placed in any public right-of-way and may not obstruct traffic visibility.

F. Community events within the Grove
Pennants, flags, banner, balloons and promotional sandwich boards may be permitted during and for community events in the Grove. Signs may not remain in place overnight. Sandwich boards shall not exceed a height of four feet or a width of three feet. Permits are not required.

11-010-05. REGULATIONS BY SIGN TYPE
For some sign types, regulations shall apply as indicated in this Section.

1. CANOPY AND MARQUEE SIGNS
The permanently-affixed copy area of canopy or marquee signs shall not exceed an area equal to 25 percent of the face area of the canopy, marquee or architectural projection upon which such sign is affixed. Graphic striping, patterns or color bands on the face of a canopy, marquee or architectural projection shall not be included in the computation of sign area.

2. AWNING
The copy area of awning signs shall not exceed an area equal to 25 percent of the background area of the awning to which the signs is affixed, or the permitted area for wall or fascia signs, whichever is less. Background colors, striping, patterns or valances, shall not be included in the computation of the sign area.

3. PROJECTING
A. Districts Where Allowed

Table 11-010.4: Projecting Signs Allowed by Zone District

| Allowed   | C-1, C-2, C-3, C-4, C-5, R-O, PC, T-1, M-1, M-2 |
| Prohibited | R-1, R-2, R-3, A-1, A-2                        |

B. Standards
(1) Maximum Background Area
The maximum background area shall be 5 percent of the wall area facing a street in the C-1 district (50 square feet maximum and 10 percent in all other districts where allowed (75 square feet maximum). When both projecting and wall signs are utilized, the maximum area for both signs is reduced by 50 percent.

(2) Number Allowed
One per street level business for each street frontage. Where there is more than 150 feet of frontage for one business, a second sign is allowed.
(3) Projection above Building Height
No sign shall extend vertically above the highest point of the building façade upon which it is mounted by more than two feet.

(4) Projection from Wall
Projection from wall shall be no more than ten feet, or to within two feet of the face of the curb, whichever is lesser.

(5) Clearance
Clearance over public property shall be a minimum of 12 feet.

(6) Height
Not to exceed 30 feet above the ground.

4. UNDER CANOPY/MARQUEE (HANGING)

A. Under canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed 16 square feet.

B. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 8 feet.

5. WINDOW
Window signs shall be allowed without permits for any business (except home occupations) subject to the following:

A. The aggregate area of all such signs shall not exceed 25 percent of the window area.

B. Window signs shall not be assessed against the sign area permitted for other sign types.

6. ELECTRONIC MESSAGE DISPLAYS (EMD)
Signs may contain electronic message displays in accordance with the following:

A. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing, scintillating or varying of light intensity.

B. Each message or frame must be displayed for a minimum of eight seconds.

C. Area shall not occupy more than 50 percent of the sign.

D. The brightness or intensity of the EMD shall be factory set not to exceed 5,000 nits on clear days and 500 nits from dawn to dusk. The EMD shall also not exceed 50 percent of its maximum brightness on clear days and 10 percent of maximum brightness from dawn to dusk. Each display must have a light sensing meter that will adjust the display brightness as the ambient light changes. Brightness levels must also be appropriate for the ambient light conditions.
E. Text-only single-color message displays with letters no higher than 12 inches may scroll or travel without the static message limitation. Maximum area for such displays is 8 square feet.

F. EMD’s are allowed in R- A- and O- zones only by conditional use permit.

G. One EMD per business or center.

H. EMD’s may not be installed on a non-conforming sign.

7. WALL SIGNS ORIENTED TO INTERSTATE HIGHWAYS

Commercial and industrial zoned properties that abut I-84 or I-184 southwest of 15th Street may have one wall sign per business oriented to the highway, in accordance with the following:

A. Area
One square foot in sign area for each lineal foot of wall up to 32 square feet.

B. Height
Shall not exceed the height of the wall or 30 feet.

C. Readerboards and EMD’s are prohibited.

8. PORTABLE SIGNS IN THE C-5 DISTRICT

Portable signs are defined as A-frame, T-frame and similar free-standing, movable signs that are placed on the sidewalk.

Number
(1) Ground floor businesses with street frontage are allowed one per street frontage.
(2) One sign per building frontage may be permitted for upper levels and one for below ground uses.

B. Maximum sign area is 7 square feet.

C. Location
Signs shall be located outside vision triangles in the furnishing zone or close to the curb in front of the business and shall not obstruct pedestrian traffic or violate ADA guidelines. If adequate space does not exist in a furnishing zone or near the curb, a sign may be placed in a vestibule or alcove near a building entrance, so long as a 5 foot clear pedestrian zone is maintained. Signs shall not be placed within 5 feet of the curb abutting an on-street accessible parking stall.

D. Signs shall be made of stable and durable material and shall be aesthetically pleasing.
11-010-06. OFF-PREMISE SIGNS

1. OFF-SITE IDENTIFICATION

When off-site identification is needed because of excessive distance from a public street, lack of street
tfrontage, unusual topography or other special circumstances, an off-premise sign may be allowed with a
conditional use permit. The standard conditional use approval criteria and the special circumstances noted
above shall be used to evaluate the request. The base zone standards for sign size and location shall
apply.

2. POSTER PANEL AND BULLETIN PANEL OFF-PREMISE SIGNS (BILLBOARDS)

Each application for a billboard must be accompanied by a demolition permit for an existing billboard.
The number of billboard signs in the City shall not be increased except through annexation. Off-premise
poster panels and bulletin panels may be allowed in the C-2, C-3, M-1 and M-2 zones upon approval of
a conditional use permit, except that no signs may be located on Capitol Boulevard or on Federal Way
between Capitol Boulevard and Bergeson Street.

A. Approval Criteria

The PZC must make the following findings:

(1) That the sign will not negatively impact the visual quality of a public open space.

(2) That the sign will not block the view of a structure of historical or architectural
significance.

(3) That sign height is compatible with buildings within a 300 foot radius. Where view
of the sign would be blocked by buildings, or where view of buildings would be
blocked by the sign, the sign height shall not exceed the building height by more
than 12 feet. Where there are no buildings within 300 feet, sign height shall not
exceed 22 feet.

(4) That sign lighting will not spill onto adjacent properties.

B. Design and Location

New signs must comply with the following:

(1) Sign area height shall not exceed 10.5 feet.

(2) Sign area shall not exceed 248 for poster panels and 378 for bulletin panels.

(3) Sign height shall not exceed 40 feet, but may be limited to less by 11-010-

(4) No sign may be located within 1000 feet of another billboard on the same side
of the street. However, if a sign is larger than 312 square feet, the distance to
another such sign must be at least 2000 feet.

(5) A sign on one side of the street may be no closer than 150 feet from a sign on
the opposite side of the street, as measured along the line of travel.

(6) At any street intersection, there may be no more than 496 square feet of billboard
sign area within 250 feet measured from the street corner curbs.

(7) Back-bracing is prohibited.

(8) View of the sign should be unobstructed for 250 feet along the line of travel.
CHAPTER 11-010: Sign Standards
Section 11-010-07: Special Sign Districts
Subsection 1: Capitol Boulevard Sign Standards

(9) Electronic message displays are allowed with static frame effects that change with no transition — no more frequently than every 8 seconds. Brightness levels shall comply with Section 11-010-05.6.

(10) Setbacks shall be at least 5 feet from any property line. When adjacent to residentially zoned property, the setback of that residential zone shall be met.

<table>
<thead>
<tr>
<th>Table 11-010.5: Off-Premise Poster Panels and Painted Bulletin Signs Allowed by Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibited</td>
</tr>
<tr>
<td>Allowed with Sign Permit</td>
</tr>
</tbody>
</table>

11-010-07. SPECIAL SIGN DISTRICTS

1. CAPITOL BOULEVARD SIGN STANDARDS

In addition to the generally applicable sign regulations of this Chapter, these special standards apply in the Capital Boulevard Special Design District.

A. **Review**

(1) Signs require Design Review approval as an overall sign plan for the site.

(2) The Design Review Committee shall provide recommendations to the Planning and Zoning Commission on requests for variances and conditional use permits.

B. **General Standards**

(1) One sign per building is permitted for each street frontage in accordance with the following provisions. The sign may be of the wall, free-standing or projecting type.

(2) Wall signs shall not exceed 15% of the wall area in size or 65 square feet, whichever is less. In addition, multi-tenant buildings are allowed one 16 square foot sign per tenant.

(3) In lieu of wall signs under 2. above, projecting signs may be allowed. Projecting signs shall not exceed 25 square feet in area and shall not exceed the building height or 20 feet, whichever is less. In addition, multi-tenant buildings are allowed one 12 square foot sign per tenant.

(4) Colors, materials and lighting shall be restrained and harmonious with the building and site.

(5) Use of neon is encouraged for illumination.

(6) Electronic message displays shall be allowed only with a conditional use permit. Manual readerboards must be approved by the Design Review Committee.

(7) Free-standing signs are allowed as per the size and height regulations for Gateway Streets.
1. The Planning Director shall take appropriate enforcement action to correct or abate any violation where a sign is erected, constructed, altered, repaired, moved, or maintained in violation of these sign regulations or any other City ordinance.

2. The violation of or failure to comply with any of the provisions of this Code or the erection, use, or display or the allowing of any unlawful sign is a misdemeanor pursuant to Section 1-3-2 of the Boise City Code. Each day or portion thereof upon which a violation occurs constitutes a separate offense.
CHAPTER 11-011: NONCONFORMANCE

11-011-01. NONCONFORMING USES, PARCELS AND STRUCTURES

A nonconforming use, parcel or structure is one that was legally established but that is not in compliance with Tittle 11 due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain or similar action.

11-011-02. NONCONFORMING PARCELS

Notwithstanding the minimum requirements for parcel size within the various zoning districts, structures may be built, expanded, reconstructed, occupied or used on a nonconforming parcel that existed prior to the enactment of this ordinance provided that such structures and uses meet all other applicable requirements of this ordinance.

11-011-03. NONCONFORMING STRUCTURES

1. A structure occupied by a nonconforming use may be maintained and repaired. Examples of allowed maintenance are painting, re-roofing and steps to ensure safety and compliance with building codes.

2. When a structure housing a nonconforming use is illegally modified or expanded, the nonconforming status of the use shall be lost.

3. A nonconforming structure may not be replaced except in compliance with the zoning code, but may be maintained, repaired or internally altered provided that there is no increase in the degree of noncompliance with zoning regulations.

11-011-04. NONCONFORMING USES

1. Minor expansions of nonconforming uses (and the structures housing them) not exceeding 20 percent of gross floor area may be allowed in accordance with the procedures for approving staff level conditional use modifications. Expansions greater that 20 percent and not considered minor by the Director may be allowed in accordance with the procedures for approving a conditional use permit. Both require compliance with findings ii-iv of 11-03-04.6C(7)(a).

2. Nonconforming uses may be converted to other uses upon issuance of a zoning certificate based on the following findings:

   A. The conversion will not violate a policy of the Boise City Comprehensive Plan.
   B. The conversion will not unduly burden transportation or service facilities.
   C. The conversion will not result in adverse impacts to surrounding properties.
   D. The use proposed will be equal or less in intensity, impact and demand for services.

3. When a nonconforming use has been impremissibly changed, enlarged or expanded the nonconforming status shall be lost. Thereafter, the lands and structures may only be used in conformance with this ordinance.

4. A nonconforming use that is discontinued for a period of one year shall be deemed to have been purposely discontinued, unless otherwise specified herein. Thereafter, the lands and structures may only be used in conformance with this ordinance.
5. These regulations shall not be used to deprive the use of improvements on private property based solely on nonuse of the improvements for their designed purposes for a period of ten years or less.

### 11-011-05. DESTRUCTION BY CALAMITY

Nonconforming status shall be lost when a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire or other calamity to the extent that the cost of restoration is 50 percent or more of the assessed value, except upon issuance of a conditional use permit. Absent a conditional use permit, the structure and property are subject to extant zoning regulations.

### 11-011-06. DETERMINATION OF NONCONFORMING STATUS

Application for determination of nonconforming status shall be made to the Planning Director with the appropriate form and fee. The burden of proof falls on the party requesting the determination. Proof may include but is not limited to utility records, photographs, assessor’s records, rental receipts, phone directories, notarized statements and Polk Directories.
CHAPTER 11-012: DEFINITIONS

11-012-01. MEANINGS OF WORDS GENERALLY

As used in this Code, each of the terms defined shall have the meaning given in this Section unless a different meaning is clearly required by the context.

1. GENERAL RULES

The following rules shall apply for construing or interpreting the terms and provisions of this Development Code.

A. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in this Section and the specific purpose statements set forth throughout this Code.

B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the city, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the city. References to days are calendar days unless otherwise stated.

E. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, or document, unless otherwise specifically stated.

F. Delegation of Authority

Any act authorized by this Code to be carried out by a specific official of the city may be carried out by a designee of such official.

G. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

H. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Boise City, Idaho, unless otherwise indicated.

I. Mandatory and Discretionary Terms

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.
CHAPTER 11-012: Definitions
Section 11-012-02: Definitions of Use Categories and Use Types
Subsection 2: Interpretations

J. Conjunctions
Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) “And” indicates that all connected items, conditions, provisions, or events apply; and

(2) “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

K. Tenses, Plurals, and Gender
Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

2. INTERPRETATIONS
The Director has final authority to determine the interpretation or usage of terms used in this Code.

11-012-02. DEFINITIONS OF USE CATEGORIES AND USE TYPES

1. RESIDENTIAL USES
A residential structure is building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes and dormitories. The term also includes accessory use areas used in conjunction with and forming an integral part of a residential structure.

A. Single- and Two-family Living
This use category is characterized by residential occupancy of a dwelling unit by up to two households. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the “Visitor Accommodation” category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations. Specific use types include, but are not limited to:

(1) Accessory Dwelling Unit
Except as may be further restricted, an accessory dwelling unit is a dwelling unit that is incidental and subordinate to the principal use of the premises, and does not alter the essential characteristic of the use.

(2) Caretaker Residence
A dwelling on a nonresidential property occupied by a person, and the immediate family of the person, who oversees or guards the operation.

(3) Dwelling, Single Family
A building designed for use and occupancy by no more than one family.

(4) Dwelling, Duplex
A detached building containing two dwelling units, each of which includes a separate bathroom and kitchen. The two units must be able to function as dwelling units independently of each other.
CHAPTER 11-012: Definitions
Section 11-012-02: Definitions of Use Categories and Use Types
Subsection 1: Residential Uses

(5) **Manufactured Home**
A factory-built structure that is manufactured or constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, and as may be amended, that became effective June 15, 1976, and, is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

(6) **Manufactured Home, Stock**
A stock manufactured home does not have all the architectural placement standards of an Enhanced Manufactured Home.

(7) **Manufactured Home, Enhanced**
An enhanced manufactured home meets all the architectural and placement standards of the use standards in Section 11-06-03.1.C, *Manufactured Home, Enhanced*.

(8) **Manufactured Home Community**
Any site, lot, tract, plot, or parcel of land, designed for the placement of ten or more manufactured homes, located and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented.

(9) **Mobile Home Park**
Any area, tract, plot, or parcel of land, developed and designed for placement of mobile homes located and maintained for dwelling purposes on a permanent or semi-permanent basis.

B. **Multi-family Living**
This use category is characterized by residential occupancy of a dwelling unit by more than two households. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the “Visitor Accommodation” category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles. Specific use types include, but are not limited to:

(1) **Multi-family Building**
A building, or portion thereof, containing three or more dwelling units excluding attached single family townhouse units located on individual lots.

(2) **High Rise**
A multifamily building having floors used for human occupancy located more than 75 feet above the lower level of fire department vehicle access.

C. **Other**
This category is characterized by residential occupancy of a structure that does not meet the definition of “Single and Two-Family Living” or “Multi-family Living”. Generally, these structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include, but are not limited to:
CHAPTER 11-012: Definitions
Section 11-012-02: Definitions of Use Categories and Use Types
Subsection 1: Residential Uses

(1) Boarding or Rooming House
A building other than a hotel or restaurant where lodging or lodging and meals are provided for compensation to six to 12 persons who are not members of the householder’s family.

(2) Bed and Breakfast
A type of hotel providing overnight accommodations and breakfast food service. If designed to accommodate 12 or fewer guests, it shall be considered a type of boarding or rooming house rather than a hotel.

(3) Convalescent Home, Nursing Home
A building housing any facility, however named, whether operated for profit or not, the purpose of which is to provide skilled nursing care and related medical services for two or more individuals suffering from illness, disease, injury, deformity, or requiring care because of old age.

(4) Fraternity or Sorority House
A facility for housing a club of men (fraternity) or women (sorority) college students.

(5) Halfway House
A type of housing for persons convicted of non-violent crimes who are in the later stages of serving a sentence and are being transitioned back into free society.

(6) Group Home
A single family dwelling or dwelling unit that is occupied exclusively by elderly persons or persons with a disability and no more than two resident staff, where all state and local licensing and standards of operation requirements have been met. Public/Institutional Uses

D. Child or Adult Care
A child or adult care facility is a building where children or adults regularly receive care, maintenance, and supervision usually unaccompanied by a parent, guardian, or custodian, and regardless of whether the facility does or does not provide any educational instruction. This use excludes:

(1) The care of the operator’s children or legal wards,
(2) Children or adults related by blood or marriage,
(3) Occasional personal guests,
(4) Any home, place or facility providing overnight custodial services for lodging and/or boarding for the occupants therein, and
(5) Children aged 12 years and over.
The occupant load of a building, as determined by the Building Department and Fire Department requirements, will include all persons using the facility.

E. Adult Day Care
A facility where adults regularly receive care, maintenance, and supervision unaccompanied by a guardian or custodian, regardless of whether the facility does or does not provide any educational instruction. This use excludes

(1) Care of operator’s legal wards or relatives;
(2) Occasional personal guests; and
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F. Child Care Home
A child care facility for six or fewer children that is an accessory use to a primary residential use.

G. Group Child Care Home
A child care facility for 7 to 12 children within the operator’s residence.

H. Group Child Care Center
A child care facility for 7 to 12 children that is outside the operator’s home.

I. Intermediate Child Care Center
A child care facility providing for 13 to 20 children.

J. Large Child Care Center
A child care facility providing for 21 or more children.

K. Communication Uses
Communication uses transmit analog or digital voice or communications information between or among points using electromagnetic signals via antennas, microwave dishes, and similar structures. Supporting equipment includes buildings, shelters, cabinets, towers, electrical equipment, parking areas, and other accessory development. Specific use types include, but are not limited to:

1. Broadcasting or Recording Studio
A building or portion of a building used as a place for radio or television broadcasting or recording but without a transmission tower.

2. Lattice Tower
A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

3. Microcell Facilities
A small wireless communications facility consisting of an antenna that is either:
   a) Four feet in height and with an area of not more than 580 square inches; or
   b) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

4. Monopole
A support structure that consists of a single pole sunk into the ground and/or attached to a foundation.

5. Transmission Tower
A structure in a fixed location used as an antenna or to support antennas for the primary purpose of transmitting and/or receiving electronic signals. This definition includes nonresidential broadcast, communication, transmission, and similar towers, either freestanding or attached to an adjacent broadcasting or transmitting facility.
L. Community Facility

Community facility uses include buildings, structures, or facilities owned, operated, or occupied by a governmental or philanthropic agency to provide a service to the public. Specific use types include, but are not limited to:

1. Cemetery
   Land used or dedicated to the interment of human or animal remains, including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

2. Club, Lodge, Social Hall
   The assembly use of a building or of any premises by a nonprofit association, where such use is restricted to enrolled members and their guests.

3. Government Buildings
   A building owned or used by the federal, state, county, or city government, or any political subdivision, agency or instrumentality thereof.

4. Mortuary
   A facility in which deceased human bodies are kept and prepared for burial or cremation.

5. Recreation Center
   A commercial or non-profit bowling alley, roller rink, or similar use designed for amusement or recreation.

6. Religious Institution
   A building that is used primarily for religious worship and related religious activities.

7. Uses Related to and Operated by a Religious Institution
   A use, such as a thrift store, homeless shelter, rectory, or similar, that is operated by a religious institution and located on the same parcel or an adjacent parcel to the religious institution.

M. Educational Use

Education uses are public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, parking, transit-related facilities, auditoriums, and before or after school day care. Specific use types include, but are not limited to:

1. Auditorium, Stadium, or Lecture Hall seating more than 500 people
   A building or portion of a building in which facilities are provided for more than 500 people, for educational or assembly purposes.

2. Library
   A permanent facility for storing and loaning books, periodicals, reference materials, audio and videotapes, and other similar media to city residents.

3. Private Commercial School
   A school, regardless whether it is operated for profit, primarily devoted to instruction, in dance, music, drama, art, languages, martial arts training, and business.
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(4) School
An institution of learning, whether public or private, that offers instruction to a group of children in those courses of study required by the State Board of Education. This definition includes nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the Idaho Department of Education, but it does not include a vocational or professional school or any institution of higher education, including a college or university.

(5) Trade or Vocational School
An institution or facility conducting instruction in the technical or trade skills such as business, secretarial training, medical-dental technician training, beauticians, barbers, electronics and automotive technician training.

(6) University
Boise State University

N. Health Care Uses
Health care uses are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include, but are not limited:

(1) Hospital
An institution devoted primarily to the maintenance and operation of facilities for the medical or surgical care of patients 24 hours a day, including specialized and surgical hospitals. The term "hospital" does not include clinics, convalescent or boarding homes, or any institution operating solely for the treatment of mentally ill persons, drug addicts, alcohol addicts, or other types of cases necessitating forcible confinement of patients.

(2) Laboratory, Medical/Dental
A facility that provides medical services, such as pathological testing or manufacturing of prosthetics and orthopedic appliances, or that provides dental services including the manufacturing of orthodontic appliances, crowns, and dentures.

(3) Medical Research Facility
A facility designed for the purpose of conducting medical research.

(4) Office, Medical
A facility for a group of one or more physicians for the examination and treatment of human patients, primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals. Patients are not kept overnight except under emergency conditions. Ancillary laboratory facilities may be included.

O. Parks, Recreation and Open Space
Park and open space uses focus on natural areas, large areas consisting mostly of vegetative landscaping, or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker’s quarters, and parking. Specific use types include, but are not limited to:
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(1) Forest Reserve, Recreation Area
(2) Golf Course
(3) Park or Playground
(4) Public Plaza

P. Social Care

Social Care uses provide services to people with limited financial resources, including people who are homeless.

(1) Food Kitchen
A facility providing food at meal times to people with limited financial resources, including people who are homeless.

(2) Shelter Home
A facility providing basic services that may include food; personal hygiene support; information and referrals; employment, mail and telephone services; including overnight sleeping accommodations, to people with limited financial resources, including people who are homeless.

(3) Single Resident Occupancy Hotel
Means a building that provides living units with separate sleeping areas and some combination of shared bath or toilet facilities. The building may or may not have separate shared cooking facilities for residents.

Q. Transportation Uses

This category includes facilities that receive and discharge passengers and freight. Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities. Specific use types include, but are not limited to:

(1) Aircraft Landing Field
Any area of land or water that is used or intended for use by aircraft and including the necessary appurtenant structures or facilities located thereon.

(2) Bus Station
Any premises for the transient housing or parking of buses and the loading and unloading of passengers.

(3) Transit Terminal
A passenger terminal or loading facility for a privately or publicly owned transit system, including a private shuttle service.

(4) Trucking Terminal
An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where primarily diesel fuel is sold.

R. Utility

Utility uses include buildings, structures, or other facilities used or intended to be used by any private or public utility. This category includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. Accessory uses may
include control, monitoring, data, or transmission equipment. Specific use types include, but are not limited to:

1. **Gas Fired Power Plant**
   An electrical utility plant fueled by natural gas.

2. **Utility Facility, Minor**
   A small facility required for the operation of a utility controlled by the Idaho Public Utilities Commission including minor wells, pump houses, etc.

3. **Utility Facility, Major**
   A large facility required for the operation of a utility controlled by the Idaho Public Utilities Commission including electrical substations, major water storage reservoirs, etc.

2. **COMMERCIAL USES**

   A. **Agriculture Uses**
   The use of land for purposes including farming and crop production, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of farm products and parking of equipment. Specific use types include, but are not limited to:

   1. **Agriculture and Stables**
      Tilling of soil, aquaculture, raising crops, livestock, farming, dairying, and animal husbandry including all customarily accessory and incidental uses, but excluding hogs, slaughterhouses, fertilizer works, bone yards, and commercial feed lots; or a building or structure used or designed for the boarding or care of riding horses.

   2. **Hog Raising, Feedlot, Stockyard**
      A lot or parcel on which hogs are raised, bred and slaughtered, or where livestock are fed intensively in order to fatten for market, or where livestock are held on a short-term basis prior to slaughter. It does not include short-term holding pens for auction facilities.

   3. **Slaughterhouse, Rendering Plant**
      A facility for the slaughtering and processing of animals and refining of animal byproducts.

   B. **Animal Related Business**
   Animal related business uses involve the selling, boarding, or care of animals on a commercial basis. Accessory uses may include confinement or exercise facilities for animals, parking, and storage areas. Specific use types include, but are not limited to:

   1. **Animal Daycare**
      A lot or building where five or more dogs, cats, and other household domestic animals are maintained, harbored, or cared for on a daily basis, not to include overnight stays.

   2. **Animal Hospital, Large**
      Any building or portion thereof designed or used for the care of the following animals: cattle, sheep, goats, horses, hogs, large exotic cats, or similar animals.

   3. **Animal Hospital, Small**
      Any building or portion thereof designed or used for the care of the following animals: dogs, cats, primates, birds, water fowl, reptiles, rodents, and similar animals.
(4) **Boarding Kennel, Commercial**
Any lot or premises or portion thereof, on which five or more dogs, cats, and other household domestic animals are maintained, harbored, possessed, boarded, bred, or cared for in return for compensation or are offered for sale.

(5) **Boarding Kennel, Non-Commercial**
Any lot or premises or portion thereof on which more than four dogs or cats or a combination of such animals are maintained, harbored, possessed, bred, or cared for, without compensation and are not for sale. A noncommercial kennel license for such activity is required from the City Clerk.

(6) **Small Animal Grooming**
Grooming for small animals on an appointment basis, with drop off and pick up on the same day.

(7) **Veterinary Clinic**
The office or clinic of a veterinarian, where small animals or household pets are given medical, surgical, or health maintenance treatment. The boarding of animals is limited to short-term care incidental to the treatment clinic and must be a secondary use of the property.

C. **Financial Service**
Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking. Specific use types include, but are not limited to:

(1) **Bank, Financial Institution**
An establishment that provides banking services, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers. The establishment may or may not have a drive-thru facility.

D. **Food and Beverage Service**
Food and beverage service businesses serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

(1) **Coffee/Espresso Stand**
A beverage service establishment where drive-up window service is the primary customer access.

(2) **Tavern/Lounge**
A building where alcoholic beverages are sold for consumption on the premises, not including restaurants where the principal business is serving food.

(3) **Restaurant**
Any land, building or part thereof, other than a boarding house, where meals are provided for compensation, including uses such as brewpub, cafe, cafeteria, coffee shop, lunch room, tea room and dining room, but not taverns or lounges. Brewpubs brew alcoholic beverages that are made and sold for consumption on the premises.
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E. Office
Office uses are primarily for conducting the affairs of a business, profession, service, or industry, or like activity, that may include ancillary uses such as restaurants, coffee shop, and limited retail sales. Specific use types include, but are not limited to:

(1) Office, Business or Professional
Offers business or professional services, such as accountants, architects, attorneys, insurance brokers, realtors, investment counselors, but not including medical or personal services.

F. Service Retail
Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receives goods from or returns goods to the customer, that have been treated or processed at that location or another location. Specific use types include, but are not limited to:

(1) Person Service
A facility that provides individualized services generally related to personal needs. These include, but are not limited to, beauty and healthcare services such as hair and nail salons, and barber shops. The term does not include tattoo parlors, body piercing or massage establishments.

(2) Laundry and Dry Cleaning Service
An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers and that also includes on-site laundry and/or cleaning activities, including related operation of equipment and machinery. Establishments that do not include on-site cleaning activities are classified as “general personal services.”

(3) Massage Establishment
A fixed place of business wherein any individual, partnership, firm, association, corporation, or combination of individuals, engages in, conducts, carries on or permits to be conducted or carried on, for money or other consideration, administration of a massage.

(4) Photography Studio
A business where photography is practiced on a professional level for portraiture and for various commercial and industrial applications, including the preparation of photographs for advertising, illustration, display, and record-keeping.

(5) Printing, Lithography, Publishing & Reproductions, Exclusive of Paper Manufacturing
The business of making copies of printed materials.

(6) Self-Service Laundry
An establishment with pay-per-use clothes washing and drying machines where customers launder their own clothes. May include accessory retail sales of laundry soap and similar items, primarily for use on the premises.

(7) Tattoo Parlors and Body Piercing Establishments
A business creating permanent picture or design on skin by pricking it and staining it with an indelible dye and piercing of the body.
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(8) **Retail Tobacco Business**
A business which (1) during the normal course of business primarily distributes any tobacco product or provides any equipment or material used for the consumption of tobacco, (2) lawfully may permit smoking indoors, and (3) does operate a smoking area on premises owned, operated, or used by the business, whether indoors or outdoors, during any portion of its hours of operation.

G. **Recreation and Entertainment**

(1) **Concert Hall/ Dance Hall**
A business operating in an area, whether indoors or out, where amplified sound or music is provided for entertainment.

(2) **Firing Range**
A controlled area of activity, indoors or outdoors, specifically designed for the discharging of firearms at targets.

(3) **Health Club**
A club for leisure and fitness activities.

(4) **Recreation, Commercial – Indoor**
An indoor facility for bowling alley, skating rink, arcade, arena, archery, and similar uses.

(5) **Recreation, Commercial – Outdoor**
Amusement parks, ball park (baseball, football, soccer), water park, batting cages, go-cart track, and similar uses partially conducted outside of a building.

(6) **Recreation Center**
A commercial or non-profit bowling alley, roller rink, or similar use.

(7) **Social Event Center**
An establishment for weddings, birthdays, dances, celebrations, and other similar special events.

(8) **Swimming Pool, Commercial**
Any facility intended for swimming or recreational bathing that contains water over 24 inches (610 millimeters) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

(9) **Theater**
A building used primarily for the presentation of live stage productions, performances, or motion pictures.

(10) **Theater, Drive-In**
A form of cinema consisting of a large screen, a projection booth, a concession stand, and a large outdoor parking area for automobiles.

H. **Retail (Sales)**
Retail (Sales) uses are private enterprises that provide goods directly to the general public for purchase. This use does not include food service, personal service, construction equipment rental, or recreation uses. No outdoor display or outdoor storage is permitted unless specifically authorized by this Code. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to:
(1) **Building Materials, Hay, Grain, Bulk Garden Supply, Heavy Materials**
A retail business that sells large, bulky, or heavy goods including building materials and agricultural goods, such as hay, grain, bulk garden supplies, tools, and equipment.

(2) **Convenience Store with Gasoline Service**
An establishment generally less than 5,000 square feet engaged in the sale of convenience goods, such as pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods, and that also provides the retail sale of petroleum products dispensed through gasoline pumps and other supplies for motor vehicles.

(3) **Drive-Up Establishment**
An establishment, whether it be the primary or an accessory use, other than automobile service station or parking lot, that is designed to allow the occupants of a motor vehicle to make purchases or receive services at a window or service area while remaining in the vehicle.

(4) **Grocery**
A market where food and related items are sold.

(5) **Optician**
A business that fits and sells lenses, eyeglasses, and other optical instruments.

(6) **Pharmacy**
A location where prescription drugs are sold. May also include the sale of non-prescription drugs and personal care items.

(7) **Retail Store**
A single retail use in one stand-alone building or tenant space.

(8) **Shopping Center, Convenience Commercial**
A small shopping center that typically features an approximately 2,500 square foot groceries/sundries store as an anchor tenant and may also provide other services such as gasoline sales, dry cleaners, coffee shop, dentist office, beauty shop, day care, etc. A convenience shopping center may have an average building area ranging from 15,000 to 35,000 square feet and occupy one to three acres.

(9) **Shopping Center, Neighborhood Commercial**
A moderate sized shopping center, planned and developed as a unit, typically composed of a grocery up to 60,000 square feet in size, and usually containing additional smaller tenants serving a local market area. A neighborhood shopping center may have a gross floor area ranging from 35,000 to 100,000 square feet and may occupy up to 10 acres.

(10) **Shopping Center, Community Commercial**
A group of commercial establishments, planned and developed as a unit, typically featuring an approximately 50,000 square foot or greater grocery store and/or department store or volume discount retail outlet as an anchor tenant/s and may include freestanding buildings containing restaurants or other commercial uses. A community shopping center has a gross floor area of over 100,000 square feet but no more than 300,000 square feet and typically occupies from 10 to 25 acres.

(11) **Shopping Center, Regional Commercial**
A group of commercial establishments, planned, developed, owned, and managed as a unit related in location, size and types of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the type and size of stores. The major
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tenant is one or more full line department stores. Size of the center can range between
300,000 square feet to over one million square feet of gross leasable area.

I. Vehicles and Equipment

Vehicles and equipment uses include a broad range of uses for the maintenance, sale, or rental of
motor vehicles and related equipment. Accessory uses may include incidental repair and storage,
offices, and sales of parts. Specific use types include, but are not limited to:

(1) Auto Emission Van Test Site
A lot, structure, or vehicle where emissions are tested or evaluated to determine
compliance with law.

(2) Automotive Sales Lot
An establishment engaged in the display, sale, leasing, or rental of new or used motor
vehicles.

(3) Battery Rebuilding Shop
A motor vehicle repair shop that rebuilds vehicle batteries.

(4) Car Wash
A facility for the cleaning of automobiles, providing either self-serve facilities or
employees to perform washing operations.

(5) Motor Vehicle Repair, Minor
Incidental repairs, replacement of parts, and minor service to motor vehicles, but not
including any operation specified as "Motor Vehicle Repair, Major."

(6) Motor Vehicle Repair, Major
General repairs to vehicle engine, transmission or drive-train; rebuilding or major
reconditioning of worn or damaged motor vehicles or trailers; collision service, including
body, frame or fender straightening or repair; and overall painting of motor vehicles or
trailers.

(7) Parking Lot
An open, graded, and surfaced area, other than a street or public right-of-way, to be
used for the storage, for limited periods of time, of operable passenger automobiles and
commercial vehicles, and available to the public, whether for compensation, free, or as an
accommodation to clients or customers.

(8) Parking Lot, Off-Site
Any required parking space that is separated from the site of the principal use by either
an intervening lot, a public roadway, or a public alley.

(9) Parking Garage
A building or portion thereof consisting of one or more levels at, below, or above grade,
designed to be used for the parking of automobiles and commercial vehicles that is
available to the public, whether for compensation, free, or as an accommodation to clients
or customers.

(10) Service Station
Premises where gasoline, motor oils, lubricants, and grease for the operation of motor
vehicles are retailed directly to the public on the premises and including tires, accessories,
services, and minor motor vehicle repairs.
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J. Visitor Accommodations
For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include, but are not limited to:

(1) Hotel
A building containing six or more bedrooms where overnight lodging without individual cooking facilities is offered to the public for compensation, primarily for the accommodation of transient guests.

(2) Motel
A building or group of buildings on the same premises, whether detached or attached, containing sleeping or dwelling units independently accessible from the outside, with garage space or parking space located on the premises and designed for, or occupied by, travelers. The term includes, but is not limited to, any buildings or building groups designated as auto courts, motor lodges, tourist courts, or by any other title or sign intended to identify them as providing lodging to motorists.

(3) Recreation Vehicle Park
Any area, tract, plot, or site of land whereupon two or more recreational vehicles or travel trailers are placed, located, and maintained for temporary living quarters on a temporary basis.

K. Other Commercial

(1) Auction Establishment
A building or portion of a building used for the public sale of goods, merchandise, or equipment to the highest bidder.

(2) Bikini Bar
A business, as defined in Title 23 of Idaho Code, licensed to serve beer, wine, alcohol, or spirituous liquor for consumption on the premises that features live performers or servers wearing bikinis or swimsuits covering specified anatomical areas.

(3) Construction Business
A business related to the construction industry, such as a roofing shop, sign painting shop, or sheet metal shop.

(4) Newspaper & Printing Establishment
An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar media that is printed on newsprint-type paper for sale and general circulation.

(5) Sexually Oriented Business
An adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or sexual encounter premise; or any premises where employees engage in specified sexual activities or display specified anatomical areas.
3. **INDUSTRIAL USES**

A. **Industrial Service**

Industrial service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage. Specific use types include, but are not limited:

1. **Contractor Shop**
   A building or part of a building or land area for the construction or storage of materials, equipment, tools, products, and vehicles. Parts and equipment are generally not displayed or sold on-site for retail consumption, but if so, they are a subordinate part of commercial or wholesale sales. Typical examples include air conditioning service, plumbing companies, electrical companies, rental stores, or any area upon which materials are stored for use as part of the business or from which service crews are normally dispatched in service vehicles.

2. **Laundry, Industrial**
   An industrial facility where fabrics are cleaned on a commercial or wholesale basis.

B. **Manufacturing and Production**

This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker’s quarters. Specific use types include, but are not limited to:

1. **Atmospheric Gas Production Plant**
   A facility for the production of gases derived from the atmosphere (i.e., N202 Argon).

2. **Brewery, Distillery, Winery**
   An establishment for production of alcoholic liquors, but does not include food service establishments that produce such products only for on-site sale.

3. **Food Products, Dairy Products & Wholesale Bakeries**
   A facility for the manufacture and wholesale of dairy and other food products, including baked goods such as bread and cakes.

4. **Lumbermill, Sawmill, Pulpmill**
   A mill that cuts or processes logs into lumber or pulp.

5. **Tannery**
   A business that tans or processes raw animal hides into leather. Not to include manufacture of leather goods.
C. **Mining and Extractive Uses**
Mining and extractive uses include the extraction of minerals, sand, gravel, and ores, and distribution of extracted materials, including the excavation, processing and distribution of clay, gravel, stone and soils.

1. **Mining, Dredging, Loading & Hauling of Sand, Dirt, Gravel or Other Aggregate**
   Extraction and movement of aggregate materials, not to include hard rock mining.

2. **Rock Crushing & Extractive Uses**
   A business engaged in the reduction of rocks and concrete demolition debris to smaller sizes usable as gravel; fill for construction, or similar commercial use, or in the extraction of materials from hard rock or ore.

D. **Storage**
This category is characterized by uses where goods, products, materials are kept or stored. No sales or service is included. Specific use types include, but are not limited to:

1. **Bulk Storage**
   Storage as a primary use, non-accessory storage.
   Storage of Corrosive, Acid, Alkali, Flammable, or Explosive Materials
   Storage, whether indoor or outdoor, of the named materials types.

2. **Self-Service Storage**
   An outdoor area or a building(s) that are designed or used exclusively for storage of excess property of an individual, family or business. Buildings are divided into individually accessed units. This shall not be deemed to include the day-to-day operations of businesses of any kind.

3. **Storage Building**
   A facility for the storage of products, supplies, and equipment.

4. **Wholesale Business**
   A business primarily engaged in the selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

E. **Warehouse and Freight Movement**
Firms involved in warehouse and freight movement are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will call pickups. There is little on site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include, but are not limited to:

1. **Grain Elevator**
   A facility or area for the temporary storage of grain for transferal to trucks, train cars, or other forms of transportation.

2. **Trucking Terminal**
   An area or building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. The use may include facilities for the temporary storage of loads prior to shipment. The use shall also include truck stops or fueling stations where diesel fuel is primarily sold.
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(3) **Truck Stop**
A facility for the fueling of automobiles and heavy trucks. Accessory uses may include a restaurant, retail sales, maintenance facilities, and sleeping and personal hygiene facilities.

(4) **Warehouse**
A building or portion thereof used for the storage of merchandise, stock, vehicles, furnishings, supplies, and other trade or business material.

F. **Waste and Salvage**
Waste and salvage firms receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and Salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include, but are not limited to:

(1) **Composting Facility**
A facility where organic matter that is derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

(2) **Junkyard**
An outdoor space where junk, waste, or discarded or salvaged materials are stored or handled, including automobile wrecking yards, and yards for used or salvaged building and structural steel materials and equipment. Does not include yards or establishments for the sale, purchase or storage of used cars or machinery in operable conditions, and the processing of used, discarded or salvaged materials as a part of a permitted manufacturing operation on the same premises.

(3) **Recycle Drop-Off Center**
A facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production.

(4) **Sanitary Landfill, Incineration**
A planned and approved method or system of waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, also known as sanitary landfill, or a facility where solid waste is burned prior to disposal.

(5) **Vehicle Wrecking Yard**
Any use of premises, excluding fully enclosed buildings, on which two or more motor vehicles not in operating condition are standing more than 30 days, or on which used motor vehicles, or parts thereof, are dismantled or stored.

4. **ACCESSORY USES**

A. **Accessory Use**
A use incidental or subordinate to the principal use of the premises that does not alter the essential characteristic of the use considered as a whole and as related to other uses permitted in the same district.
CHAPTER 11-012: Definitions
Section 11-012-02: Definitions of Use Categories and Use Types

Subsection 5: Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits, or other small animals or poultry as determined by the Director.

B. Backpack Composting
The activity of decomposing organic matter generated on any area of land or lot by a homeowner, tenant, occupant, or property owner. Backpack composting shall process materials generated primarily on site. Backpack composting shall be operated in a nuisance free manner. No commercial purpose may be associated with backpack composting.

C. Home Occupation
Any gainful occupation engaged in by an occupant of a dwelling unit, such as hair salons, graphic arts, desktop publication, offices and instruction of small classes.

D. Livestock
Livestock are classes of animals that are kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to horses, cattle (beef and dairy), llamas, mules, swine, sheep, goats, rabbits, poultry, and domestic birds. Livestock also includes any other grazing or foraging animal except those specifically included as a pet.

E. Outdoor Storage
The storage of equipment, materials, supplies, etc. in an outdoor area as an accessory to a primary use.

F. Pet

5. Pets generally are animals that may be kept indoors, though pets may also be kept outdoors. Pets are dogs, cats, up to six chickens (excluding roosters), four ducks, six rabbits, or other small animals or poultry as determined by the Director. The keeping of pets must comply with the performance standards in 11-06-07.4.D(7)(f).

6. TEMPORARY USES
A temporary use is any activity on a site approved by the Director for a limited time of operation. Such uses include seasonal or holiday sales of products or placement of temporary structures on a lot incidental to construction occurring on the lot, outdoor display of garden and related supplies, and/or any other uses that the Director may deem as able to function without permanent permits for a short time as allowed by this code.

A. Construction Office, Temporary
A moveable or modular structure or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a principal or accessory building is being constructed.

B. Sales Trailer
A moveable or modular structure or trailer temporarily used for sale of real estate within the same development.

C. Seasonal Uses
Uses such as fireworks stands, Christmas tree lots, and fruit and vegetable stands.

D. Subdivision Office, Temporary
A moveable or modular structure or trailer used for the storage of construction materials and/or the offices or work spaces for construction managers or workers during the time a subdivision is being constructed.
CHAPTER 11-012: Definitions
Section 11-012-03: Measurement-Related definitions
Subsection 6: Temporary Uses

E. **Temporary Parking**

A temporary parking lot for non-required parking where new building construction is planned.

F. **Temporary Display and Sale of Merchandise**

Outdoor display and sale of merchandise, such as a sidewalk sale, arts and crafts show, or tent sale for new, used, or seasonal merchandise.

### 11-012-03. MEASUREMENT-RELATED DEFINITIONS

**Buildable Area (Foothills Planned Development)**
The space within the setback lines that remains on a lot after compliance with the minimum open space requirements of this Code. Lands with a slope of 25 percent or less are buildable, if outside of floodways or geologic hazards. Buildable areas 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.

**Buildable Area (General)**
The area of the lot excluding the required yards.

**Building Height**
The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.

**Clear Vision Triangle**

A. At a street intersection or street and railroad intersection, a clear vision triangle shall be formed horizontally by measuring 40 feet along the roadway edges or roadway and railroad track edges from the intersection of the roadway edges or roadway edge and railroad track and connecting those points, and vertically by measuring between three feet and ten feet above grade.

B. Where a driveway enters the street right-of-way, a clear vision triangle shall be formed horizontally, by measuring ten feet into the lot as measured from the sidewalk edge that is closest to the property line (or from the property line if no sidewalk exists), and 20 feet along the sidewalk edge (or property line if no sidewalk exists) parallel to the street, and vertically by measuring between three feet and ten feet above grade.
Density, Residential
Number of dwelling units per acre of land set aside for residential use.

Effective Lot Area
The gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or road easement.

Floor Area, Gross
The sum of the square footage of all floors, including lofts and basements, inside the exterior walls of a building or portion of a building.

Floor Area, Net Leasable
The entire square foot area of floor space of a building that is enclosed and subject to heating or air conditioning, less any of the following:
   A. Any space used and occupied by central mechanical or electrical equipment, elevators, escalators, conveyors, dumbwaiters, lifts, chutes, trash disposal units, and fuel storage spaces; and
   B. Public rights-of-way and other similar enclosed spaces open to the public, such as public washrooms, corridors, stairwells, or elevator lobbies.

Floor Area Ratio (FAR)
The gross floor area divided by the lot area.

Grade
The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm, grade will be considered the lowest point of the berm.

Grade, Established
The curb line grade at the lot lines established by the City Engineer or otherwise established by law.

Lot Area
The square footage within the boundary of a lot or parcel. Lot area shall be determined exclusive of land that is used for public or private streets, highways, alleys, roads, and rights-of-way. The flagpole or stem portion of a flag lot shall not be considered as part of the lot area.

Lot Coverage
The area of a lot occupied by the principal building(s) and any accessory building(s).

Lot Depth
The distance between front and rear lot lines measured in the mean direction of the side lot lines.
Lot Width (Average)
The distance between the side lot lines, measured in one of the following manners, whichever is applicable as determined by the Director:

A. In the case of a regular-shaped lot, the width shall be measured along the front lot line;
B. In the case of an irregular-shaped lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten-foot intervals for the first 100 feet of the lot depth beginning at the front lot line;
C. In the case of a regular-shaped flag lot, the width shall be measured at a distance of 20 feet from the inside end of the flag pole; or
D. In the case of an irregular-shaped flag lot, the width shall be the average distance between the side lot lines, with the average distance to be measured at ten-foot intervals for the first 100 feet of the lot depth beginning at the front lot line.

In no instance shall the dimension of a lot at its front setback line be less than the minimum average lot width required for the zoning district in question.

Non-buildable Area
Lands with a slope greater than 25 percent are non-buildable areas and do not qualify as a development pocket, nor are they eligible to be calculated as open space for establishing a density bonus, unless classified as priority open space.

Percent Slope
The vertical rise divided by the horizontal distance within which the vertical rise takes place.

Story
A. That portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
B. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

Yard, Front
An area that extends across the full width of the lot adjacent to the front street line. Building design shall match respective yard types. For corner lots, either street may be designated as the front. Once chosen, the front yard designation and associated rear and side yards may not be changed.

Yard, Interior Side
A side yard that does not abut a street.

Yard, Rear
An area that extends across the full width of the lot between the rear line of the lot and the nearest line of the principal building.

Yard, Side
An area between the wall of the principal and accessory buildings, and side lot line, and between the front and rear lot line.

Yard, Street Side
On a corner lot, a side yard that abuts a street.

6500 C.F.S Setback Line
The line that demarcates the edge of visible moving surface water as determined by the City Engineer in accordance with the following procedures from which the setbacks required in this code are measured:
A. Shall be based upon a flow of 6500 c.f.s. in the river adjacent to the parcel being reviewed.
B. Shall only apply to natural channels, including side channels of the Boise River and to man-made channels if the man-made channel capacity is required in order to pass the 6500 c.f.s flow under normal flooding conditions.
C. Shall be the actual location of the water’s edge except in areas of extended shallow backwater with no current. For purpose of definition, “shallow” shall mean one foot or less in depth.

The intent of this definition is to also specifically exclude seeps or other surface waters that are present, but not fed directly from river flows.

### 11-012-04. HISTORIC PRESERVATION DEFINITIONS

For the purposes of this Code, the following terms, phrases, and words shall have the meanings given herein. Additional definitions may be found in the Design Guidelines for Residential Historic Districts available in the Boise City Planning and Development Services Department. In the event of a conflict the definitions in this section shall take precedence.

**Acquisition**
The act or process of acquiring fee title or interest other than fee title of real property (including acquisition of development rights or remainder interest).

**Addition**
Any construction that increases the size of a building or structure in terms of site coverage, height, length, width or gross floor area.

**Alterations**
Any act or process that changes 1 or more exterior features of a building or site. Construction, replacement or erection of new buildings, structures, objects or improvements.

**Building (For Purposes of Designation)**
A resource created principally to shelter any form of human activity.

**Certificate of Appropriateness**
The document issued by the Historic Preservation Commission for any and all alterations (not including ordinary repairs per Section 11-05-09.10) within a designated historic district.

**Change in Use**
A certificate of appropriateness shall be issued by the Historic Preservation Commission prior to the approval of any change of zoning classification within the historic district. A change of zoning classification refers to any application, for property located within a historic district, for a zone change or any application for an addition, modification or deletion to an overlay district.

**Character Defining Façade**
Any elevation that contains features that helps to define a structure’s significance.

**Commission**
Historic Preservation Commission.

**Comprehensive Historic Preservation Planning**
The organization into a logical sequence of preservation information pertaining to identification, evaluation, registration and treatment of historic properties, and setting priorities for accomplishing preservation activities.

**Contributing**
A contributing building, site, structure or object adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because (a) it was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period, or (b) it individually meets the National Register eligibility criteria. For inventory purposes, “primary” shall be used synonymously with “contributing”. This classification has been designated through a survey and a formal hearing process.
Demolition
Any act or process that permanently, substantially destroys or razes any building, site, structure or object in whole or in part.

Demolition by Neglect
Any act or omission that destroys or contributes to the destruction of a building.

Exterior Features
The architecture, color, size, location, type, style, kind, texture, design, general arrangement and material of a building, site, structure or object including, but not limited to, windows, doors, light fixtures, signs, appurtenant fixtures, streets, streetscapes, sidewalks and landscaping.

Historic District (Referred to as “HD” Overlay)
Any area designated as such by ordinance which includes or encompasses such historic buildings, sites, structures or objects as the Commission may determine to be appropriate for historic preservation. Such designated district or districts need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a district. A district may include contributing, non-contributing or undeveloped properties.

Historic District – Residential (Referred to as “H” Overlay)
An historic district that is predominantly of a residential nature. Non-residential structures may be included within, and be a component part of a Historic District - Residential.

Historic Easement
Any easement, restriction, covenant or condition running with the land designed and designated to preserve, maintain and enhance all or part of the existing state of places of historical, architectural, archeological, educational or cultural significance.

Historic Landmark
A district, site, building, structure or object that possesses exceptional significance in history, architecture, engineering, archeology or culture at the national, state, or local level and has been designated as a historic landmark through the public hearing process.

Historic Preservation
The research, protection, restoration and rehabilitation of buildings, sites, structures, objects or districts significant in the history, architecture, archeology or culture of the state, its communities or the nation.

Historic Property
A district, site, building, structure or object that is eligible for or listed on the National Register of Historic Places.

Improvement
A valuable addition made to property (usually real estate) or an amelioration in its condition, amounting to more than mere repairs or replacement, costing labor or capital, and intended to enhance its value, beauty or utility or to adapt it for new or further purposes. Generally, buildings, but may also include any permanent structure or other development, such as a street, sidewalks, sewers, utilities etc.

Integrity
The ability of a property to convey its significance; includes the concepts of location, design, setting, materials, workmanship, feeling and association.

Inventory
A list of historic properties determined to meet specified criteria of significance.

National Register
The National Register of Historic Places. A list established by the National Historic Preservation Act of 1966 (as amended) and codified in 36CFR60 (as amended) of buildings, sites, structures, objects and districts having local, state or national historical, architectural or cultural significance and considered worthy of preservation.

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National Register Criteria
The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places. For further information on the criteria refer to the National Park Service website, National Register of Historic Places (http://www.cr.nps.gov/nr).

New Construction
Construction of an entire structure.

Noncontributing
A noncontributing building, site, structure or object may possess characteristics that make it important to the overall historic character of the district such as, but not limited to, mass, scale, streetscape features, setbacks or proximity to contributing structures. A building, site, structure or object within a district may be noncontributing because (a) it was not present during the period of significance, (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or (c) it does not individually meet the National Register eligibility criteria. A noncontributing building, site, structure or object that is within an historic district remains subject to the Historic Preservation Ordinance. For inventory purposes, “secondary” shall be used synonymously with “noncontributing”. This classification has been designated through a survey and a formal hearing process.

Object (For Purposes of Designation)
A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.

Period of Significance
The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for National Register listing. Period of significance usually begins with the date when significant activities or events began giving the property its historic significance; this is often a date of construction. The period of significance for each historic district is described in each district’s Statement of Significance which is available for review at the Boise City Planning and Development Services Department.

Person
An individual, firm, corporation, association, municipal corporation, or any other governmental or quasi-governmental agency, or group or combination thereof acting as a unit, except that nothing in this section shall be construed to allow the designation, regulation, conditioning, restriction or acquisition of historic buildings, structures, sites or areas, or other properties or facilities owned by the state or any of its political subdivisions, agencies or instrumentalities.

Person in Charge
The person or persons possessed of the freehold, or a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any person directly or indirectly in control of a historic property.

Planning Director
The Planning Director of the Boise City Planning Division of the Planning and Development Services Department charged with the administration of the city’s planning and zoning documents, including those pertaining to historic preservation. The Director serves as the Secretary to the Planning and Zoning Commission and is directly responsible to the Director of the Planning and Development Services Department. This definition includes the Planning Director’s designated representative, also referred to in this ordinance as Planning Staff. This definition also includes references to the Planning Administrator, Planning Official and other similar titles.

Preservation
The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.
Primary Façade
The elevation that most characterizes a structure’s significance; usually the front elevation.

Property
Land and that which is erected or affixed to the land. Real property extends to rights issuing out of, annexed to and exercisable within or about land. Property includes historic property as defined herein.

Reconstruction
The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving building, site, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation
The act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.

Restoration
The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Secretary of the Interior’s Standards for Rehabilitation
Standards that were written pursuant to Federal Law to insure that work on historic buildings is done in such a manner which preserves the historical integrity of the building. For further information refer to the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings and the Boise City Residential Design Guidelines both available in the Boise City Planning and Development Services Department.

Site (For Purposes of Designation)
Location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archeological value regardless of the value of any existing structures.

Site Improvements
A modification to the grounds of a property not including the buildings or other significant structures such as garages. Such improvements may include, but are not limited to: fences, walls, greenhouses, storage sheds, light fixtures, hot tubs, swimming pools, fountains, barbeques, out-door fireplaces, playground equipment, steps or pavement.

Structure (For Purposes of Designation)
A functional construction made for purposes other than creating shelter, such as, but not limited to, a bridge, canal or dam.

Structure (For All Other Purposes)
Anything constructed or erected which requires permanent location on the ground or is attached to something having location on the ground. Structures may include, but are not limited to buildings, platforms, framework, antennas and prefabricated metal sheds.

Survey Form
A form that catalogues the age, style, contributing or noncontributing classification, address, location, photograph, date of inventory, name of surveyor, building permit history and other relevant information as may be required by the Planning Director or Historic Preservation Commission for a building, site, structure or object.
Temporary Features
Items that are erected or displayed for a limited amount of time, not to exceed 180 days at any one time unless otherwise approved by the Planning Director, which may include, but are not limited to: sidewalk café tables, chairs, fences, planters, umbrellas and bicycle racks.

Temporary Structures
A structure with or without a foundation that is erected for a limited amount of time, not to exceed 180 days at any one time unless otherwise approved by the Planning Director, which may include, but is not limited to: playhouses and play equipment, mobile buildings and carport/canopy structures.

11-012-05. OTHER TERMS DEFINED

Abate
Means to repair, replace, remove, destroy or otherwise remedy a condition by such means and in such manner and to such an extent as the Director shall determine is necessary in the interest of the general health, safety, and welfare of the community.

Access
The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

Access Aisle
An accessible pedestrian space between elements, such as parking spaces, seating, and desks that provides appropriate clearances for use of the elements by physically disabled people.

Access, Emergency
An additional route of access to a development for emergency vehicles. Use of emergency accesses is restricted to emergency vehicles by means of bollards, gates, or some other device to prohibit general use by the public. Emergency access must meet the requirements of the Uniform Fire Code as adopted by the Fire Department.

Access, Secondary
A second means of vehicular access to a development that may be either improved to the district’s standards or private street standards.

Accessible
Describes a site, building, facility, or a portion of a site, building, or facility, that can be approached, entered, and used by physically disabled people.

Accessible Route
A continuous, unobstructed path connecting all accessible elements and spaces in a building or facility. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

Accessway
An unobstructed way of specified width containing a drive or roadway that provides vehicular access within a mobile home park and connects to a public street.

ACHD
Ada County Highway District.

Ada County Street Name Committee
An advisory group on street naming established by Ada County.

Adaptive Reuse
The modification of an existing building (most typically a single family dwelling) for use as either an office or a multi-family dwelling unit or a historic institutional use, while maintaining the architectural integrity of the original structure; or the conversion of any such structure back to its original use as a single family dwelling.
Adult Arcade
A premise where, for any form of consideration, one or more motion picture or slide projectors or similar machines for viewing by five or fewer persons each, are used to display any images emphasizing the depiction or description of specified sexual activities or graphically exposed specified anatomical areas. This shall also apply to any arcade that is not customarily open to the general public because minors are excluded by virtue of their age as a prevailing business practice or as required by law.

Adult Bookstores
A premise that is not customarily open to the general public because minors are excluded by virtue of their age as a prevailing business practice as required by law and has, at any one time, 60 percent or more of its stock-in-trade and offers for sale, trade, or rent of one or more of the following:
A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or exposed specified anatomical areas;
B. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities; or
C. Goods that are replicas of or that simulate specified anatomical areas or goods that are designed to be placed on specified anatomical areas to cause sexual excitement thereof.

Adult Cabaret
A nightclub, bar, restaurant, or similar premise that features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or that features films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by specified sexual activities or Specified anatomical Areas.

Adult Motion Picture Theater
A premise where, for any form of consideration, has, at any one time, 60 percent or more of its stock, rented or owned, that shows films, motion pictures, video cassettes, digital images, slides or similar reproductions, and in which at least 50 percent of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Affected Person
As used in Section 11-03-03.11, Mediation, “Affected Person” means the applicant or any member of the public who provided written or oral testimony in opposition to an application submitted to the city.

Affordable Housing
Housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities and where total annual household income does not exceed eighty percent (80%) of area median income. Affordable housing may provide both ownership and rental opportunity. An affordable rental property generally receives a subsidy or has received a subsidy to allow units to be rented at or below Fair Market Rent for income qualifying households or receives a rental voucher allowing a household to pay no more than 30% of its monthly income towards housing.

Agricultural Parcel
A parcel of land at least five acres in size that is in agricultural use and that may include the owner’s residence, if the required street frontage is provided.

Alley
A minor public way that provides access at the back or side of a property or a secondary means of access to abutting property and that is not intended as a traffic thoroughfare.

Alterations, Structural
Any change, other than incidental repairs, that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, and girders.
Animal, Large
Animals including horses, mules, donkeys, llamas, sheep, and goats. Other animals that are not listed but are of a similar size, as determined by the Director, are subject to all regulations in this Code for large animals.

Animals, Small
Animals such as rabbits, poultry, geese, domestic birds, and game birds, excluding such birds as are caged and housed inside the dwelling, and other animals deemed as such by the Director and not raised for commercial purposes. Commercial purposes or uses do not include FFA, 4-H, or other student projects.

Animal Unit
A unit of measure for determining livestock densities. Each mature horse, mule, or llama shall represent one animal unit. Any of the following groups of animals represent one animal unit: four mature sheep, swine, or goats; 12 mature chickens or ducks; six mature geese or turkeys or game birds; or ten mature rabbits. The animal unit equivalency for miniature versions of pigs and other animals shall be determined by the Director.

Annexation
The process by which the city’s corporate boundary is expanded to incorporate additional property pursuant to Idaho Code 2.C50-222.

Antenna
A transmitting or receiving device used in telecommunications that radiates or captures radio signals. Antennas include the following types:

A. Omni directional (or “whip”) antenna: Receives and transmits signals in a 360-degree pattern, and that is up to 15 feet in height and up to four inches in diameter.
B. Directional (or “panel”) antenna: Receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
C. Parabolic (or “dish”) Antenna: A bowl-shaped device that receives and transmits signals in a specific directional pattern.
D. Ancillary antenna: An antenna that is less than 12 inches in its largest dimension and that is not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna.
E. Other: All other transmitting or receiving equipment not specifically described in paragraphs A through D, above, inclusive, shall be regulated as for the type that it most closely resembles.

Apartment
A room or suite of rooms in a multiple-family structure that is arranged, designed, or used as a single housekeeping unit including complete kitchen and permanently installed sanitary facilities.

Apiary
A place where bee colonies are kept.

Appeal
A request for a review of any decision or interpretation of any provision of this code.

Appellant
A party of record or other person who is entitled by law to appeal and who initiates an appeal.

Applicant
An individual, corporation, firm, or group who submits and represents the subdivision application and undertakes the subdividing of a lot, tract, or parcel of land. If the applicant is not the property owner, the property owner’s permission to submit the application must be submitted with the application.

Approved Topography
The natural topography of a parcel or the topographic conditions of a parcel approved by the city prior to the effective date of this Code, or as approved by a subdivision, conditional use permit, hillside and foothill development permit, grading permit, or building permit.
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Architect
An individual holding a valid architect's license from the State of Idaho that renders or offers services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings. The services covered within this definition include architectural planning, advice and consultation; providing preliminary studies; architectural design, drawings, and specifications; technical submissions; and administration of construction contracts.

Area of Impact
An area mutually agreed upon, including plans and codes, between the city and county as provided for by Idaho Code §67-6526 and §50-1306.

Area of Shallow Flooding (ASF)
An area shown on the Flood Insurance Rate Map as an AO zone with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. These areas are also referred to as the alluvial fans, and are characterized as sheet flow.

Area of Special Flood Hazard (ASFH)
Lands within Boise City that are subject to flooding from the base flood (or “100-year flood”). These areas are also referred to as the floodplain. Designation on maps always include the letters A or V.

Area with a Slope Greater Than Twenty-five Percent
An area with a natural (pre-grading) slope greater than 25 percent, mapped to a minimum resolution of 6,000 square feet in area, also called a Non-buildable Area.

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

Argument Memoranda
Written arguments based on the established hearing record that are submitted after an appeal has been filed.

Attached
Anything physically connected to a building or structure so as to become an integral part of the building or structure. The term includes components of a structure joined together by a common wall, floor, or ceiling or a fully enclosed hallway.

Awning
A projecting cover extending over a door, window, or wall section with supports attached to the building and used as cover, protection, or as decoration.

Balcony
A platform enclosed by a parapet or a railing that projects from an exterior wall of a building and open to the sky. Balconies do not include stairs for exterior exiting.

Basement
The story or level of a building that is partially or totally below ground level.

Base Flood
A flood that has a one percent chance of being equaled or exceeded in any given year, and is synonymous with "one percent flood" and "100-year flood." Designation on maps always include the letters A or V.

Base Zone District
The zone district classification that is in effect on any given land for which standards are included in this Code.

Bee
Any stage of the life cycle of the common domestic honey bee.

Berm
A raised landform designed to provide visual interest, screen undesirable views, and/or decrease noise.
Block
A space along one side of a street that is the lesser of that between the two nearest intersecting streets, or that between an intersecting street and a right-of-way, waterway, or other similar barrier, but excluding alleys.

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.

Boise City Comprehensive Plan
The most current comprehensive plan officially adopted for Boise City and as subsequently amended.

Boise River Plan
That portion of the Boise City Comprehensive Plan titled Boise River Plan that includes both text and river maps.

Boise River System Overlay Districts
See Section 11-05-06.1, Boise River System Overlay Districts.

Buildable Parcel
A recorded lot, parcel, or tract that is eligible for a building permit, based on compliance with this Code, and that is not encumbered by an easement, plat note, or other restriction that prohibits building on the lot, parcel, or tract.

Buildable Site (Boise River System Overlay)
A residential, commercial, industrial or office construction site that does not require dikes or rip-rap for protection against flooding.

Building
Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings, and that is designed or intended for the shelter, enclosure, or protection of persons, animals, chattel, or property of any kind.

Building, Accessory
A building that is subordinate and incidental to the principal building or use on the same lot, but not including any building containing a dwelling unit.

Building, Completely Enclosed
A building enclosed by a permanent roof and by exterior walls pierced only by windows and normal entrance or exit doors.

Building, Detached
A building located on its own lot and physically separated from other buildings by required yards or open space.

Building Envelope
The designated area on a lot within which a building or other structure (including footings) must be contained.

Building, Existing
Any building erected prior to the effective date of this Code or one for which a legal building permit has been issued.

Building, Nonconforming
Any building that does not conform to the requirements of this Code.

Building, Principal
A building in which the principal use of the lot is conducted.

Building, Unfinished
A structure where construction has commenced but has been discontinued for a period of six months or has not been finished in accordance with the approved building permit and cannot be certified for occupancy or final building inspection.
Bulk
The size and mutual relationships of buildings and other structures as to size, height, coverage, shape, and location of exterior walls in relation to lot lines, to the center lines of the streets, to other walls of the same building, to other buildings or structures, and to all open spaces relating to the building or structure.

Business
The purchase, sale, exchange, or other transaction involving the handling or disposition of any article, substance, or commodity for profit or livelihood; the ownership or management of office buildings, offices, recreation, or amusement enterprises; or the maintenance and use for offices; or professions and trades rendering services.

Caliper
A measurement in inches of the diameter of the trunk of a deciduous tree. The caliper of the trunk shall be measured six inches above the ground for all trees up to and including four inch caliper size, and twelve inches above the ground for larger sizes.

Canopy
A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as metal, glass, fabric, or plastic.

Carport
A structure open on at least two sides used to house or protect motor vehicles that are owned or operated by the occupants of the principal building.

Collar
A storage room(s) located under the main floor or floors of a building and partly or totally below ground level.

Channel
The bed and banks of a river, stream, tributary, waterways, etc.

Class A, B, and C Lands and Waters
As used in Section 11-05-06.1, Boise River System Overlay District, lands and waters that provide habitats for fish, birds, and other wildlife.

Class 1, II, and III Trees
The classes of trees are defined for the purposes of this ordinance by the Tree Selection Guide, published by the Community Forestry Unit of the Boise Parks & Recreation Department (latest edition). Generally, Class I trees reach a mature height of no more than 30 feet, Class II trees mature to a height of no more than 60 feet, and Class III trees mature to 60 feet or greater in height.

Co-location
The use of a single support structure or site by more than one wireless communications provider.

Colony
As used in Section 11-06-07.4.B, Bee Keeping, bees in any hive including queens, workers and drones.

Commercial
Any activity conducted with the intent of realizing a profit from the sale of goods or services.

Common Area/Space
Land within a subdivision or development that is not individually owned or dedicated for public use that is designed and intended for the common use or enjoyment of the residents of the development. It may include complementary structures and improvements i.e., recreation area, parking, landscaping, or others.

Common Driveway
A shared access that serves for ingress and egress that serves multiple residential parcels or lots, each having public or private street frontage.
Compensation
As used in Section 11-05-06.1, Boise River System Overlay Districts, restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values.

Compensation, In-kind
As used in Section 11-05-06.1, Boise River System Overlay Districts, restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values that are the same as those natural resource functions and values that are impacted by a proposed action.

Compensation, Out-of-kind
As used in Section 11-05-06.1, Boise River System Overlay Districts, restoration of degraded, appropriate enhancement of existing, or creation of new natural resource functions and values that differ from those impacted by a proposed action.

Compost
A humus-like material, produced from composting, that has been stabilized to a degree that is potentially beneficial to plant growth and that is usable as a soil conditioner, top soil, growing medium amendment, or other similar uses to buffer the soil pH, improve soil aggregation and tilth, reduce erosion, enhance water infiltration and retention, increase soil porosity and aeration, slow the rate of temperature change in soil, provide food for soil microorganisms, or enhance availability of micronutrients in soils.

Concentrated Feeding Area
That part of a site in which animals are raised or kept in a confined area at some location within the parcel or reserve area. A concentrated feeding area may include any feeding or holding operation where animals are concentrated in an area that is:
A. Not normally used for pasture or growing crops and in which animal waste may accumulate, or
B. Any trough or similar feeding apparatus.

Conditional Use
A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Planning and Zoning Commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and, unless otherwise conditioned, are transferable from one owner of the land to another.

Conditional Use Concept Plan
An approval of a generalized development plan that does not include the details of proposed development. A detailed conditional use approval must be obtained for each phase of a concept conditional use plan.

Condominium
Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Cubic Feet Second (CFS)
Measurement of the rate of flow of water in the river or tributary.

Cul-de-sac
A dead-end street with turnaround space at its terminus.

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

Cut and Fill
The excavating of earth material in one place and depositing of it as fill in a different place.
Cut-off Date
A deadline for submittal of applications to be heard by the Planning and Zoning Commission or Design Review Committee at a public hearing.

Damaged or Dilapidated Building
A structure that has suffered significant damage or deterioration either from age, lack of care, or abandonment, or natural or manmade calamity to the degree that the exterior of the building walls, roof, doors, and windows are burnt out, falling down, significantly patched or boarded, or are structurally unsound.

Dead-end Street
A street connecting to another street at one end only and not having provision of vehicular turnaround at its terminus.

Decision-making Body
An officer or elected or appointed body with the authority to approve, modify, or deny a development application pursuant to this Code.

Dedication
The setting apart of land or interests in land for use by the public. Land becomes dedicated when accepted by the applicable governmental body as a public dedication, either by Code or entry in the official minutes of that body.

Deep-rooted Plants
Shrubs and grasses that have an extensive root system and are useful for soil stabilization.

Development Pockets
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 percent slope but may contain fragments of steeper areas as needed to accommodate the site design.

Development, Existing
Any development for which approval was given prior to the effective date of this Code such as concept plans entitling the applicant to proceed with preliminary or final platting, or a conditional use or building permit, and for which such approval has not expired. An extension of an existing approval after the effective date of this Code does not make a development an existing development.

Development, New
Any development for which an application has been filed on or after the effective date of this Code or approval of which has been extended on or after the effective date of this Code.

Director
The Director of the Planning and Development Services Department. This definition includes the Director's designated representative, e.g., the Planning Director, Zoning Administrator, Planning Official, Review Analyst, and other similar titles.

Director, Planning
The Director of the Planning Division of the Planning and Development Services Department.

Display, Outdoor
Placement of items out-of-doors (i.e., not within a building) for show and sale to the general public. Examples of this use include garden supplies placed in commercial parking lots by home and garden or other stores during spring and summer time. This use is distinct from “outdoor storage” or junk as elsewhere defined and may be approved on a temporary basis.

District, Zone
A section or part of the incorporated portion of Boise City, as set forth in Chapter 11-04, for which the use regulations are uniform.

District, Overlay
A zone district that adds a requirement(s) to the standards of the underlying zone district(s).
**Driveway**
A private access connecting a building such as a house or garage, with a street.

**Dwelling**
A building or portion a building containing one or more dwelling units. The term "dwelling" does not include any recreational vehicle, motel, hotel, guest house, or boarding house as defined in this Code.

**Dwelling Unit**
One or more rooms designed for or used as a residence for not more than one family, constituting a separate and independent housekeeping unit, with a single kitchen permanently installed. A dwelling unit may be occupied by a family by up to five unrelated individuals, or by persons with a disability or elderly persons living in a group home as defined in this ordinance. The term does not imply or include types of occupancy such as lodging or boarding house, club, sorority, fraternity, or hotel.

**Easement**
A grant by the landowner of the right to use the owner’s land for specific purposes.

**Enhancement**
As used in Section 11-05-06.1, Boise River System Overlay Districts, improvement of natural resource functions and values beyond the minimum required for mitigation.

**Erosion**
The process by which the soil and rock components of the earth's crust are worn away and removed from one place to another by natural forces such as wind and water.

**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.

**Family**
A group of individuals related by blood, marriage, civil union, adoption, or guardianship functioning as a single and independent housekeeping unit or persons occupying a group home as defined in this ordinance.

**Facade Modulation**
Stepping back or extending forward a portion of a building facade.

**Feedlot**
A lot or parcel on which livestock are fed intensively in order to fatten them for market. Does not include short-term holding pens for auction facilities or meat packing establishments.

**Fill**
A deposit of earth material placed by mechanical means.

**Floodplain**
The lands within Boise City that are subject to flooding from the base flood (100-year flood).

**Floodplain District**
Collectively, the Floodway, Floodway Fringe, and Area of Shallow Flooding Districts.

**Floodplain Regulations**
The portion of this Code regulating developments that fall within the 100-year floodplain of the Boise River or the tributaries as described on the Flood Boundary and Floodway maps as provided by the Federal Emergency Management Agency and adopted by the city.

**Floodplain Schematic**
See Appendix 1/Diagram a, Stream Corridor Schematic.

**Fraternal Hall**
The social use of a building or of any premises by a nonprofit association, where such use is restricted to enrolled members and their guests.
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Girdling
Damaging or removing the bark and cambium layer around a tree trunk in a manner that usually kills the tree.

Grading
Any excavation, filling, or movement of earth for purposes of changing the shape or topography of the land.

Grading, Limits to
The maximum extent of grading allowed on an individual lot or parcel. Includes but is 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 the lot is restricted by a building envelope).

Greenbelt, Boise River
Land within 70 feet of the 6500 c.f.s flow line of the Boise River that may be owned by the city or over which the city may have a right of possession or use and that
- Is designated by the Council to be retained in perpetuity for public use for purposes compatible with the aesthetic, wildlife, educational, and recreational values of the Boise River;
- Will provide unrestricted access to the river; and
- Will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.

Gulches, Foothills
Regulated gulches located in the foothills surrounding Boise City that are subject to flash flooding, where the Federal Emergency Management Agency or the Public Works Department have determined floodway and floodway fringe zones. Foothill gulches include, but are not limited to:
- Seaman’s Gulch,
- Stuart Gulch,
- Pierce Park Gulch,
- Polecat Gulch,
- Crane Creek,
- Hulls Gulch,
- Cottonwood Gulch, and
- Warm Springs Gulch.

Gulch floodplains and associated alluvial fans (AO zones) are regulated under the floodplain regulations of this Code when specific flood studies or determinations have been approved by Boise City.

Head-to-Head Spacing
Placement of sprinkler heads such that one sprinkler head sprays to the next (spacing is 50 percent of the sprinkler’s spray diameter.)

Hearing Examiner
A city official that may be appointed pursuant to the authority granted in the Local Planning Act, specifically Idaho Code Section 67-6520, to conduct public hearings on matters before the Planning and Zoning Commission and to report to the Planning and Zoning Commission with proposed findings of fact and conclusions of law, a proposed order, and such other information as the Planning and Zoning Commission may require.

Hearing, Legislative
A public hearing that does not involve a specific application, but rather is global in nature, including but not limited to hearings on amendments to, or enactments of, any code or enactment, revisions or amendments to the Boise City Comprehensive Plan, or applications to establish a new zoning or overlay district. In legislative hearings, the record is not limited to the record developed by the review body. Any and all new evidence may be received by Council during a legislative hearing regardless of whether the evidence was introduced below. However, recommendations from the review bodies will be strongly considered. Therefore, interested persons are encouraged to make their arguments before the reviewing body.
Hearings, Quasi-judicial
A public hearing in which the review body or Council hears or makes decisions on the development of a specific property, such as conditional use and variance applications. On such applications the review body acts as the final decision maker and the Council sits as an appeals body. Quasi-judicial hearings do not include amendments to or enactments of any code, or enactments or revisions or amendments to the Boise City Comprehensive Plan.

Helipad/Heliport
A level area or pad, either at ground level or on a roof-top, where helicopters land and take off.

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.

Hillside and Foothill Areas
Areas with topographical slopes of 15 percent or greater, or where adverse slope stability, erosion, or sedimentation are likely to cause damage.

Historic Institutional Use
As used in Section 11-05-02, Conservation Overlay Districts, any school (public or private), church or other place of religious worship, commercial service use, or office use within a conservation district that is significant to the history, architecture, or culture of the district.

Hive
A structure intended for the housing of a bee colony.

Horticulture
The activity of growing fruits, vegetables, flowers, or ornamental plants.

House, Apartment
Any building or portion of a building that is designed, built, rented, leased, let, or hired out to be occupied, or that is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the building, including flats and apartments.

Impervious Surface
A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration or absorption by water. Surfaces may include, but are not limited to, compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks and parking lots.

Infill Site
Any lot or parcel within developed areas of the city, where at least 80 percent of the land within a 300-foot radius of the site has been developed, and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as infill sites. An infill site may be vacant or occupied. Where “infill” status is used as a criterion for an entitlement or permit, redevelopment or improved utilization of occupied land shall be permitted provided that other applicable standards, policies, and objectives are met or supported.

Interstate
One of a system of highways connecting the major cities of the 48 contiguous United States. No direct access to a property is provided.

Kitchen
Any room or portion of a room within a building that is designed and intended to be used primarily for cooking or preparation of food.

Landscaping
Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like.
Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

**Loading Space, Off-street**

An open, off-street, hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading, and unloading of motor vehicles, tractors, and trailers as the purpose is to avoid undue interference with public streets and alleys.

**Lot**

A tract or land that has been platted as a portion of a recorded subdivision and is intended as a unit for transfer of ownership or for development.

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**Lot, Corner**

A lot that is bounded on two or more sides by streets; where the angle of intersection of the streets does not exceed 135 degrees.

**Lot, Double Fronted**

A lot other than a corner lot having frontage on 2 parallel or nearly parallel streets.

**Lot, Flag or Key**

A lot or parcel of land that includes a narrow projection or "flagpole" to the public right-of-way. The "flagpole" serves as a private or privately shared access to the buildable area of the lot or parcel and is not considered when calculating the lot area.

**Lot, Frontage**

That portion of a lot that abuts a public right-of-way or other access.

**Lot, Interior**

A lot other than a corner lot or reversed corner lot.

**Lot Line**

The boundary property line encompassing a lot.

**Lot, Non-conforming**

A lot of record that does not meet the dimensional requirements of this Code.

**Lot, Reversed Corner**

A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.
Lot Line, Front
The front lot line for a regular-shaped lot is the property boundary that abuts a public or private street; the front lot line for an undeveloped corner lot is either one of the property boundaries that abuts a public or private street, as selected by the property owner; the front lot line for a flag lot may be either:
A. The closest line, parallel or most nearly parallel to the public or private street at the end of the flagpole, or
B. A line perpendicular or nearly perpendicular to the public or private street at the end of the flagpole, depending upon which orientation provides for the closest matching of like yards of adjoining properties.

Lot Line, Rear
The boundary line of a lot that is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line, the following shall apply:
A. In the case of a lot with a rear boundary formed by a single line that is parallel or nearly parallel to the front lot line, such rear boundary is the rear lot line.
B. In the case of a lot with a rear boundary formed by two or more lines, the rear lot line shall be a line at least ten feet in length within the lot that is furthest removed from and most parallel to the front lot line.

Lot Line, Side
Any property line that is not a front or rear lot line.

Lot of Record
A lot that has been recorded in the records of Ada County.

Lot of Record, Original
Any single recorded platted lot or parcel of land that was of record and a buildable lot or parcel before August 16, 1966, and that has not had subsequent boundary changes.

Lot of Record, Original Substandard
Any single recorded platted lot held in one ownership that was of record and a legal buildable lot or parcel before August 16, 1966, or at annexation, whichever occurred first, and that has not had subsequent boundary changes but that does not meet a minimum width of 50 feet and minimum area of 5,000 square feet for interior lots or minimum width of 70 feet and minimum area of 7,000 square feet for corner lots.
Main Channel
As used in Section 11-05-06.1, a portion of the Boise River that is not defined as a side channel. This includes lands and waters below the high water mark and the 6500 c.f.s. setback line, connection with the main channel of the Boise River and all islands claimed by the State of Idaho.

Maps, Zoning
The map or maps designating zoning districts.

Matched Precipitation Rates
Sprinklers that are designed to work together on the same irrigation valve to deliver an equivalent rate of water, regardless of the arc of the nozzle.

Mediator
As used in Section 11-03-03.11, Mediation, “mediator” means an attorney, land use consultant, or other professional person with experience in land use issues and mediation, retained by the City of Boise to conduct the mediation process.

Micro-pathway
A pathway providing access by way of a short travel link between points of destination. The length of a micro-pathway is generally less than 250 feet, or two lot depths. A micro-pathway may function alone or in conjunction with a pathway system such as the Boise River Greenbelt.

Minor Land Division
A Record of Survey for the division of a lot, tract or parcel of land into 2 to 4 parcels for the purpose of sale or building development that contains all elements required by this Code.

Mitigation
As used in Section 11-05-06.1, Boise River System Overlay Districts, measures to avoid impacts, minimize impacts, restore impacted areas, and compensate for impacts to a natural resource attributable to a proposed action.

Mitigation, Appropriate
Mitigation that avoids impacts to, minimizes impacts to, restores, or replaces the functions and values of a natural resource, and is consistent with the scope and degree of those impacts attributable to a proposed action.

Mitigation, Practical
Mitigation that is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Mitigation Sequence
As used in Section 11-05-06.1, Boise River System Overlay Districts, a prescribed procedure for planning mitigation that requires negative impacts to a natural resource attributable to a proposed action to be mitigated.

Mobile Home, Rehabilitated
Any mobile home constructed prior to June 15, 1976 (the effective date of the National Manufactured Housing and Safety Standards Act of 1974), that are currently sited within Idaho or that may be brought into the state after July 1, 1998, that have been upgraded to comply with Chapter 25, Title 44, Idaho Code and received a “Certificate of Compliance” from the Division of Building Safety of the State of Idaho.

Modular Lotting
Narrow parcels of land, with a minimum width of 18 feet that can be built upon singly as an attached (row house) product, or combined to 36 feet or more for a single family detached product. Modular lotting has historically encouraged a mix of housing size and product types ranging from large single family homes to small attached townhomes.

Motor Vehicle Junked/Abandoned
Any automobile, truck, or other vehicle that is inoperable or in some obvious state of disrepair or abandonment. The following factors, among others, shall be considered individually in determining whether or not a vehicle is inoperable, junked, or abandoned:
A. The vehicle is currently inoperable. This shall include, but is not limited to the vehicle not having body parts to be in working condition; such as missing engine, transmission, tires, windshield, mirror, taillight, headlight, or battery;
B. The vehicle has been parked for at least 30 days on property not owned or rented by the vehicle owner;
C. The vehicle has not been licensed or registered for at least 30 days; and
D. The vehicle has been parked for 30 days on property where the premises have been vacated.

Mulch
A protective covering placed around plants to prevent the evaporation of moisture, the freezing of roots, and the growth of weeds.

Natural Resources
As used in Section 11-05-06.1, Boise River System Overlay Districts, all of the plants, animals, and environmental and ecological processes that occur in aquatic, wetland, riparian, and upland environments associated with the Boise River.

Natural Resource Functions and Values
As used in Section 11-05-06.1, Boise River System Overlay Districts, environmental, ecological, recreational, historic, and cultural benefits attributable to natural resources that occur in aquatic, wetland, and riparian, and upland environments associated with the Boise River. They are further described in the Federal Highway Administration publication titled A Method for Wetland Functional Assessment and the US Army Corps of Engineers publication titled Wetland Evaluation Technique (WET) II.

Nonconforming Use
Any use, parcel or structure that was legally established but that is not in compliance with this Code due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain or similar action as of [the effective date of this Code]

Non-residential Structure
A building other than a residential structure. The term includes but is not limited to buildings used for places of assembly, education, child care, business, maintenance, storage, manufacturing, government, hospitals, sanitariums, nursing homes, hotels, and motels.

No Net Loss
As used in Section 11-05-06.111-05-06.1, Boise River System Overlay District, a measure of the success of mitigation that requires avoidance, minimization, restoration, and compensation of all functions, and values of a natural resource impacted by a proposed action.

Notice of Buildable Parcel
A recorded notice executed by the parcel owners and the Director evidencing compliance with the provisions of Section 11-09-01.2 creating public notice in the real property records of Ada County of the establishment of a buildable parcel with boundaries different from any underlying plat or other division of land.

Nucleus Colony
A smaller colony used for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony. A nucleus colony is comprised of significantly fewer bees than a conventional colony and is contained in a structure that is approximately one-half the size of a normal hive.

Nuisance, Attractive
Any property condition, instrument, property structure, or machine that is unsafe, unprotected, and that presents a health or safety hazard to the general public, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation that may prove hazardous or dangerous to inquisitive minors.
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Nuisance, Public
The following shall be defined as a public nuisance. The owner or person in control shall maintain all property, premises, or rights-of-way in a nuisance-free manner.

A. Abandoned, dismantled, wrecked, inoperable, unlicensed, and discarded objects, equipment, or appliances such as, but not limited to vehicles, boats, water heaters, refrigerators, furniture not designed for outdoor use, household fixtures, machinery, equipment, cans, or containers standing or stored on property, sidewalks, alleys, and streets that can be viewed from a public street, walkway, alley, or other public property and are readily accessible from such places, or are stored on private property in violation of any other law or Code;
B. Discarded putrescibles, garbage, rubbish, refuse, or recyclable items that have not been recycled within 15 days of being deposited on the property;
C. Oil, grease, paint, other petroleum products, hazardous materials, volatile chemicals, pesticides, herbicides, fungicides, or waste (solid, liquid, or gaseous) that could constitute a fire or environmental hazard, or to be detrimental to human life, health, or safety;
D. Lumber (excluding lumber for the construction project on the property with a valid building permit), salvage materials, including but not limited to auto parts, scrap metals, tires, other materials stored on premises in excess of 30 days and visible from a public street, walkway, alley, or other public property;
E. Receptacles for trash, discarded materials, and recyclables that are left in the front yard or on public rights-of-way on any day except the day of the regularly scheduled refuse pick-up for the property;
F. Swimming pool, pond, spa, other body of water, or excavation that is abandoned, unattended, unsanitary, empty, that is not securely fenced, or that poses a threat to be detrimental to human life, health, or safety; and
G. Weeds, grasses or other vegetation which (1) cover 50 percent or more of any lot or yard; (2) average 12 inches or more in height; and, (3) could become a fire hazard.
H. Trees, shrubs or other vegetation blocking public rights-of-way or clear vision triangles lower than a height of 8 feet above the rights-of-way or clear vision triangle.

One and One-Half Story Structure
A structure that does not exceed 18-feet in height to the midline of the roof. The structure also provides the second story within a basement that is sunk into the ground a minimum of 4-feet or is located within a pitched roofline located within a front gable, the exterior second floor wall height shall not exceed 2-feet 6-inches in height and contains a maximum of one dormer on each side of the structure that does not exceed 8-feet in width.

Example of second story within a basement
Occupancy Permit
The approval to occupy a building that is granted after zoning and building requirements and conditions of approval, if any, have been met or bonded for.

One-hundred Year Flood
The flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with "Base Flood."

Open Space
An open area for a visual amenity, passive recreation, or active recreation.

Open Space, Eligible
An area of one acre or greater in size with a slope of 25 percent or less and a minimum average width of 30 feet, that 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 that do not meet these criteria may also be counted as open space eligible for the density bonus if they meet the criteria established in 11-07-09.4B for priority open space and are approved by the Planning and Zoning Commission.

Open Space, Preserved
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.

Open Space, Priority
Unique lands that exhibit at least four of the 12 characteristics or factors listed in Section 11-07-09.4.D(3)(a). These lands may not meet the size, slope, or dimensional criteria for eligible open space, 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 and 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.

Open Space, Private
An open area for passive or active recreation developed, designated, and protected for the benefit and private use of the employees or residents within a planned development or residential development.

Ordinary High Water Mark
The Ordinary High Water Mark (OHWM) is the line that the water impresses on the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes. The location of the OHWM is determined on-site by the Idaho Department of Lands for purposes of determining land ownership only.
Organic Matter
Plant materials including: leaves, grass, brush, weeds, tree or shrub trimmings, garden debris, and vegetative kitchen garbage.

Original Tract
A lot, parcel, or tract in existence prior to or on October 30, 1965, without subsequent change of boundaries or size. Conveyance of an external portion of the original tract for public right-of-way to a governmental entity such as the Idaho Transportation Department or Ada County Highway District subsequent to October 30, 1965, does not constitute a change of boundaries or sizes for purposes of a determination of original tract status.

Owner
The fee owner of the real property subject to this regulation. The owner may assign, in writing, application submittal and subdivision development authority to an applicant who is not the owner. To the extent an owner is applying for subdivision of property in its own name, such owner shall be the “applicant” for purposes of this Code.

Parcel
A lot or tract of land. Parcels are generally described by a metes and bounds legal description or references to quadrangular survey measurements utilizing sections, townships and ranges, or government lots.

Parcel, Landlocked
A tract of land that does not abut a public or private street.

Park and Ride Facilities
Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

Partial Two-Story Structure
A structure that limits the second story floor plate to reduce the height, bulk and massing of the structure. This can be achieved by increasing the second story setbacks by a minimum of 3-feet beyond the minimum front, side and rear setbacks required by the zone. It may also contain the second story within a pitched roofline located within a front gable and the building height is a maximum of 18-feet to the midline of the roof that has an exterior second floor wall height no greater than 2-feet six-inches in height and a maximum of two dormers with a maximum width of 8-feet located on each side of the structure. It may also contain the second story within a pitched roofline within a side gable and the building height is a maximum of 25-feet to the peak of the roof and 18-feet to the midline of the roof with any dormers on the front or rear of the structure no greater than 10-feet in width.

Example of a second story contained within a pitched roofline with two side dormers

18-feet to midline of the roof

Maximum of two dormers that shall be no greater than 8-feet in width

Exterior second floor wall height shall be no greater than 2-feet 6-inches

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Example of a second story contained within a pitched roofline with front and/or rear dormers

Example of setbacks increased by a minimum of three feet

Parking Court
A clustered parking area located off the main roadway and near the building that it serves and designed to preclude cut-through vehicular travel except for by emergency vehicles.

Parking, Covered
A carport that provides full overhead protection from the elements with ordinary roof coverings.

Parking Lot Replacement
A protective covering placed around plants to prevent the evaporation of moisture, the freezing of roots, and the growth of weeds.

Parking, On-site
Any required parking space that is located on the same site as the principle use that the parking is intended to serve.

Parking Space
A usable space for the storage of one passenger automobile or commercial vehicle, exclusive of access drives, aisles, or ramps, within a public or private parking area or a building that meets the parking standards of this Code.

Parking Space, Tandem
A parking space designed to accommodate two vehicles parked in tandem (one behind the other) that meets all the parking space dimensional standards as outlined in Section 11-07-03.4.A, Dimensional Standards.
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Parkway
A landscaped area located between the edge of a street section or curb and a sidewalk dedicated to separate pedestrian and vehicular traffic.

Parties of Record
The applicant, property owner, Planning Director, and those who testified orally or in writing at the lower hearing.

Parties to the Appeal
The appellant(s), the applicant, and the property owner.

Paths, Bicycle and Pedestrian
Specifically refers to paved bicycle paths or unpaved pedestrian paths built within the Boise River System Management District. Paved bicycle paths shall meet the requirements of the Bicycle/Pedestrian Design Manual for Ada County (1978) and other appropriate and relative design manuals.

Pathway
Any sidewalk, route, lane, path, corridor, open space, or trail designated to move people by non-motorized means for transportation or recreation, including micro-pathways.

Participating Parties
As used in Section 11-03-03.11, Mediation, and “participating parties” means those individuals who have agreed or have been directed to participate in the mediation process, including the applicant and affected persons.

Person
A natural person, heirs, executors, administrators, or assigns - including a firm, partnership, or corporation - its or their successors or assigns, or the agent of any of the aforesaid.

Petitioner(s)
As used in Section 11-03-03.11, Mediation, “petitioner(s)” means the person or persons who submit the request for mediation to the City of Boise. This may be the Planning and Zoning Commission, Council, applicant, or other affected person.

Planned Unit Development (PUD)
A use or a combination of uses planned for a tract of land to be developed as a unit under single ownership or control and that may include two or more principal buildings.

Plat, Preliminary
A preliminary plan of a proposed subdivision or condominium that contains all elements required by this Code and provides sufficient information to allow for public review and evaluation.

Plat, Final
The plat map of a subdivision, cemetery, condominium, or a replatting of such, prepared by a State of Idaho licensed land surveyor for filing and recording by the County Recorder and containing those elements required by this Code, including certification, descriptions, and final approvals. A final plat, upon its being filed and recorded by the County Recorder, shall be known as an authorized plat.

Plot Plan
A "to scale" drawing of a lot or lots showing the actual measurements, the size and location of any existing building(s) to be erected, the location of the lot in relation to abutting streets, use and development of the land, and other such information. “Site plan” is a term that is often used interchangeably with plot plan.

Pressurized Irrigation Systems for Individual Lots
A pressurized water distribution system that distributes non-potable water to individual lots for irrigation purposes. Typical sources of water include non-treated Boise River water, canal water, irrigation return water or well water.

Principal Dwelling
The primary building designed and used for human habitation on a property.
Principal Use
The main use of land or buildings, as distinguished from a subordinate or accessory use.

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

Public Pathway
A public path used by walkers or bicyclists.

Quasi-public Use
A use that is essentially public, although it is under private ownership or control.

Quorum
A majority of the authorized members of a board or commission.

Recreational Vehicle (RV)
A portable vehicle or structure used primarily for recreation, hobbies, vacations, extended travel, camping, sports, and aquatic use. An RV may be self-propelled, towed, or transported by trailer. Includes, but is not limited to, motor homes, converted buses, camping, and travel trailers, light-duty trailers and transporters, horse and cattle trailers, boats, rafts and their trailers, and off-street vehicles such as snowmobiles, dune buggies, all-terrain vehicles, and any type of three or four-wheeled sport racing or drag vehicle.

Regulatory Taking
A regulatory or administrative action resulting in deprivation of private property that is subject of such action, whether such deprivation is total or partial, permanent, or temporary, in violation of the state or federal constitution.

Repair
The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not apply to any other change in a structure such as would be required by additions to or remodeling of such structure.

Residential Floor Area
Amount of all livable space including basements and bonus rooms.

Residential Structure
A building used as a dwelling for one or more persons. The term includes, but is not limited to houses, mobile homes, apartment buildings, lodging homes, and dormitories. The term also includes accessory use areas that are used in conjunction with and form an integral part of a residential structure.

Re-striping (Parking Lot)
Any change in the configuration, size or distribution of existing painted stripes designed to create spaces for motorized vehicles.

Revegetate
To replant an area with vegetation (e.g., trees, shrubs, or grasses).

Review Body
The Planning and Zoning Commission, the Historic Preservation Commission, the Hearing Examiner, or the Design Review Committee, when designated to review the application.

Riparian Area
Relating to or living or located on the bank of a natural water course as a stream or river; or the stream corridor consisting of riparian vegetation, stream carved topography, and features that define a continuous corridor on either side of a stream or pond; or all lands within and adjacent to areas of groundwater discharge, or standing and flowing surface waters where the vegetation community is significantly affected by the temporary, seasonal, or permanent presence of water. Examples include springs, seeps, creeks, streams, rivers, ponds, and lakes and their margins.
Riparian Community
All plant and animal species within a given riparian area.

Riparian Habitat
A riparian area where a plant or animal lives; the sum total of environmental conditions in the area. It may also refer to the place occupied by an entire community of plants or animals.

Roof
The outside top covering of a building or structure.

Roof, Flat
A roof that is not pitched and the surface of which is parallel to the ground.

Roof, Gable
A ridged roof forming a gable at both ends of the building or structure.

Roof, Gambrel
A ridged roof with two or more slopes on each of two sides and forming a gable at both ends of the building or structure.

Roof, Hip
A roof with sloping ends and sides.

Roof, Mansard
A roof with two slopes on each of four sides, the lower slope being steeper than the upper slope.

Roof, Shed
A roof with one slope.

Service Drive
A privately owned and maintained drive that provides access to parking lots and spaces, loading spaces, drive-up windows, or other areas that need a provision of access. Types of service drives include: individual private driveways, common driveways, entry drives, drive-through lanes, and parking aisles.

Setback
The space on a lot or parcel that is required to be left open and unoccupied by buildings or structures, either by the requirements of this Code or by delineation on a recorded subdivision map.

Sewer Entity
The public agency having the jurisdictional responsibility for providing sanitary sewer service.

Sexually Oriented Business Employee
Any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated as an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Sexual Encounter Premises
A premises other than a hotel, motel, or similar premises offering public accommodations, that, for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include a premise where an Idaho licensed medical practitioner, psychologist, psychiatrist, or similar professional person engages in medical or sexual therapy.
Shared Reserve Areas
Are those areas on a given lot on which the animals on neighboring lots are allowed, on a weekly or more frequent basis, to occupy for grazing or other activities.

Side Channel
A stream or watercourse, either natural or manmade, that generally flows from or into the Boise River. This includes waterways developed as amenities in residential or commercial developments.

Sign
Any display or device consisting of attached or painted letters, symbols, or designs, and including any moving parts, lighting, sound equipment, framework, background material, or structural support, that display or device is intended to communicate business identification, an advertisement, announcement, direction, or other message or attract, distract, hold, direct, or focus public attention. The term shall not include commodities and their attached labels and price tags.

Site Plan
See Plot Plan.

Slope Protection Area
A non-buildable area with a slope greater than 25 percent 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.

Special Exception
A special approval granted by the Council for a use that is not identified as an allowed or conditional use within the zoning district subject to conditions set forth in this Code.

Specified Anatomical Areas
Any of the following parts of the human body with less than full opaque coverings: the human genitals, anus, cleft of the buttocks, or the female breast.

Specified Sexual Activities
Shall mean and include any of the following whether actual or simulated:

A. The fondling or other erotic touching of any specified anatomical areas;
B. Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain;
C. Sexual intercourse, masturbation, sodomy, oral copulation, coitus, ejaculation;
D. Excretory functions as part of or in connection with any of the activities set forth in (A) through (C) above;
E. Erotic or lewd touching, fondling, or other contact with an animal by a human;
F. The exposure of display of human genitals in a state of sexual stimulation, arousal, or tumescence; or
G. Erotic dancing or rhythmic movements with a device, instrument, object, or pole.

Under no circumstance shall the issuance of conditional use permit be considered an affirmative defense or consent by the City of Boise for any activity that is prohibited by federal or state law, or any other prohibition not a part of this section of the Boise City Code.

Stable, Private
A detached accessory building or structure for the keeping of one or more horses or cows that is owned and used by the occupant of the premises and not for remuneration, hire, or sale.

Stable, Riding
A building or structure used or designed for the boarding or care of riding horses.

Street
The public right-of-way or private property and related improvements that provides vehicular and pedestrian access to adjacent properties. The term "street" also includes the terms highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, and other such terms.
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**Street, Arterial**
Any street as designated by the ACHD, whether existing or proposed, with a primary purpose of carrying through traffic and designed with limited access to abutting property. Direct lot access is restricted.

**Street, Collector**
Any street, as designated by the ACHD, existing or proposed, with a primary purpose and design to intercept traffic from the local street system and carry it to the nearest arterial street, while provided limited access to abutting property. Direct lot access is restricted.

**Street, Frontage**
A minor street, parallel to and adjacent to an arterial street, that has the primary purpose of providing access to abutting properties.

**Street Frontage**
Distance measured along the property line that fronts upon a street or alley. To constitute frontage, the subject street or alley must provide access to abutting properties.

**Street, Gateway**
Streets within Boise City as listed below:
  A. Broadway Avenue, from I-84 to Warm Springs Avenue,
  B. Capitol Boulevard,
  C. Federal Way, from Capitol Boulevard to Bergeson Street,
  D. Front Street,
  E. Myrtle Street,
  F. Parkcenter Boulevard,
  G. State Street, from the State Capitol to State Highway 55,
  H. Vista Avenue, from I-84 to Capitol Boulevard, and
  I. Warm Springs Avenue.

**Street, Local**
Any public street, other than an arterial or collector, designed to provide access to abutting property and principally serves local traffic.

**Street, Private**
A street approved by the Council in conformance with the subdivision regulations of this Code that provides both access and street frontage for individual lots. Private streets are owned and maintained by private individual(s) or entities. Governmental entities do not own nor maintain private streets.

**Street, Public**
A right-of-way that provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the ACHD. The term “street” includes also the terms highway, thoroughfare, parkway, road, avenue, boulevard, place, and other such terms.

**Street Vista**
The view, framed by buildings, at the termination of the axis of a thoroughfare.

**Structure**
Anything constructed or erected, except a fence, that requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, platforms, frame work, antennas, portable carport or cover, prefabricated metal, or plastic sheds and tents.

**Subdivision**
The division of a lot, tract, or parcel of land into two or more lots for the purpose of transfer of ownership or for the construction of improvements thereon, whether immediate or future, including dedication of streets.

**Surveyor**
A person authorized by the State of Idaho to practice the profession of land surveying.
Theater, Adult
See Adult Motion Picture Theater.

Topping
“Rounding” or any other term that can be described as severe cutting back of limbs within a tree crown to buds, stubs or laterals not large enough to assume a terminal role or as defined in ANSI A300. Other common terms for topping include stubbing, heading, heading-back, stubbing off, tipping, lopping or roundover.

Townhouse
An attached single family dwelling unit located on a platted lot and for which the individual owner may acquire title to the unit and lot. An estate consisting of a fee simple interest in the structure and specific identified land. A townhouse may have an undivided common interest in the common areas including but not limited to sidewalks, open spaces, and recreational facilities and private drives.

Tract
A generic term for an area of land that does not denote a specific condition. Used when speaking of both platted lots and unplatted parcels.

Trailer, Travel
A vehicular portable structure designed as temporary living quarters for travel, recreational, and vacation uses.

Triangular Spacing
Placement of sprinkler heads in an equilateral triangular pattern. The distance between heads in each row must be head-to-head spacing as per the definition in this section.

Tributary
A stream or watercourse, excluding manmade waterways exclusively used for irrigation, that flows into the Boise River that flows for all or a portion of the year.

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

Upland Areas
Areas within the floodplain that are not defined by the Code as wetlands or riparian areas. See also Natural Resource Functions and Values.

Urban Farm
Land used to grow plants and harvest food or ornamental crops for educational purposes, donation, and use by those cultivating the land, or for sale locally. Gardens that are accessory to a home are not considered urban farms.

Utilities
Water, sewage, gas, telephone, cable television, pressure irrigation, electricity, and similar facilities normally providing individual customer service to a building site.

Utility, Public
Any person, company or municipal department that is duly authorized to furnish to the public under public regulations electricity, gas, steam, telephone, transportation, or water.

Use
The purpose for which land or a building thereon is designed, arranged, or intended or for which it is occupied, maintained, or leased.

Variances
A modification of the requirements of this Code as to lot size, lot coverage, lot width, street frontage, setback requirements, parking requirements, loading requirements, or other code provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.
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Vehicle, Commercial
A vehicle or trailer with a gross vehicle weight of over 8,000 pounds and designed for commercial use, construction equipment; any standard type vehicle with commercial or industrial attachments or modifications including but not limited to lifts, tanks, spray equipment, cranes, and extension platforms utilized for commercial use or constructive equipment.

Wetland
An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances supports a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include saturated swamps, marshes, bogs, and similar areas.

Wetland, Emergent
Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses, and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants. Other common names are “marsh” and “slough.”

Wetland, Forested
Wetland areas characterized by wood vegetation over 20 feet tall and possessing an overstory of trees, an understory of young trees or shrubs, and an herbaceous layer.

Wetland, Riparian Functions and Values
As used in Section 11-05-06.1, Boise River System Overlay Districts, includes water quality protection and improvement, habitat for fisheries and wildlife, nutrient retention and removal, channel stability, food chain support, flood storage, and desynchronization, groundwater recharge and discharge, active, and passive recreation, aesthetics, and cultural resources. See also, Natural Resource Functions and Values.

Wetland, Scrub-shrub
Wetland areas that are dominated by woody vegetation less than 20 feet tall. The species include true shrubs, young trees, and trees, and shrubs that are stunted because of environmental conditions. Includes types such as alder, willows, dogwood, and red maple.

Wet-line Sewer
An operating public sewer capable of serving a structure immediately upon connection.

Wireless Communications
Wireless communications shall mean any personal wireless services as defined in the Federal Telecommunications Act of 1996 that includes Federal Communications Commission licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Facility (WCF)
An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components:

A. Antenna,
B. Support structure,
C. Equipment enclosure, and/or
D. Security barrier.

Wireless Communication Facility, Attached (Attached WCF)
An antenna array that is attached to an existing building or structure (attachment structure) with any accompanying pole or device (attachment device) that attaches the antenna array to the existing building or structure, transmission cables, and an equipment facility that may be located either inside or outside of the attachment structure. Such structures shall include, but are not limited to, utility poles, signs, and water towers.
Yard
An open space on the same lot with a principal building or group of buildings, that is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code, and that extends along a lot line and at right angles to the lot line to a depth or width specified in the yard regulations for the district in which the lot is located.

Yard Sale
The on-premise sale of new or used household or related goods from a residential lot; also known as a garage sale or rummage sale. The duration of yard sales shall not exceed 72 hours. A maximum of two such sales shall be permitted from any one residence within the same calendar year.

Zero Lot Line Development
Single family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line or attached sidewalls on a property line.

Zoning Certificate
A notation attached to a building permit, occupancy permit, or business license or that is issued separately by the city, certifying that the building, structure, use, or occupancy specified is in compliance with relevant zoning regulations and approvals.
CHAPTER 11-013: ADOPTED SPECIFIC PLANS

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.
CHAPTER 11-013: Adopted Specific Plans
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Subsection 5: Administrative Review - Use

F. Annual Review
The Applicant is required to attend and document meetings with Planning Director on a yearly basis to analyze: 1) administration of plan; 2) trip generation and traffic service levels on surrounding roads; 3) the relative mix of land uses; and 4) infrastructure related improvements. Specific issues to be addressed are: the Boise School District elementary school site and agreement; development and installation of the Greenbelt and other public trails included in the Harris Ranch Specific Plan; and the implementation and performance of the Transit Management Plan. The meeting will require other commenting agency involvement as needed. If amendments to the Specific Plan are deemed necessary through this periodic review, then the Harris Ranch Applicant or the City of Boise may request revisions to the Specific Plan through an amendment process.

G. Phasing Plan Modifications
The phasing plan described in Section (A)(2)(d)(vi) of Volume I of the Harris Ranch Specific Plan (2010) (the “Phasing Plan”) is the current best estimate of the expected orderly progression of development and infrastructure improvements throughout the life of the project. Because infrastructure availability may impact public-service facilities, substantial consistency with the Phasing Plan is an element of the findings for ongoing permit approval. Future on-the-ground conditions and considerations may dictate modifications to the Phasing Plan. The Planning Director may make staff-level allowances to the Phasing Plan upon application by the Harris Ranch Applicant, contingent upon the following findings:

1. That all affected public service providers have been notified of the proposed Phasing Plan modification and the proposed Phasing Plan modification will not adversely affect public service providers. Additional affected property owners may be noticed at the Planning Director’s discretion;

2. That an alternative schedule has been presented to the Planning Director for when the infrastructure will be provided; and

3. That the proposed modification complies with and supports the goals and objectives of the Harris Ranch Specific Plan.

5. ADMINISTRATIVE REVIEW - USE
A. Uses Specified Within the Harris Ranch Specific Plan

1. The City Council, having reviewed and approved the Harris Ranch Specific Plan, has delegated to the Planning Director the authority to administratively review every application for a Notice of Specific Plan Compliance or modification to a Notice of Specific Plan Compliance. Every application seeking confirmation of conformity with the Code and/or a permit affecting the use of land or of a structure and/or a request for a variance shall be deemed to be also an application for a Notice of Specific Plan Compliance. The Planning Director shall ensure that the proposed use complies with the Harris Ranch Specific Plan and the standards described in the Code. The determination of the Planning Director shall be a final decision. The findings to be made by the Planning Director are as follows:

(a) The land use is consistent with the land use matrix, prototypical block plans and special use standards.

(b) The land use, supporting infrastructure and other elements are consistent with the improvements and timelines identified within the phasing plan.
(c) The land use and related transportation improvements are consistent with the circulation plan and Ada County Highway District (ACHD) recommendations.

(d) The land use includes all public facilities required in the Community Services Plan.

(e) Harris Ranch has maintained an annual monitoring review as required by subsection 11-013-01.4.F.

(2) Upon such determination that the proposed use is in compliance with the Harris Ranch Specific Plan, the Planning Director shall issue a Notice of Specific Plan Compliance.

B. Uses Not Specified Within the Harris Ranch Specific Plan

(1) Uses not specified in the Harris Ranch Allowed Uses, pages 51 to 62 of the Harris Ranch Specific Plan, are prohibited unless determined by the Planning Director to be similar in nature to those specified as allowed uses herein. The Planning Director shall give due consideration and deference to the decision of the Harris Ranch Review Board, for the purpose of determining whether a use complies with the Harris Ranch Specific Plan. Upon such determination the Planning Director shall issue a Notice of Specific Plan Compliance. Approval may be made contingent upon such conditions as are reasonably necessary to secure the public welfare. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code. The findings to be made by the Planning Director in determining compliance of such proposed uses with the Harris Ranch Specific Plan are as follows:

(a) That the location of the proposed use is compatible to other uses in the general neighborhood.

(b) That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity.

(c) That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by the Harris Ranch Specific Plan and Harris Ranch Specific Plan Code.

(d) That the proposed use will not adversely affect other property in the vicinity.

(e) That the proposed use is in compliance with and supports the goals and objectives of the Harris Ranch Specific Plan.

(2) Whenever there is doubt as to the classification of a use not specifically referenced in the Harris Ranch Allowed Uses, the determination shall be made by the Planning Director. Such determination shall be based upon a recommendation by the Harris Ranch Review Board, a detailed description of the proposed use and such other information as may be required by the Planning Director. The Planning Director shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the Harris Ranch Specific Plan District, and shall determine whether the use is, in all essentials, pertinent to the objectives of the Code and of the same character as a use listed as allowed in the Harris Ranch Specific Plan District. Upon such determination and the findings provided above, the Planning Director shall issue a Notice of Specific Plan Compliance. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code.
C. Application

The Planning Director is authorized to review an application against all required approval standards and/or criteria for allowed uses and designs, and issue final approval or withhold final approval. Every person seeking a Notice of Specific Plan Compliance as herein defined shall submit an application to the Planning Director on a prescribed form, accompanied by the appropriate filing fee as approved by the City Council. Application forms shall be accompanied by supporting information as defined by the application form and as required by the Code and will include the recommendation of the Harris Ranch Review Board.

D. Fees

The Planning Director shall maintain a current list of fees for all applications. The fees for zoning applications may be revised only by the City Council. Current fee schedules may be obtained from the Planning Director.

E. Review Period

The Planning Director 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.

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. 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.
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 Specific Plan and Harris Ranch Specific Plan Code.
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Section 11-013-01: Harris Ranch
Subsection B: General and Specific Use Standards

B. General Standards

(1) Minimum setbacks are outlined in the summary found on each Block Prototype (see pages 65 – 107 of the Harris Ranch Specific Plan). More restrictive setbacks may be established through the Harris Ranch Design Guidelines prepared by Harris Family Limited Partnership, its successors and/or assigns, and enforced by the Harris Ranch Review Board.

(2) Setbacks shall be measured from the exterior wall of a building or garage face to the setback line. The front and corner setback lines shall be the back of sidewalk or back of curb if no sidewalk exists, or edge of pavement if no curb exists.

(3) Residential front loading driveway length shall be 20 feet minimum beyond the sidewalk line to allow vehicles to park completely outside the vehicle corridor or pedestrian streetscape. Alley loaded driveway length from garage door to the alley shall be 6 feet or greater than 20 feet for side-loaded garages, 20 feet of full-width driveway shall be provided behind the sidewalk.

(a) Bay windows, architectural appendages, fireplaces, cabinets designed to screen utility meters and similar architectural features may encroach no more than 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 feet 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.

(i) Common Driveways. The Planning Director shall approve common driveways that meet all of the following requirements:

i. The common driveway provides access to no less than 2 lots or parcels, and no more than 6 lots that are each occupied with a single-family or a townhouse dwelling unit.

ii. The length of the common driveway shall not exceed 80 feet, and shall not be less than 10 feet wide for the entire length of the common driveway.

iii. Unless limited by geographical features, all lots or parcels that abut a common driveway shall 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.

iv. 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.

v. 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.

vi. The use of the common driveway benefits the design of the driveway and reduces the number of accesses onto the public street.

(4) Transportation Standards

(a) Updated traffic impact studies will be required with each preliminary plat.

(b) Existing Warm Springs Avenue will not be reclassified until the parkway arterial is fully built and accepted by ACHD.

(c) Alterations to the existing Warm Springs arterial may be made prior to the construction of the new arterial if approved by the City of Boise and ACHD.

(d) Particular street sections regarding internal street and alley intersections will be redesigned or request for modification to 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.
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(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. All structures or outdoor recreation areas shall maintain a minimum setback of 50 feet from all abutting predominantly residential blocks.
   ii. Any outdoor speaker system associated with the amusement or recreation facility shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.
   iii. All outdoor activities and events shall be scheduled 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.
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.

Only business signs referring to the principal use as a bed and breakfast inn are permitted.

**Car Wash**

- An 100-foot separation shall be maintained between any car wash facility and any predominantly residential block.
- 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.
- 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.

**Club/Lodge**

- All structures which contain this use shall meet Block Prototype setback requirements in which this use is allowed.
- Any food service shall be licensed by all applicable governmental agencies.

**Convenience Stores**

All structures which contain this use shall meet Block Prototype setback requirements in which this use is allowed.

**Daycare Facility or Residence**

- **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.
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(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) 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 within the SP01 plan.

(b) That the number of drive-through lanes is limited to allow for adequate on-site circulation of pedestrians and vehicles, and that the internal circulation on the site provides for pedestrians to walk from parking lots to the lobby entrance(s) without traversing the waiting lane(s) for the drive-through window.

(c) That the waiting lane(s) be of sufficient length to provide for anticipated average monthly peak volumes.

(d) That design, signage or operational characteristics of the establishment prevent or discourage vehicles from waiting for service on public sidewalks or streets.

(e) That drive-through waiting lanes be designed so that curbs, gates or other devices do not prevent a vehicle from leaving a waiting lane.

(f) That all lights and other illuminated materials shall be designed, positioned, shielded, directed and located to minimize glare from falling on adjoining lots or parcels.

(g) Landscape shall be used to minimize the visual impact of vehicle lights and signs.

(h) That all communication systems shall not exceed a noise measurement of 65 decibels at the lot line.

(11) Drug and Alcohol Treatment Facility

The owner of the facility shall secure and maintain licenses from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.

(12) Dwelling, Accessory

The applicant 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 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. The distance shall be measured from lot line to lot line in a straight line.

(b) The use shall be located on a block(s) developed predominantly as commercial development.

(c) Installation and operation of underground fuel tanks shall require compliance with all applicable governmental agencies.

(d) Structures and pump station canopies on corner lots or parcels shall observe a minimum setback of 35 feet from any public street.

(e) The total height of any overhead canopy or weather protection device shall not exceed 20 feet.

(f) Vehicle stacking lanes shall be available on-site but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking.

(g) All trash and waste materials shall be stored within a separate enclosure behind the 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:
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All proposed lighting shall be downward cast to minimize impact on adjacent property.

No aerial spraying of the property shall be allowed.

Retail nurseries shall also comply with the following:

The total amount of enclosed retail space shall not exceed 5,000 sq. ft. Greenhouses shall not be considered retail space.

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:
The use is clearly incidental and secondary to the use of the lot or parcel for dwelling purposes.

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.

No activities shall be allowed which involve the use, storage, repair, milling or manufacture of highly combustible materials or internal combustion engines.

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.

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.

The dwelling shall at all times be maintained as residential in appearance, cleanliness and quietness.

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.

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.

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.

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.

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.

There shall be no signs identifying the home occupation.

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 200 feet from any predominantly single-family residential block and a minimum of 100 feet from any predominantly multi-family 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.).

(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. 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.
(b) The special event shall not operate for longer than 1 week.
(c) Parking shall be provided as required by City Event Permit.
(d) Incidental sales of hand crafted items and goods which are reasonably related to the special event program may be permitted.
(e) A temporary use permit is required from the Planning Director.

(28) Temporary Uses
(a) Any temporary use 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:
CHAPTER 11-013: Adopted Specific Plans
Section 11-013-01: Harris Ranch
Subsection 9: Parking Standards – General

i. Are operating for a set time period as requested by the applicant and agreed to by the Planning Director. For most uses, such time period shall not exceed 180 calendar days. Temporary home sales offices may request longer time periods as approved by the Planning Director.

ii. The proposed temporary use shall not allow for placement of, for example, any structure, vehicle or sign, within a clear vision triangle, required setback, required parking space (except as permitted for temporary, outdoor display sale of merchandise), service drive, dedicated trash dumpster location, sidewalk, or any other position on a lot or parcel that may interfere with vehicle or pedestrian circulation or the normal functions of other uses on the property, or otherwise be potentially hazardous to the public.

iii. The proposed use 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 and/or 6 months confinement in jail.

9. PARKING STANDARDS - GENERAL

A. Purpose
This section is intended to: provide accessible, attractive, secure, properly lighted, well-maintained and screened off-street parking facilities; reduce traffic congestion and hazards; protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent non-residential land uses; assure the maneuverability of emergency vehicles; and provide appropriately designed parking facilities in proportion to the needs generated by varying types of land use.

B. Use

(1) Parking garages and/or parking lots shall be used for vehicle parking only.

(2) The use allowed in the building and the corresponding parking spaces required and fixed shall be noted on the Notice of Specific Plan Compliance or Notice of
CHAPTER 11-013: Adopted Specific Plans
Section 11-013-01: Harris Ranch
Subsection 9: Parking Standards - General

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.

<table>
<thead>
<tr>
<th>TABLE 11-013.1: OFF-STREET PARKING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE CATEGORY</td>
</tr>
<tr>
<td>Residential: Single Family Detached,</td>
</tr>
<tr>
<td>town homes, and multifamily</td>
</tr>
<tr>
<td>(including live/work and work/live units)</td>
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<tr>
<td>Lodging</td>
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<td></td>
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<td>Retail</td>
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<td>Educational</td>
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<td>Junior, Middle, and Senior High School:</td>
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<tr>
<td>College:</td>
</tr>
<tr>
<td>Industrial</td>
</tr>
<tr>
<td>Civic/Cultural</td>
</tr>
<tr>
<td>Civil Support</td>
</tr>
</tbody>
</table>

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.
### 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.

### 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

<table>
<thead>
<tr>
<th>(A) LAND USE</th>
<th>(B) WEEKDAY</th>
<th></th>
<th>(C) WEEKEND</th>
<th></th>
<th>(D) WEEKEND</th>
<th></th>
<th>(E) NIGHTTIME</th>
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<td>EVENING</td>
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<tr>
<td></td>
<td>(9 A.M. - 4 P.M.)</td>
<td>(6 P.M. - 9 A.M.)</td>
<td>(9 A.M. - 4 P.M.)</td>
<td>(6 P.M. - 9 A.M.)</td>
<td>(MIDNIGHT - 6 A.M.)</td>
<td>(MIDNIGHT - 6 A.M.)</td>
<td>(MIDNIGHT - 6 A.M.)</td>
<td>(MIDNIGHT - 6 A.M.)</td>
</tr>
<tr>
<td>Office/Industrial</td>
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<td>5%</td>
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<td>10%</td>
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<td>10%</td>
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</tbody>
</table>

(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 setback 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.

(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 backup distance is provided to the far side of the service drive.
   iv. Except at the intersection of a service drive and public road, the service drive shall be narrowed to 20 feet where 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

<table>
<thead>
<tr>
<th>Parking Angle See Figure 3-1, A</th>
<th>Stall Width See Figure 3-1, B</th>
<th>Curb Length Per Car See Figure 3-1, C</th>
<th>Stall Depth See Figure 3-1, D</th>
<th>Driveway Width See Figure 3-1, E</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>9'- 0&quot;</td>
<td>23'- 0&quot;</td>
<td>9'- 0&quot;</td>
<td>12'- 0&quot;</td>
</tr>
<tr>
<td>20°</td>
<td>9'- 0&quot;</td>
<td>26'- 4&quot;</td>
<td>15'- 3&quot;</td>
<td>11'- 0&quot;</td>
</tr>
<tr>
<td>30°</td>
<td>9'- 0&quot;</td>
<td>18'- 0&quot;</td>
<td>17'- 8&quot;</td>
<td>11'- 0&quot;</td>
</tr>
<tr>
<td>40°</td>
<td>9'- 0&quot;</td>
<td>14'- 0&quot;</td>
<td>19'- 6&quot;</td>
<td>12'- 0&quot;</td>
</tr>
<tr>
<td>45°</td>
<td>9'- 0&quot;</td>
<td>12'- 9&quot;</td>
<td>20'- 5&quot;</td>
<td>13'- 0&quot;</td>
</tr>
<tr>
<td>50°</td>
<td>9'- 0&quot;</td>
<td>11'- 9&quot;</td>
<td>21'- 0&quot;</td>
<td>14'- 0&quot;</td>
</tr>
<tr>
<td>60°</td>
<td>9'- 0&quot;</td>
<td>10'- 5&quot;</td>
<td>21'- 10&quot;</td>
<td>16'- 0&quot;</td>
</tr>
<tr>
<td>70°</td>
<td>9'- 0&quot;</td>
<td>9'- 8&quot;</td>
<td>21'- 10&quot;</td>
<td>18'- 0&quot;</td>
</tr>
<tr>
<td>80°</td>
<td>9'- 0&quot;</td>
<td>9'- 2&quot;</td>
<td>21'- 4&quot;</td>
<td>20'- 0&quot;</td>
</tr>
<tr>
<td>90°</td>
<td>9'- 0&quot;</td>
<td>9'- 0&quot;</td>
<td>20'- 0&quot;</td>
<td>22'- 0&quot;</td>
</tr>
</tbody>
</table>

TABLE 11-013.5: MINIMUM STANDARDS FOR COMPACT-SIZE VEHICLES

<table>
<thead>
<tr>
<th>Parking Angle See Figure 3-1, A</th>
<th>Stall Width See Figure 3-1, B</th>
<th>Curb Length Per Car See Figure 3-1, C</th>
<th>Stall Depth See Figure 3-1, D</th>
<th>Driveway Width See Figure 3-1, E</th>
</tr>
</thead>
<tbody>
<tr>
<td>45°</td>
<td>7'- 6&quot;</td>
<td>10'- 6&quot;</td>
<td>16'- 0&quot;</td>
<td>11'- 0&quot;</td>
</tr>
<tr>
<td>60°</td>
<td>7'- 6&quot;</td>
<td>8'- 9&quot;</td>
<td>16'- 9&quot;</td>
<td>14'- 0&quot;</td>
</tr>
<tr>
<td>75°</td>
<td>7'- 6&quot;</td>
<td>7'- 10&quot;</td>
<td>16'- 4&quot;</td>
<td>17'- 5&quot;</td>
</tr>
<tr>
<td>90°</td>
<td>7'- 6&quot;</td>
<td>7'- 6&quot;</td>
<td>15'- 0&quot;</td>
<td>20'- 0&quot;</td>
</tr>
</tbody>
</table>

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
chapter 11-013: adopted specific plans
section 11-013-01: harris ranch
subsection 9: parking standards - general

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>
<thead>
<tr>
<th>GROSS FLOOR AREA (SQ. FT)</th>
<th>NUMBER OF LOADING SPACES</th>
<th>TYPE OF LOADING SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14,000 – 36,000</td>
<td>1</td>
<td>B</td>
</tr>
<tr>
<td>36,001 – 60,000</td>
<td>2</td>
<td>B</td>
</tr>
<tr>
<td>60,001 – 100,000</td>
<td>2</td>
<td>B</td>
</tr>
<tr>
<td>For each additional 75,000 sq. ft., or fraction thereof, an additional Type A space shall be required.</td>
<td>1</td>
<td>A</td>
</tr>
</tbody>
</table>

W. Temporary Parking Lots

(1) Term of Permit: Temporary parking lots for non-required parking may be permitted where new building construction is planned. Temporary parking lots may be permitted for up to 2 years if the following criteria are met:

(2) The parking lot shall be located within 600 feet of the building or use the parking lot serves.

(3) The parking lot shall include adequate land to accommodate parking spaces, drives, and a general circulation pattern that complies with the standards of this section in connection with permanent parking lots.

(4) A minimum 20-foot width of direct access to the parking lot from a public road right-of-way shall be provided.

(5) Existing mature landscape shall not be displaced by the parking lot unless prior written approval is received from the Planning Director.

(6) A detailed grading and drainage plan shall be submitted for review and approval by ACHD and the City’s Public Works Department.
10. SIGN STANDARDS

A. Purpose
This section of the Harris Ranch Specific Plan Code creates the framework for sign regulation that is intended to create an identifiable theme for Harris Ranch and to facilitate communication between people and businesses recognizing the need for both a well-maintained and attractive community and the need for adequate business identification, advertising and communication. The purpose of this section is:

1. To provide reasonable and enforceable provisions for the location, design and construction of signs;
2. To safeguard and enhance property values and to protect public and private investment in buildings and open spaces;
3. To promote those qualities in the visual environment that bring economic value to the community;
4. To encourage the design of signs that are in harmony with the principal activities and structures that the signs serve and that are compatible with the overall street setting and neighborhood character;
5. To ensure that the maintenance of a sign continues throughout the life of the sign; and
6. To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City and Harris Ranch.

B. General Provisions and 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 cylindrical signs, signs in the shape of cubes, or other signs that are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Entrance wall or fence area outside of the sign area width shall not be considered a part of the sign. The entrance wall or fence outside of the sign area width shall not exceed 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>
<thead>
<tr>
<th><strong>TABLE 11-013.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sign Type</strong></td>
</tr>
<tr>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Tier I Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-10; SE14C-F; SE17</td>
</tr>
<tr>
<td>Rent; Lease; Sale</td>
</tr>
<tr>
<td>Home Occupation; Live-Work</td>
</tr>
<tr>
<td>Apartment, Condominium Complex Identification</td>
</tr>
<tr>
<td>All Other Signs</td>
</tr>
<tr>
<td>Tier II Blocks: SW2-3; SW5; SW7; SW9-10; NW31; TC8; SE1-6</td>
</tr>
<tr>
<td>Rent; Lease; Sale</td>
</tr>
<tr>
<td>Home Occupation; Live-Work; Work-live</td>
</tr>
</tbody>
</table>
### TABLE 11-013.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Maximum Background Area</th>
<th>Maximum Height</th>
<th>Location</th>
<th>Illumination</th>
<th>Number Allowed</th>
<th>Projection</th>
<th>Clearance (from above) Public Right-of-Way</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Apartment, Condominium Complex Identification</strong></td>
<td>4 sq. ft.</td>
<td>4 ft.</td>
<td>5 ft. from back of sidewalk (minimum)</td>
<td>Indirect</td>
<td>1 at each entrance point</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Business Identification Signs (attached; 50% maximum background area for awning Sign)</strong></td>
<td>1 sq. ft. per 3 lineal ft. of Building wall facing a Street; maximum 50 sq. ft.</td>
<td>Not higher than eave line</td>
<td>On wall face facing Street</td>
<td>Indirect</td>
<td>1 per Lot</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>On-site Signs: Wall or Canopy or Marquee</strong></td>
<td>20 sq. ft. (maximum).</td>
<td>Not to exceed height of wall</td>
<td>On wall face facing Street</td>
<td>Indirect</td>
<td>1 or more not to exceed total sq. ft. allowed</td>
<td>3 ft. from wall; may not project above Building</td>
<td></td>
</tr>
<tr>
<td><strong>All Other Signs</strong></td>
<td>PROHIBITED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Tier III Blocks: SW11; SW12-14; TC1-7; SE7-14B; SE14G; SE16-17; SE18A; SE18B</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rent; Lease; Sale</strong></td>
<td>16 sq. ft.</td>
<td>10 ft.</td>
<td>On wall face</td>
<td>None</td>
<td>1 per Street Frontage</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>On-premise Wall or Company or Marquee</strong></td>
<td>20 sq. ft. (maximum)**</td>
<td>Not to exceed height of wall</td>
<td>On wall face facing Street</td>
<td>Indirect</td>
<td>1 or more; not to exceed total sq. ft. allowed</td>
<td>3 ft. from wall if a projecting sign</td>
<td>12 ft.</td>
</tr>
<tr>
<td><strong>Marquee/Canopy/Awning</strong></td>
<td>50% (None for Alley or Parking Lot)</td>
<td>15 ft.</td>
<td>Indirect</td>
<td>1 per business</td>
<td></td>
<td>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</td>
<td></td>
</tr>
<tr>
<td><strong>Under Marquee/Canopy</strong></td>
<td>Length not to exceed 75% of marquee width</td>
<td>Indirect</td>
<td>1 per business</td>
<td>3 ft. if projecting sign</td>
<td></td>
<td>10 ft.</td>
<td></td>
</tr>
</tbody>
</table>

*When combination of wall and free-standing signs are used, total area for signs must be reduced by 50%.

**A sign on a building wall that does not face a street may be permitted when:
(1) the sign background area is a maximum of 10% of the building wall; and
(2) The adjoining block is predominantly commercial.
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 feet allowances for the block within which the sign will be located shall apply. Such sign shall be in lieu of, and not in addition to, on-site 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) **Real Estate Signs**: One real estate sign may be allowed on any lot or parcel, provided the real estate sign is removed within 7 days after the sale, rental or lease has been consummated.

(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. 6 feet 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**.

(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.
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.

### 11-013-02. BARBER VALLEY

1. **APPLICABILITY OF ORDINANCE**
This Barber Valley Specific Plan Zoning Ordinance applies to all property designated on the Barber Valley Specific Plan Zoning Map (Figure 11-013.6 below) and the Barber Valley Specific Plan Land Use Sub-Districts Map (Figure 11-013.7 below) in lieu of Chapter 11-04, Zoning Districts, except where noted herein. All remaining chapters of this Code still apply, except where noted herein. If any provision of this section conflicts with any provision of the Code, the provisions of this section shall control.

2. **INTERPRETATION OF DISTRICTS**

   A.  **Sub-Districts Established**
   (1)  Low-density Residential (SP02-LR)
   (2)  Medium-density Residential (SP02-MR)
   (3)  High-density Residential (SP02-HR)
   (4)  Mixed Use: Office and Medium-density Residential (SP02-OMR)
   (5)  Mixed Use: Office and Commercial (SP02-OC)
   (6)  City Park (SP02-P)

   B.  **District Boundaries**
The location and boundaries of the Barber Valley Specific Plan (SP02) District are shown on the Barber Valley Specific Plan Zoning Map (Figure 11-013.6 below). The location and boundaries of the Barber Valley Specific Plan Sub-Districts established herein are shown on the Barber Valley Specific Plan Land Use Sub-Districts Map (Figure 11-013.7 below). Where any uncertainty exists as to the boundary of any such district, the following rules shall apply:
   (1)  Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the centerline thereof.
   (2)  Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
(3) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Barber Valley Zoning Map.

3. CONFORMITY REQUIRED

A. General

Except as otherwise provided herein, all land, buildings and premises in any district established herein shall be used only in accordance with the regulations established herein for that district. Additionally, no property shall be allowed to maintain an attractive or public nuisance as defined by this Code and/or state code at any time.

B. Purpose of SP02-LR Sub-District

The purpose of the SP02-LR Sub-District is to provide for the development of diverse urban housing products at a net density of approximately 2 to 6 units per acre. This area may include a variety of lot sizes, with lots as small as 3500 square feet allowed, but overall gross density cannot exceed 6 units per acre. Attached units are allowed within the overall density limitations. Accessory dwelling units and uses are also allowed, along with community uses such as parks, community centers and recreational facilities.

C. Purpose of SP02-MR Sub-District

The purpose of the SP02-MR Sub-District is to (a) accommodate medium density residential uses at a net density of approximately 6 to 18 units per acre; (b) provide an orderly transition from more intensive, higher density uses to less intensive, lower density uses; and (c) allow limited cottages and quasi-residential uses, including senior housing and care facilities. The SP02-MR Sub-District includes significant flexibility in lot sizes and restrictions, and anticipates residential uses ranging from row houses and townhouses to condominiums and multi-story apartments. A range of civic and recreational facilities is allowed, along with office, medical and personal service commercial uses that are ancillary to senior housing and care facilities.

D. Purpose of SP02-HR Sub-District

The purpose of the SP02-HR Sub-District is to (a) accommodate higher density residential uses at a net density of approximately 18 to 40 units per acre; and (b) encourage residential uses that are convenient to shopping, recreation, cultural and other concentrated community facilities. The range of uses is similar to the SP02-MR Sub-District, with the addition of hotels, restaurants, cafés, coffee shops and theaters as allowed uses.

E. Purpose of SP02-OMR Sub-District

The purpose of the SP02-OMR Sub-District is to accommodate medium density residential uses, business and professional office uses, and complementary commercial uses such as hotels, restaurants and theaters, together with necessary off-street parking facilities. The SP02-OMR Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards.

F. Purpose of SP02-OC Sub-District

The purpose of the SP02-OC Sub-District is to provide a significant commercial and office component in Barber Station, together with necessary off-street parking facilities. The SP02-OC Sub-District will emphasize high quality design, pedestrian orientation, and flexible development standards. Large office buildings are allowed in this area, along with retail, shopping, service, lodging, and civic uses.
G. Purpose of SP02-P Sub-District
The purpose of the SP02-P Sub-District is to accommodate City park uses, including indoor and outdoor recreational facilities and any necessary parking. The SP02-P Sub-District may also include dedicated open spaces, protected environmental sites such as wetlands and riparian areas, and hazardous areas such as floodways and steep slopes.

H. Design Review

(1) Creation of BVD Design Review Overlay District
This section creates an overlay district within portions of Barber Valley called the Barber Valley Design District (“BVD District”). The BVD District overlays the SP02-MR, SP02-HR, SP02-OMR and SP02-OC Sub-Districts.

(2) Applicability
Any visible exterior improvements to a site, building or structure (including new facilities, remodeling, rehabilitation projects and expansion projects) within the BVD District shall require submittal of a Design Review application and fee in accordance with Section 11-03-04.12, except where expressly modified herein.

(3) BVDR Board Review
Development applications within the BVD District must be submitted to the Barber Valley Design Review Board (“BVDR Board”) prior to submission to the City for design review approval. The BVDR Board shall forward their decisions on to the City for their consideration for all projects.

(4) Application Content
Any BVD District application to the City shall be accompanied by the information required by Section Error! Reference source not found. and by the findings, conclusions and any conditions of approval issued by the BVDR Board.

(5) Level of Review
The Planning Director shall determine whether an application shall be processed at the administrative level or Design Review Committee (“Committee”) level; provided, however, (i) all applications for projects that have less than 5,000 square feet of gross building area and less than 20,000 square feet of site improvements shall be administratively reviewed by the Planning Director and (ii) all applications for a Continuing Care Retirement Community shall be reviewed at the Committee level.

(6) Procedures
With due consideration to the decision of the BVDR Board, the Planning Director or Committee, as appropriate, shall review the application to determine whether the proposed application complies with the design review objectives, considerations and guidelines set forth in Section 11-03-04.12, Chapter 11-07, Development and Design Standards and the design criteria for the BVD District as set forth in the Barber Valley Specific Plan. Upon making such determination, the Planning Director or Committee shall issue its findings of fact, conclusions of law and conditions of approval. Any action of the Planning Director or the Committee may be appealed pursuant to the appeal provisions of this Code.

I. Allowed Uses
Table 11-013.8 sets forth the allowed uses in each Sub-District established herein. Allowed uses are designated with a “•”. Uses listed but not designated as allowed in Table 11-013.8 are prohibited. Uses not listed in Table 11-013.8 are allowed only upon a determination by the
Planning Director that such uses are similar or compatible in nature to the allowed uses in Table 11-013.8. Any affected person may appeal such a determination of the Planning Director to the Planning and Zoning Commission within 10 calendar days following the date the decision is mailed in accordance with Chapter 11-03, Review and Decision Procedures.

<table>
<thead>
<tr>
<th>TABLE 11-013.8: Uses Allowed in Sub-Districts</th>
<th>SP02-LR</th>
<th>SP02-MR</th>
<th>SP02-HR</th>
<th>SP02-OMR</th>
<th>SP02-OC</th>
<th>SP02-P</th>
</tr>
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<tr>
<td>RESIDENTIAL</td>
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<td>Duplex House</td>
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<td>Single Family Residence or Cottage</td>
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<tr>
<td>Condominiums</td>
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<td>Continuing Care Retirement Community*</td>
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<td>Accessory Dwelling Unit</td>
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<td>Accessory Use</td>
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<td>Common Areas to Support Allowed Uses</td>
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<td>LODGING</td>
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<td>Hotel (up to 12 rooms)</td>
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<td>Inn (up to 5 rooms)</td>
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<td>Motel</td>
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<tr>
<td>OFFICE/RETAIL</td>
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<tr>
<td>Office – Business, Professional, Medical</td>
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<tr>
<td>Retail Store (convenience, clothing, video rental, sundries, pharmacy etc.)</td>
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<tr>
<td>Personal Service Store (dry cleaning, Laundromat, barber shop, etc.)</td>
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<td>Shopping Center, Convenience Commercial, Neighborhood Commercial or Community Commercial</td>
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<td>Shopping Center, Regional Commercial</td>
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<td>Grocery (up to 60,000 square feet)</td>
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<td>Wholesale Business</td>
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### TABLE 11-013.8: Uses Allowed in Sub-Districts

<table>
<thead>
<tr>
<th>Uses Allowed in Sub-Districts</th>
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<th>SP02-MR</th>
<th>SP02-HR</th>
<th>SP02-OMR</th>
<th>SP02-OC</th>
<th>SP02-P</th>
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<tbody>
<tr>
<td>Restaurant, Café, Coffee Shop</td>
<td></td>
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<td>Tavern</td>
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<td>Liquor Store</td>
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<td>Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Bikini Bar</td>
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<td>Temporary Sales Offices</td>
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<td>Health Club Facility</td>
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<td>Nursery (retail or greenhouse)*</td>
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**CIVIC (PUBLIC AND PRIVATE)**

<table>
<thead>
<tr>
<th>Uses Allowed in Sub-Districts</th>
<th>SP02-LR</th>
<th>SP02-MR</th>
<th>SP02-HR</th>
<th>SP02-OMR</th>
<th>SP02-OC</th>
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<tr>
<td>Bus Shelter</td>
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<td>Fountain or Public Art</td>
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<td>Library</td>
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<td>Theater</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Outdoor Auditorium</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Park</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Playground</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Parking Lot</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Parking Structure</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Conference Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Community Center</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Religious Institution</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Clubs, Lodges, Social Halls</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Private Open Space</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Recreation Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Outdoor Recreation Facility</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Swimming Pool</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Golf Course</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Golf Driving Range</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
</tbody>
</table>

**CIVIL SUPPORT**

<table>
<thead>
<tr>
<th>Uses Allowed in Sub-Districts</th>
<th>SP02-LR</th>
<th>SP02-MR</th>
<th>SP02-HR</th>
<th>SP02-OMR</th>
<th>SP02-OC</th>
<th>SP02-P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Station</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Police Station</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Cemetery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Funeral Home</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Medical Clinic (accessory use only in MR and HR)*</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Rehabilitation Clinic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>Hospital. Large Animal or Small Animal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>●</td>
</tr>
</tbody>
</table>

**EDUCATION**

<table>
<thead>
<tr>
<th>Uses Allowed in Sub-Districts</th>
<th>SP02-LR</th>
<th>SP02-MR</th>
<th>SP02-HR</th>
<th>SP02-OMR</th>
<th>SP02-OC</th>
<th>SP02-P</th>
</tr>
</thead>
<tbody>
<tr>
<td>School (public, private or parochial)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>
### TABLE 11-013.8: Uses Allowed in Sub-Districts

<table>
<thead>
<tr>
<th>Uses Allowed in Sub-Districts</th>
<th>SP02-LR</th>
<th>SP02-MR</th>
<th>SP02-HR</th>
<th>SP02-OMR</th>
<th>SP02-OC</th>
<th>SP02-P</th>
</tr>
</thead>
<tbody>
<tr>
<td>School, Trade or Vocational</td>
<td></td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
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<tr>
<td>Family Child Care Home (1-6 children)</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>Group Child Care (7-12 children)</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>Intermediate or Large Child Care Center (13+ children)</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td><strong>INDUSTRIAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy Industrial Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Industrial Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laboratory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utility Facility – Minor</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>Public Utility Facility – Major</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Communication Facility, Micro-Cell or Visually Unobtrusive/Attached</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>Other Wireless Communication Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-Storage</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufacturing Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power Production Facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broadcasting Facility (e.g. TV, radio), Micro-Cell or Visually Unobtrusive/Attached</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
<td>•</td>
</tr>
<tr>
<td>Other Broadcasting Facility (e.g. TV, radio)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* This use is not allowed in the 8-acre parcel in the SP02 MR Sub-District.

### J. Lot and Structure Dimensions

Table 11-013.9 sets forth the lot, yard, density and structure height requirements for uses within each Sub-District established herein.
### TABLE 11-013.9: Lot and Structure Dimensions in Sub-Districts

<table>
<thead>
<tr>
<th></th>
<th>SPO2-LR</th>
<th>SP-02 MR&lt;sup&gt;1&lt;/sup&gt;</th>
<th>SPO2-HR</th>
<th>SPO2-OMR</th>
<th>SPO2-OC</th>
<th>SPO2-P</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a. MAXIMUM DWELLING UNITS PER ACRE</strong></td>
<td>6</td>
<td>18&lt;sup&gt;2&lt;/sup&gt;</td>
<td>40</td>
<td>18</td>
<td>0</td>
<td>--</td>
</tr>
<tr>
<td><strong>b. MIN. LOT AREA (square ft.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lot</td>
<td>3500</td>
<td>4000</td>
<td>2000</td>
<td>2500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>4000</td>
<td>4500</td>
<td>2500</td>
<td>3000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>c. MIN. AVG. LOT WIDTH (lineal ft.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lot</td>
<td>35</td>
<td>40</td>
<td>20</td>
<td>25</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>40</td>
<td>45</td>
<td>25</td>
<td>30</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>d. MIN. STREET FRONTAGE (flag lot)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard &amp; Side Yard Abutting Public St.&lt;sup&gt;4&lt;/sup&gt;</td>
<td>10&lt;sup&gt;5&lt;/sup&gt;</td>
<td>10&lt;sup&gt;5&lt;/sup&gt;</td>
<td>5&lt;sup&gt;5&lt;/sup&gt;</td>
<td>5&lt;sup&gt;5&lt;/sup&gt;</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Abutting park</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>15&lt;sup&gt;6&lt;/sup&gt;</td>
<td>15&lt;sup&gt;6&lt;/sup&gt;</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Side Yard – Interior</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>f. MIN. PARKING LOT/SERVICE DR SETBACKS (lineal ft.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Yard &amp; Side Yard Adj. to St.</td>
<td>--</td>
<td></td>
<td>7</td>
<td>7</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Rear Yard &amp; Side Yard Interior</td>
<td>--</td>
<td></td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>g. MAX. FLOOR AREA RATIO</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>h. MIN. LOT AREA PER UNIT (square ft.)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>i. MAX. BUILDING HEIGHT (ft.)</strong></td>
<td>35</td>
<td>45</td>
<td>55</td>
<td>55</td>
<td>55</td>
<td>35</td>
</tr>
</tbody>
</table>

<sup>1</sup> Skilled nursing and memory care facility beds are each counted as 1/3 of a dwelling unit.

<sup>2</sup> The following standards shall apply to the 8-acre parcel in the SPO2 MR Sub-District only: (i) the maximum density shall be 12 units per acre; (ii) on perimeter lots adjacent to existing residential alleys, structures shall be no more than 2 stories and rear yard setbacks shall be 6 feet; (iii) alley access shall be 22 feet of backup space; and (iv) the maximum building height shall be 35 feet.

<sup>3</sup> 10’ allowed with shared access easement agreement.

<sup>4</sup> Measured from back of sidewalk.

<sup>5</sup> 20’ setback required for garages accessed from public streets.

<sup>6</sup> 5’ setback allowed on corner lots with garages accessed from the side yard street (see Figure 11-013.8); 30’ setback required on lots abutting the existing Riverland Terrace Subdivision.
K. Property Development Standards

Except as follows, the Property Development Standards for the Sub-Districts established herein shall be the same as those set forth in the Section 11-04-03 for residential uses and Sections 11-04-04 and 11-04-05 for office and commercial uses:

(1) For attached single-family units, the minimum frontage requirement in Section 11-04-03 is reduced to 18 feet.

(2) For lots with 0 feet frontage on a public right-of-way, drive aisles will provide access to the public street with perpetual ingress/egress or cross access easements recorded against the property. An owner’s association or other agreed upon arrangement among the affected property owners will maintain the drive aisles in accordance with a recorded declaration. The easements and declaration must be reviewed by the Boise City Attorney’s office at the time of preliminary plat approval to ensure the access and maintenance obligations of this paragraph are addressed. The Ada County Highway District must approve installation of any required street signs. Buildings will be addressed to the public street from which the drive aisles extend. Addresses will be clearly delineated with appropriate monuments or signs.

(3) Off-street parking and loading facilities shall be provided in accordance with Section 11-013-02.4 below.

(4) The maximum number of residential units allowed within the Barber Valley Specific Plan District is 1025. The maximum combined office and commercial square footage allowed within the Barber Valley Specific Plan District is 541,500. To exceed either of these limits, the Barber Valley Specific Plan Applicant must follow the rezone procedures of the Boise City Code to amend the Barber Valley Zoning Ordinance. In so doing, the Applicant need not amend the entire Barber Valley Specific Plan so long as the City finds that the revised limits are generally in accordance with the Barber Valley Specific Plan.

(5) Civic uses are limited to no more than 20 percent of the developed area in the SP02-LR Sub-District.

(6) A private management company must be responsible for maintenance of sprinkler systems within mixed use buildings.

4. OFF-STREET PARKING AND LOADING REQUIREMENTS

In the SP02-LR, SP02-MR and SP02-HR Sub-Districts, off-street parking and loading facilities shall be provided in accordance with Section 11-07-03, except as noted herein. In the SP02-OMR and SP02-OC Sub-Districts, off-street parking and loading facilities shall be provided in accordance with the Pedestrian Commercial Zoning District parking requirements in Section 11-07-06.2.C, except as noted herein. In lieu of the off-street parking ratio requirements in Sections 11-07-03 and 11-07-06.2.C, non-residential uses in the SP02-MR, SP02-HR, SP02-OMR and SP02-OC Sub-Districts must meet an overall parking density of 3.5 per 1000 square feet. Assisted living apartments, independent living residences within the Continuing Care Retirement Community, and similar uses shall be subject to the off-street parking requirements for “Housing for Elderly” uses listed in Section 11-07-03. Memory care facilities, skilled nursing care facilities, and similar uses shall be subject to the off-street parking requirements for “Nursing Home” uses listed in Section 11-07-03.
5. ADMINISTRATIVE PROVISIONS

A. Plat Approval Criteria
Development within the Barber Valley Specific Plan District shall be subject to the subdivision and other related provisions of the Boise City Code. Additionally, the City Council must find that each preliminary plat proposed and/or amended within the Barber Valley Specific Plan District substantially conforms to the adopted Barber Valley Specific Plan and complies with all applicable provisions of the Barber Valley Specific Plan Zoning Ordinance. Plats must still proceed through the normal hearing process with review by the Planning and Zoning Commission and City Council.

B. Annexation into SP02 District
Any property owner or authorized representative may seek to reclassify their property for inclusion within the Barber Valley Specific Plan District pursuant to Section 11-05-08.

C. Amendments
Any property owner within the Barber Valley Specific Plan District may seek to amend the Barber Valley Specific Plan Zoning Ordinance or the Barber Valley Specific Plan pursuant to the Boise City Code provisions for zoning amendments.

D. Exceptions

(1) The Planning Director may grant exceptions to any setback, frontage, parking or height restriction up to 20 percent of the applicable limit and may grant exceptions to any use restrictions on a case by case basis.

(2) The Planning and Zoning Commission may grant exceptions to any setback, frontage, parking or height restriction greater than 20 percent of the applicable limit.

(3) Any approval pursuant to this section shall be supported by each of the following findings:

(a) The exception is consistent with the Barber Valley Specific Plan; and

(b) The exception is justified based on unique circumstances of the proposed use or exceptional design features or the shape of the land.

(c) The exception would not cause undue adverse impacts on any other property.

(d) For any approval pursuant to subparagraph b, the exception meets the general conditional use criteria in the Boise City Zoning Ordinance.

(4) Applications pursuant to this section shall include such information as the Planning Director determines is necessary to make the applicable findings in subparagraph c.

(5) The decision on any requested exception may be appealed pursuant to the appeal provisions of the Boise City Code.

E. Periodic Review
The Planning Director may perform a review of the implementation of the Barber Valley Specific Plan not more frequently than every 1 year after approval of first final plat. The review may address any matters the Planning Director deems appropriate regarding the progress of the development, including but not limited to (a) the Transportation Management Association; (b) the Barber Valley Wildlife Mitigation Plan; and (c) traffic impacts until 2016. Any modification of the Barber Valley Specific Plan Zoning Ordinance may only occur after review by the Barber Valley
Specific Plan Applicant and the Planning Director and in compliance with the applicable Boise City Code sections for zoning amendments and Idaho Code Section 67-6511(d).

6. DEFINITIONS

The following definitions apply to this Section. If any conflict exists with definitions in other parts of the Code, the following definitions control.

A. Assisted Living Apartment
A residential apartment or apartment complex that provides personal care services to senior citizens for daily living needs. Assisted living services are a coordinated array of supportive personal and health services available 24 hours a day to residents who have been assessed to need these services, including residents who require long term care. Assisted living services promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy and dignity in a home-like surrounding.

B. Barber Valley Specific Plan Zoning Ordinance
Section 11-013-02 of the Boise City Code or successor section specifically setting forth zoning regulations for the Barber Valley Specific Plan District.

C. Barber Valley Specific Plan
The Specific Plan adopted for the Barber Valley Specific Plan District by the City of Boise on March 18, 2008, as maintained in the official records of the City, including subsequent modifications.

D. Barber Valley Specific Plan Applicant
Brighton Corporation or successor entities.

E. Barber Valley Specific Plan District
The area designated as the SP02 zone or successor designation on the City of Boise’s zoning map and as shown on the Barber Valley Specific Plan Zoning Map (attached as Figure 11-013.6).

F. Continuing Care Retirement Community
A campus-style facility (multiple buildings on a single lot) that provides housing, personal services and health care, including nursing home care to people of retirement age. The community must provide a continuum of care to meet the needs of the individual residents, from independent living to assisted living to skilled nursing care and, possibly, memory care support. Meals, housekeeping, linens, 24-hour security and recreational services usually are provided. Each individual resident enters into a contract with the retirement community that defines the type of housing and services to be provided and the fees that will be charged.

G. Memory Care Facility
Same as Skilled Nursing Facility except the residents also receive care for some form of memory impairment.

H. Skilled Nursing Facility
A residential facility that provides 24-hour supervision by licensed nurses. The care usually is prescribed by a physician. Emphasis is on medical care, supplemented by physical, occupational, speech and other types of therapies. Personal care services, such as help with meals, bathing, dressing and grooming are also provided along with social services, religious services and recreational activities. A nursing facility offers care for individuals suffering from chronic diseases or conditions that do not require the constant attention of physicians. Services are provided that address the individuals’ personal care and social-emotional needs.
Figure 11-013.6: Barber Valley zoning map
CHAPTER 11-013: Adopted Specific Plans
Section 11-013-02: Barber Valley
Subsection 6: Definitions

Figure 11-013.7: Barber Valley land use Sub-districts
Figure 11-013.8: Barber Valley site plan