



4) CODE

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

1. INTERPRETATION OF DISTRICT

A. Specific Plan District Established

The area of Boise City commonly known as Harris Ranch is identified as the Harris Ranch Specific Plan District, as shown on the map hereinafter included by reference. The legal description of the Harris Ranch Specific Plan District is attached to Boise City Ordinance No. 6626, adopted December 11, 2007 (the “Effective Date”), and hereinafter included by reference.

B. Boundary of Specific Plan District Established

The location and boundaries of the Specific Plan District established for Harris Ranch is shown on the map entitled "Specific Plan District – Harris Ranch, Boise City, Idaho," which is hereby incorporated into and made a part of this Section by reference. The original copy of the Harris Ranch Specific Plan Map shall be filed with the City Clerk and the Planning & Development Services Department. The Harris Ranch Specific Plan Map, together with all notations, references and other information shown thereon, and all amendments thereto, are a part of this Chapter and shall have the same force and effect as if the Harris Ranch Specific Plan Map was fully set forth herein.

C. Interpretation of District Boundaries

Wherever uncertainty exists as to the boundary of any portion of Harris Ranch, the following rules shall apply:

- (1) Where any such boundary line is indicated as following a street, alley or public way, it shall be construed as following the center line thereof. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line.
- (2) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Harris Ranch Specific Plan Map.
- (3) Where a boundary line divides a lot or crosses unsubdivided property, the location of such boundary shall be as indicated upon the Harris Ranch Specific Plan Map.

2. PURPOSE

The purpose of this Chapter is to define general procedures for review of land use proposals within the Harris Ranch Specific Plan District. All proposed uses and development within the District will require review for compliance of the use or development with the Harris Ranch Specific Plan, to be known as a “Notice of Specific Plan Compliance.”

3. CONFORMITY REQUIRED

Except as otherwise provided herein, land, buildings, structures and uses in the Harris Ranch Specific Plan District shall hereafter be used and developed in accordance with the Harris Ranch Specific Plan 2007, Volumes I and II (the “Harris Ranch Specific Plan”), the regulations herein established for the Harris Ranch Specific Plan District known as the Harris Ranch Specific Plan Code (hereinafter sometimes referred to as

the “Code”) and, as applicable, Title 11, Chapter 7, Section 9 (Foothills Planned Development Ordinance), Title 11, Chapter 7, Section 8 (Hillside and Foothill Areas Development Ordinance) in force and effect on the effective date of the Harris Ranch Specific Plan Amendment 7, as may be amended by applicable state and/or federal laws or regulations (collectively, the “Ancillary Ordinances”), which Ancillary Ordinances are reprinted in their entirety below. The Harris Ranch Specific Plan and the Ancillary Ordinances are hereby incorporated into and made a part of this Chapter by reference. The Ancillary Ordinances, as the same shall apply to Harris Ranch, shall not be amended, except as may be required by applicable state or federal laws or regulations, for a period of eighteen years from the Effective Date.

4. ADMINISTRATION

A. Harris Ranch Review Board

- (1) The Harris Ranch Review Board (hereinafter sometimes referred to as the “Board”) is comprised of members and/or representatives of Harris Family Limited Partnership and private owners within the Harris Ranch Specific Plan District. Restrictive use covenants and design guidelines will be prepared by Harris Family Limited Partnership, its successors and/or assigns, to control, without limitation, architecture, landscape, walls, parking, signage and lighting. The restrictive use covenants and design guidelines meet at least the minimum standards for, without limitation, architecture, landscape, walls, parking, signage and lighting contained in the Code. The Board administers and enforces the restrictive use covenants and design guidelines.
- (2) All proposed development within the Harris Ranch Specific Plan District shall be subject to review by the Harris Ranch Review Board prior to an applicant's submission for City approval. The Board shall provide City with a synopsis of that review and a recommendation. A list of the information required by the Board prior to the Board's review is contained in the Board's restrictive use covenants and design guidelines, a copy of which can be obtained from the Board, or the Board's designee.

B. Planning Director

The Planning Director, or designee, shall perform the duties and functions as provided in the Code. These duties and functions include the day-to-day and long-range administration of the Code, the acceptance and processing of all permit applications, and confirmation of compliance with the Harris Ranch Specific Plan and Code.

C. Design Review Committee

The Design Review Committee is authorized to review and hear appeals of decisions made by the Planning Director in connection with design review within the Harris Ranch Specific Plan District. The Design Review Committee shall review information provided by the Planning Director and other available sources.

D. Planning & Zoning Commission

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



Ranch Specific Plan District. The Planning & Zoning Commission shall review information provided by the Planning Director and other available sources.

E. **City Council**

The City Council is authorized to hear appeals of decisions made by the Planning & Zoning Commission in connection with the Harris Ranch Specific Plan District. The City Council shall review information provided by the Planning Director and other available sources.

F. **Annual Review**

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

5. **ADMINISTRATIVE REVIEW - USE**

A. **Uses Specified Within the Harris Ranch Specific Plan**

- (1) The City Council, having reviewed and approved the Harris Ranch Specific Plan, has delegated to the Planning Director the authority to administratively review every application for a Notice of Specific Plan Compliance or modification to a Notice of Specific Plan Compliance. The Planning Director shall give due consideration and deference to the decision of the Harris Ranch Review Board, for the purpose of determining whether a use complies with the Harris Ranch Specific Plan. Every application seeking confirmation of conformity with the Code and/or a permit affecting the use of land or of a structure and/or a request for a variance shall be deemed to be also an application for a Notice of Specific Plan Compliance. The Planning Director shall ensure that the proposed use complies with the Harris Ranch Specific Plan and the standards described in the Code. The determination of the Planning Director shall be a final decision.
- (2) Upon such determination that the proposed use is in compliance with the Harris Ranch Specific Plan, the Planning Director shall issue a Notice of Specific Plan Compliance.

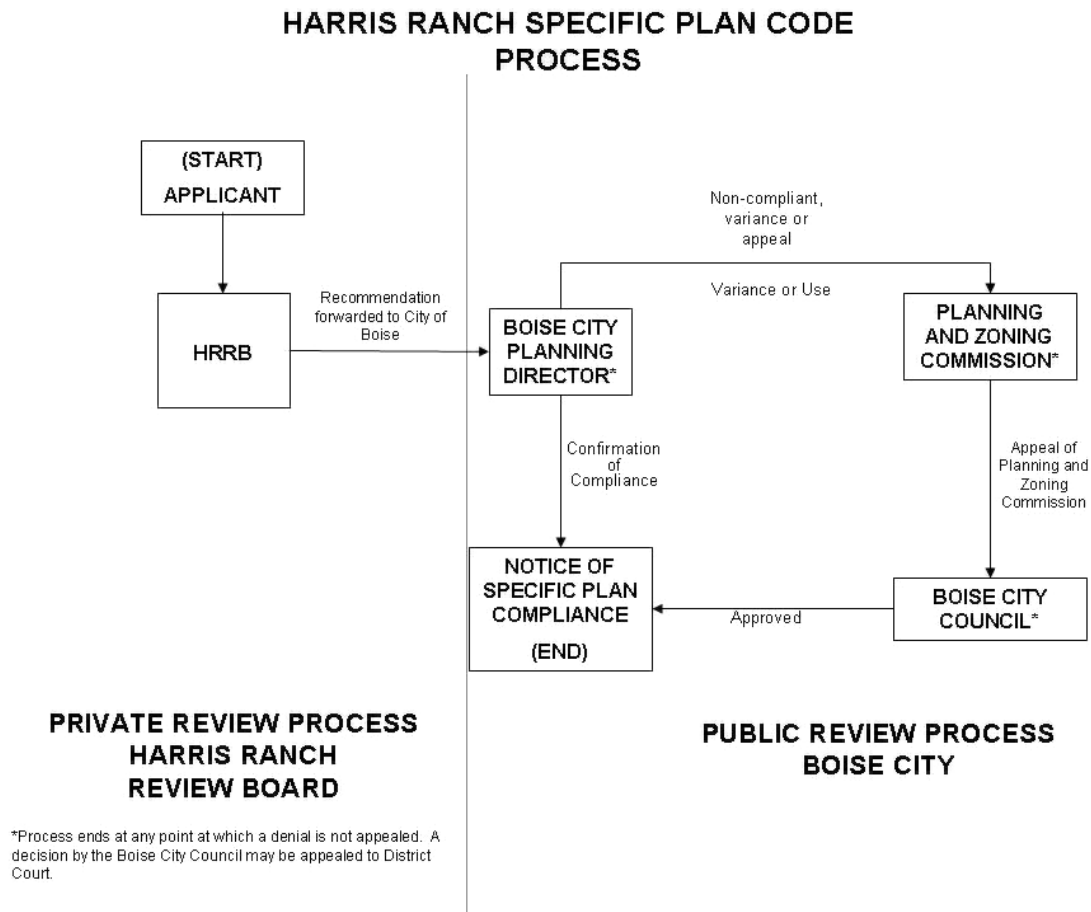
B. **Uses Not Specified Within the Harris Ranch Specific Plan**

- (1) Uses not specified in the Harris Ranch Allowed Uses, Volume I (2)(b)(iii) of the Harris Ranch Specific Plan, are prohibited unless determined by the Planning Director to be similar in nature to those specified as allowed uses herein. The Planning Director shall give due consideration and deference to the decision of the Harris Ranch Review Board, for the purpose of determining whether a use complies with the Harris Ranch Specific Plan. Upon such determination the Planning Director shall issue a Notice of Specific Plan Compliance. Approval may be made contingent upon

such conditions as are reasonably necessary to secure the public welfare. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code. The findings to be made by the Planning Director in determining compliance of such proposed uses with the Harris Ranch Specific Plan are as follows:

- (a) That the location of the proposed use is compatible to other uses in the general neighborhood.
 - (b) That the proposed use will not place an undue burden on transportation and other public facilities in the vicinity.
 - (c) That the site is large enough to accommodate the proposed use and all yards, open spaces, pathways, walls and fences, parking, loading, landscaping and such other features as are required by the Harris Ranch Specific Plan and Harris Ranch Specific Plan Code.
 - (d) That the proposed use will not adversely affect other property in the vicinity.
 - (e) That the proposed use is in compliance with and supports the goals and objectives of the Harris Ranch Specific Plan.
- (2) Whenever there is doubt as to the classification of a use not specifically referenced in the Harris Ranch Allowed Uses, the determination shall be made by the Planning Director. Such determination shall be based upon a recommendation by the Harris Ranch Review Board, a detailed description of the proposed use and such other information as may be required by the Planning Director. The Planning Director shall make such investigations as are necessary to compare the nature and characteristics of the proposed use with those of listed uses in the Harris Ranch Specific Plan District, and shall determine whether the use is, in all essentials, pertinent to the objectives of the Code and of the same character as a use listed as allowed in the Harris Ranch Specific Plan District. Upon such determination and the findings provided above, the Planning Director shall issue a Notice of Specific Plan Compliance. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code.





The Planning Director must approve or deny any application requested within 30 calendar days of receipt and acceptance of a complete application and shall submit the findings, conclusions and any required conditions in writing to the applicant. The Planning Director's decision shall be based upon the findings required within the applicable Sections of the Code. For good cause, such as, for example, receipt of review from other applicable governmental entities, the Planning Director may extend the time period for review to 45 days.

F. Term

Unless otherwise stated, the term of a Notice of Specific Plan Compliance shall not exceed 18 months, unless, upon request of the holder, the Planning Director grants successive extensions or renewals for such term or period not to exceed one year for each such extension or renewal. The Planning Director may also fix the time or period within which the permit shall be exercised or perfected, otherwise said approval shall lapse. A maximum of 3 such extensions may be granted by the Planning Director. Within this period, the holder of the permit must:

- (1) Acquire construction permits and commence placement of permanent footings and structures on or in the ground. The definition of structures in this context shall include sewer lines, water lines, streets, or building foundations; or
- (2) Commence the use permitted by the administrative approval in accordance with the conditions of approval.

G. Revocation

Upon violation of the Notice of Specific Plan Compliance issued pursuant to Section 11-013-01.5.A of the Code, the Planning Director may cause the certificate to be revoked. Upon violation of any of the conditions or terms of the Notice of Specific Plan Compliance issued pursuant to Section 11-013-01.5.B of the Code, the Planning Director may cause the certificate to be revoked.

Figure 11-013.1: Harris Ranch Specific Plan code process

C. Application

The Planning Director is authorized to review an application against all required approval standards and/or criteria for allowed uses and designs, and issue final approval or withhold final approval. Every person seeking a Notice of Specific Plan Compliance as herein defined shall submit an application to the Planning Director on a prescribed form, accompanied by the appropriate filing fee as approved by the City Council. Application forms shall be accompanied by supporting information as defined by the application form and as required by the Code and will include the recommendation of the Harris Ranch Review Board.

D. Fees

The Planning Director shall maintain a current list of fees for all applications. The fees for zoning applications may be revised only by the City Council. Current fee schedules may be obtained from the Planning Director.

E. Review Period

6.

ADMINISTRATIVE REVIEW - DESIGN

All structural and open space improvements except single family detached homes and townhouse dwellings will be subject to design review approval. The Planning Director, while giving due consideration and deference to the decision of the Harris Ranch Review Board, shall make such investigations as are necessary to compare the nature and characteristics of the proposed design with the design guidelines of the Harris Ranch Specific Plan and Code, and shall determine whether the design is, in all essentials, pertinent to the objectives of the Plan and Code for the Harris Ranch Specific Plan District. The Planning Director may allow up to a twenty percent (20%) variation from the Design Guidelines if it has been previously approved by the Harris Ranch Review Board and if the Planning Director Agrees. Upon such determination the Planning Director shall issue a Notice of Specific Plan Design Review Compliance. The determination of the Planning Director shall be final unless an appeal is made as provided in the Code. The findings, as applicable, to be made by the Planning Director in this regard are as follows:

- A. That the site plan minimizes impact of traffic on adjacent streets and that the pedestrian and bicyclist have been provided for by requiring



- sidewalks, paths, micro-pathways, landscape and safe parking lot design as appropriate.
- B. That the proposed site's landscape screens are adequate to protect adjacent uses, provide sound and sight buffers and can be adequately maintained; slope and soil stabilization have been provided for; and, that unsightly areas are reasonably concealed or screened.
- C. That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.
- D. That signage for any proposed project provides for business identification and minimizes clutter and confusion on and off the site, and is in compliance with Harris Ranch Specific Plan Code.
- E. That utility service systems do not detract from building design and that size and location of all service systems are appropriate and maintainable.
- F. The mass of the building(s) or structure(s) is consistent with existing development in the immediate surrounding area and with the allowed use proposed by the applicant.
- G. The height to width relationship of new structures is compatible and consistent with the architectural character of the area and the proposed use.
- H. Openings in the facade are consistent with the architectural character of the area (for example, balconies, bays and porches are encouraged with a minimum of monotonous flat planes), to provide shadow relief.
- I. Exterior materials are appropriate as they relate to building mass, shadow relief and existing area development; color is used to provide natural blending of materials with the surrounding area, shadow relief and building use; there is functional appropriateness of the proposed building design as it relates to the proposed use.
- J. Multi-family building(s) are designed to include features which add to the visual and aesthetic appearance of the structure and prevent a sterile, box-like appearance; specific design features have been added to enhance the physical appearance of such multi-family residential buildings.
- K. Commercial buildings adjacent to residential uses are designed to minimize impacts on adjoining (including across a street or alley) residential uses.
- L. Design is compatible with design guidelines of the Harris Ranch Specific Plan.

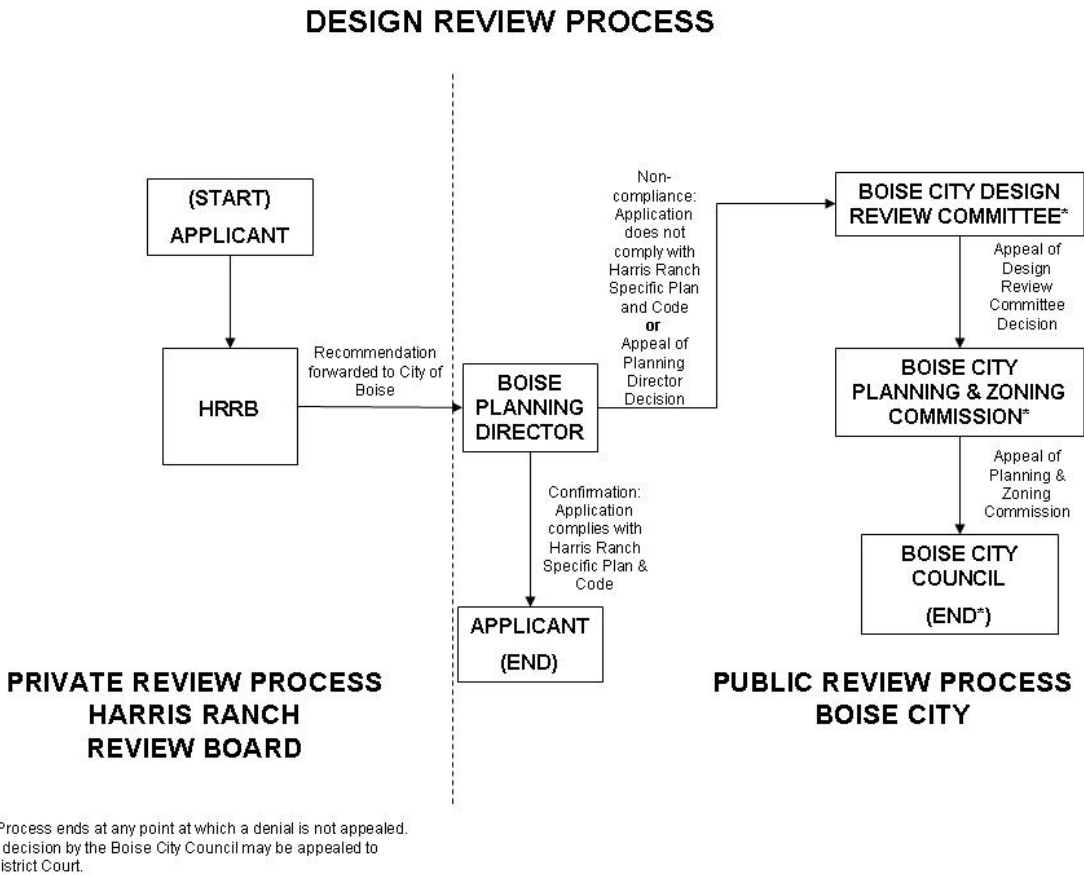


Figure 11-013.2: Design review process

7. HEARING PROCESS

A. Procedure Before the Review Body

For purposes of this section, the Design Review Committee, the Planning & Zoning Commission and the City Council, as applicable, are referred to as the "Review Body." The Planning Director shall provide the Review Body with information and technical assistance. The Review Body shall prepare and conduct public hearings as required by the terms of the

Code according to a schedule determined and approved by the Planning Director. The timing of all hearings and the public notice in connection with such hearings shall be in conformity with the Boise City Code and with the Local Land Use Planning Act.

8. GENERAL AND SPECIFIC USE STANDARDS

A. Purpose

These standards are designed to ensure that development within the Harris Ranch Specific Plan District will produce an environment of stable, desirable character which is harmonious with existing and future development and is consistent with the intent and purpose of the Harris Ranch and Harris Ranch Specific Plan Code. Provided that the Planning Director may allow up to a twenty percent (20%) variation from General Standards if it has been previously approved by the Harris Ranch Review Board and the Planning Director agrees.

B. General Standards

(1) Setbacks.

- (a) Minimum setbacks are outlined in the summary found on each Block Prototype (see pages 65 – 107 of the Harris Ranch Specific Plan). More restrictive setbacks may be established through the Harris Ranch Design Guidelines prepared by Harris Family Limited Partnership, its successors and/or assigns, and enforced by the Harris Ranch Review Board.
- (b) Setbacks shall be measured from the exterior wall of a building or garage face to the setback line. The front and corner setback lines shall be the back of sidewalk or back of curb if no sidewalk exists, or edge of pavement if no curb exists.

(2) Architectural Elements and Miscellaneous Structures.

- (a) Bay windows, architectural appendages, fireplaces, cabinets designed to screen utility meters and similar architectural features may encroach no more than 2 feet into the applicable yard, provided they remain at least 3 feet from the side lot lines and do not increase the living space within a dwelling unit. The maximum width of such structures shall not exceed 6 feet.
- (b) Roof overhangs, cornices and similar architectural features may encroach no more than 2 feet into the applicable yard.
- (c) Balconies must maintain the setback required for the structure to which the balconies are attached and may not extend into the required yard.
- (d) Detached accessory structures including those such as pool houses, gazebos and storage structures may be located in the side or rear yard. Such accessory structures must be located at least 5 feet from the lot line.
- (e) Attached patio covers, awnings, trellises and similar structures may encroach no more than 3 feet into the front yard and may encroach into the side and rear yard provided they remain at least 3 feet from the applicable lot line. Such structures must remain

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

- (f) In-ground swimming pools which are 1 foot or less in height, as measured from the property's finished grade, may occupy any rear or interior side yard, provided a minimum 15 feet setback is maintained from the pool apron or splashguard. Decks and other features that are more than 2 ft. above grade shall be located outside of yards (within the building envelope). Above ground pools are not allowed in single-family townhouse, or 4-8 unit buildings.
- (g) Courtyard walls up to 36 in. in height may exist within the front and corner side yard setbacks so long as they remain a minimum of 3 feet from the lot line.
- (h) Height exceptions to allow form elements that are uninhabited such as turrets and towers. Habitable roof gardens are accepted from height limitations including accessory elements of such roof gardens. Accessory elements include, without limitation, open-sided pergolas, pavilions, and trellises, along with enclosed garden equipment spaces measuring a maximum of 100 sq. ft. Such accessory elements shall not exceed 16 feet above the height limit and be comparable in color and materials to the principal building. Mechanical and elevator-related equipment shall be screened as provided further herein.

- (3) Driveways. Residential front loading driveway length shall be 20 feet minimum beyond the sidewalk line to allow vehicles to park completely outside the vehicle corridor or pedestrian streetscape. Alley loaded driveway length from garage door to the alley shall be 6 feet or greater than 20 feet for side-loaded garages, 20 feet of full-width driveway shall be provided behind the sidewalk. The Planning Director shall approve common driveways that meet all of the following requirements:

- a. The common driveway provides access to no less than 2 lots or parcels, and no more than 10 lots that are each occupied with a single-family or a townhouse dwelling unit (subject to Fire Department approval).
- b. The length of the common driveway shall not exceed 150 feet, and shall not be less than 10 feet wide for the entire length of the common driveway (subject to Fire Department approval).
- c. Unless limited by geographical features, all lots or parcels that abut a common driveway shall take access from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way.
- d. A perpetual ingress/egress access easement shall be provided which shall include a requirement for a concrete or asphalt paved surface and provisions for maintenance of the common driveway including any required landscape. The required easement shall be placed of record prior to the issuance of any certificate of occupancy for any lot utilizing the common driveway. If a final plat or Record of Survey is associated with the creation of a common driveway, the easement area shall also be clearly depicted on the plat or survey.



- e. Required off-street parking shall be set back a minimum of 3 feet from the edge of the common driveway, 0 feet for parallel parking and 13 feet for perpendicular parking.
- f. The use of the common driveway benefits the design of the driveway and reduces the number of accesses onto the public street.

(4) Transportation Standards

- (a) A traffic impact study may be required if there is a significant change in the current land use plan;
- (b) A turn lane warrant analysis may be required on a case-by-case basis depending on the proposed land use. Contact ACHD to determine if a turn lane analysis is required prior to submitting a development application;
- (c) When parcels abutting Warm Springs Avenue are preliminary platted, provide current roadway segment traffic counts and intersection counts (raw data) for the segment of Warm Springs Avenue abutting the site and the nearest intersection(s) (Wise Way/Warm Springs, Old Hickory Way/Warm Springs, or Millbrook Way/Warm Springs). ACHD will analyze the data to determine if roadway or intersection improvements are needed to mitigate the development;
- (d) The developer shall ensure that adequate real property is dedicated for the future installation of four lanes at E. Warm Springs Ave., commonly referred to as the Warm Springs Bypass, in the event traffic conditions warrant such widening
- (e) With regard to roundabouts on E. Warm Springs Ave., when warranted the developer shall construct an interim single-lane roundabout similar to that shown on attachment 4 to ACHD's March 6, 2019 action, which can be widened to a dual lane roundabout if traffic conditions warrant such a widening

C. Specific Use Standards

In addition to the other requirements of the Code, the following standards apply to the uses listed in this section. Where applicable, the Planning Director shall obtain a review and recommendation from ACHD. The Planning Director will review and make a determination of approval or denial within 15 calendar days of receipt of a complete application. A notice will be sent informing owners within 300 feet of the property, of the decision of the Planning Director and of such other property owners' right to appeal the Director's decision as provided by the Code.

(1) Accessory Building or Structure

- (a) The location of accessory buildings or structures shall be restricted as follows:
 - i. Accessory buildings or structures shall not be located in any required setback or on any publicly-dedicated easements.
 - ii. Accessory buildings or structures shall not block the view of the main entrance to the principal building.
- (b) Size Standards: The size of accessory structures shall be restricted as follows:
 - i. Accessory structures such as sheds, barns, and workshops shall not exceed 1000 sq. ft.
 - ii. Accessory dwelling units shall not exceed 1000 sq. ft.
- (c) The height of an accessory structure shall not exceed 24 feet.
 - i. In a residential block, accessory buildings or structures may be located in the front yard or within a side yard if any portion of the structure lies between the

front property line and a distance of 15 ft. behind the front wall of the principal dwelling and shall not exceed the height of the principal dwelling.

- (d) All accessory buildings or structures shall meet all of the following design standards:

- i. The roof and finish materials shall be similar in color to the principal building;
- ii. The roof shall have a similar pitch to that of the principal building;
- iii. The accessory building or structure shall portray the architectural character of the principal building.

(2) Amusement or Recreation Facility, Outdoor

(a) General Standards

- i. i. All structures or outdoor recreation areas shall maintain a minimum setback of 50 feet from all abutting predominantly residential blocks.
- ii. ii. Any outdoor speaker system associated with the amusement or recreation facility shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.
- iii. iii. All outdoor activities and events shall be scheduled so as to complete all activity before or as near to 9:30 P.M. as practical. Illumination of the outdoor amusement or recreation facility shall not be permitted after 10:00 P.M. except to conclude a scheduled event that was in progress before 10:00 P.M. and circumstances prevent concluding before 10:00 P.M. All illumination shall be terminated no later than 1 hour after conclusion of the event.

(b) Golf Driving Range

Accessory sales and rental of golf equipment shall be allowed. The golf driving range shall be designed to protect abutting property and roadways from golf balls.

(c) Swimming Pool

Any outdoor swimming pool shall be completely enclosed within a 6-foot barrier that meets the requirements of the Boise City building code.

(3) Automobile Repair and Service, Minor

Minor automobile repair and service facilities shall comply with the following standards and limitations:

- (a) The use shall be located a minimum of 200 feet from any predominantly single- family residential block and a minimum of 100 feet from any predominantly multi-family residential block.



- (b) The operating hours shall be limited to between 7:00 A.M. and 8:00 P.M.
- (c) All repair and service work shall be done within a completely enclosed building.
- (d) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
- (e) All disabled vehicles shall be stored in an area that is screened from view from the surrounding lots and/or parcels and adjoining streets. Such vehicles shall not be stored on-site longer than 5 days.
- (f) Permitted minor automobile repair and service facilities shall be limited to the following kinds of activities: electronic tune ups; brake repairs (including drum turning); air conditioning repairs; generator and starter repairs; tire installation and repairs; front end alignments; battery recharging; lubrications; selling/installing minor parts and accessories; repairing and installing other minor elements of an automobile such as windshield wipers, hoses and windows, but excluding engine, transmission and differential repair or installation.

(4) Bar, Brew Pub, or Nightclub

- (a) The facility shall comply with all applicable governmental regulations, including regulations regarding the sale, manufacturing, or distribution of alcoholic beverages.
- (b) For properties abutting a predominantly residential block, no outside activity or event shall be allowed on the site, except as provided for a "Temporary Use."

(5) Bed and Breakfast Inn

- (a) Any such facility shall be an owner occupied dwelling. For the purposes of this subsection, an "owner" shall be defined as a person with a 50 percent or greater interest in the bed and breakfast inn.
- (b) The exterior appearance of the building shall be that of a single-family dwelling. Fire escapes and other features may be added to protect public safety; however, structural alterations may not be made that would prevent future use of the structure as a single-family dwelling.
- (c) No more than 20 occupants (including, without limitation, the owner, the owner's family, and any resident or nonresident employees) shall be permitted to occupy the facility at any one time (daytime, evening, or night).
- (d) The maximum stay shall be 2 weeks for any guest.
- (e) Breakfast may be served on the premises only for guests and employees of the facility. No other meals shall be provided on the premises. Guestrooms shall not be equipped with cooking facilities.
- (f) Only business signs referring to the principal use as a bed and breakfast inn are permitted.

(6) Car Wash

- (a) A 100-foot separation shall be maintained between any car wash facility and any predominantly residential block.
- (b) Any outdoor speaker system associated with the car wash shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.
- (c) Vehicle stacking lanes shall be available on the property but outside the car wash facility entrance. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within 10 feet of any predominantly residential block.

(7) Club/Lodge

- (a) All structures which contain this use shall meet Block Prototype setback requirements in which this use is allowed.
- (b) Any food service shall be licensed by all applicable governmental agencies.

(8) Convenience Stores

All structures which contain this use shall meet Block Prototype setback requirements in which this use is allowed.

(9) Daycare Facility or Residence

(a) General Standards for Childcare and Adult Care Facilities

- i. The applicant shall secure and maintain a license from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.
- ii. There shall be a minimum of 35 sq. ft. of net floor area indoors per client. This space shall be measured wall to wall in rooms that are regularly used by the clients, exclusive of halls, bathrooms, and kitchen.
- iii. Off-street parking shall be provided as per this Code.
- iv. There shall be an off-street client pick up area in addition to the required off-street parking. On arterial or collector streets, a circular driveway or an off street turnaround (which does not involve any space from a required off-street parking space) shall be provided for the client pick-up area.
- v. Hours of client pick up and/or drop off shall be between 7:00 A.M. and 10:00 P.M.
- vi. No portion of the facilities used by clients may be within 300 ft. of explosive or hazardous material storage including, without limitation, the following uses: flammable substance storage or gasoline or diesel fuel station.

(b) Additional Standards for Child Daycare Facility

- i. The applicant shall provide a minimum outdoor play area of 100 sq. ft. per child. The minimum play area requirement may be waived if:



- A. there is greater or equal area of a park that abuts the facility or residence that can be used by the children; or
 - B. the program is designed such that the number of children using the play area at any one time conforms to the 100 sq. ft. per child criteria.
- ii. All outdoor play areas shall be completely enclosed by minimum 6 ft. barriers to secure against exit/entry by small children and to screen abutting properties.
 - iii. Outdoor play equipment over 6 feet high shall not be located in a front yard or within any required yard.

(10) Drive-through Retail

Certain types of drive-through window establishments may be reviewed and allowed by the Planning Director subject to the following approval criteria:

- (a) That the number of drive-through lanes is limited to allow for adequate on-site circulation of pedestrians and vehicles, and that the internal circulation on the site provides for pedestrians to walk from parking lots to the lobby entrance(s) without traversing the waiting lane(s) for the drive-through window.
- (b) That the waiting lane(s) be of sufficient length to provide for anticipated average monthly peak volumes.
- (c) That design, signage or operational characteristics of the establishment prevent or discourage vehicles from waiting for service on public sidewalks or streets.
- (d) That all lights and other illuminated materials shall be designed, positioned, shielded, directed and located to minimize glare from falling on adjoining lots or parcels.
- (e) Landscape shall be used to minimize the visual impact of vehicle lights and signs.
- (f) That all communication systems shall not exceed a noise measurement of 65 decibels at the lot line.

(11) Drug and Alcohol Treatment Facility

The owner of the facility shall secure and maintain licenses from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.

(12) Dwelling, Accessory

The applicant must submit, with the application, a list of signatures of residents of adjacent lots and/or parcels, including lots and/or parcels across streets and alleys, indicating that such residents have been notified of the applicant's intention to construct an accessory dwelling at a specified location. The applicant shall reference which neighbors were unwilling or unable to sign. The Planning Director must make the following findings to approve an accessory dwelling:

- (a) That the footprint of the accessory dwelling is not larger than 10 percent of the lot area or 750 sq. ft., whichever is less, and that the accessory dwelling has not more than 1 bedroom. Where practical, the 10 percent or 750 sq. ft. standard may be altered to accommodate logical expansions or internal conversions. Examples of this include, without limitation, the addition of a second floor to a detached garage or the separation of a basement as an accessory dwelling.
- (b) That an accessory dwelling is created through:
 - i. Internal conversion of an existing living area, basement or attic;
 - ii. An addition to the principal dwelling;
 - iii. The conversion of an existing detached accessory structure such as a detached garage or shop;
 - iv. An addition to an existing accessory structure such as a detached garage or shop;
 - v. Construction of a new single-family detached house on a vacant lot or parcel with an internal or detached accessory dwelling; or
 - vi. The construction of a detached accessory dwelling.
- (c) That the accessory dwelling meets all of the development standards of the Harris Ranch Specific Plan and all applicable life-safety codes.
- (d) That the design of the accessory dwelling is compatible with the existing neighborhood by taking into account height, bulk, and site location, and incorporating materials, colors and a design motif that is compatible with and complements the architectural theme and style of the principal dwelling. The principal and the accessory dwellings shall be designed to portray the character of a single-family dwelling. Only 1 entrance into the principal dwelling shall be located on the front building elevation of the principal dwelling unless multiple entrances are already in existence.
- (e) That 1 parking space is provided for the accessory dwelling in addition to the existing minimum parking requirement for the principal dwelling. The driveway apron may be used for this requirement.
- (f) Conversion of a garage is not permitted unless required parking can be sited legally elsewhere on the lot or parcel. However, a waiver to the parking requirements may be granted by the Planning Director upon a determination that unusual circumstances of the occupancy will result in a reduced need for parking and will not negatively impact the neighborhood. The waiver and the circumstances allowing for the waiver will be documented in a deed restriction referenced immediately below.
- (g) That on-going owner-occupancy of either the principal or the accessory dwelling is required and shall be enforced through recordation of a deed restriction to that effect with the Ada County Recorder. A temporary waiver of this requirement may be granted by the Planning Director in the case of a documented need for the owner-occupant to leave the premises for up to 1 year due to employment, illness or other circumstances.
- (h) That the accessory dwelling also meets the applicable specific standards for accessory buildings and structures.

(13) Foundry

All structures or outdoor activity areas shall be located a minimum of 50 feet from any property line. The use shall be located a minimum of 200 feet from any predominantly single family residential block.

(14) Gasoline Station



- (a) The use shall be located on a block(s) developed predominantly as commercial development.
- (b) Installation and operation of underground fuel tanks shall require compliance with all applicable governmental agencies.
- (c) Structures and pump station canopies on corner lots or parcels shall observe a minimum setback of 35 feet from any public street.
- (d) The total height of any overhead canopy or weather protection device shall not exceed 20 feet.
- (e) Vehicle stacking lanes shall be available on-site but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking.
- (f) All trash and waste materials shall be stored within a separate enclosure behind the principal structure of the gasoline station.

(15) Greenhouse/Nursery

- (a) Outdoor mechanical equipment (including, without limitation, heaters and fans) shall not be located within 50 feet of a lot or parcel line. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.
- (b) Outdoor storage areas for materials shall comply with Section 11-013- 01.8.C(22) of this Code. The following nursery materials shall be exempt from this requirement:
 - i. Growing plants in ground or in containers; and
 - ii. Wood chips, bark, rock, gravel, or similar ground cover material where such storage piles do not exceed 6 feet in height.
- (c) Any outdoor speaker system associated with the nursery shall not exceed a noise measurement of 65 decibels at the lot or parcel line of any adjoining lot or parcel.
- (d) The application of fertilizer or process wastewater at agronomic rates shall be deemed a component of the nursery use.
- (e) Additional standards for wholesale and/or retail nursery within a predominantly residential block or adjoining a predominantly residential block:
 - i. All proposed lighting shall be downward cast to minimize impact on adjacent property.
 - ii. No aerial spraying of the property shall be allowed.
- (f) Retail nurseries shall also comply with the following:
 - i. The total amount of enclosed retail space shall not exceed 5,000 sq. ft. Greenhouses shall not be considered retail space.
 - ii. The property shall have frontage on an arterial or collector street.

(16) Group Home

- (a) The applicant shall secure and maintain a license from all applicable governmental agencies and shall provide the Planning Director with proof that such licenses have been granted.
- (b) Off-street parking shall be provided as per this Code.
- (c) The applicant shall provide a minimum outdoor play area of 100 sq. ft. per child. The minimum play area requirement may be waived if:
 - i. There is greater or equal area of a park that abuts the facility or residence that can be used by the children; or
 - ii. The program is designed such that the number of children using the play area at any one time conforms to the 100 sq. ft. per child criteria.
 - iii. All outdoor play areas shall be completely enclosed by minimum 6 ft. barriers to secure against exit/entry by small children and to screen abutting properties.
 - iv. Outdoor play equipment over 6 feet high shall not be located in a front yard or within any required yard.
- (d) No portion of the facilities used by clients may be within 300 feet of explosive or hazardous material storage including, without limitation, the following uses: flammable substance storage or gasoline or diesel fuel station.

(17) Home Occupation

- (a) Any gainful occupation within a dwelling or accessory building or structure must receive administrative approval from the Planning Director. Applicants must submit, with their application, a list of signatures of residents of adjacent lots and/or parcels, including lots and/or parcels across streets and alleys, indicating they have been notified of the applicant's intention to conduct a home occupation at a specified location. The applicant shall reference which neighbors were unwilling or unable to sign. More than one home occupation may be approved for the same property address provided that the combined activities and uses of the home occupations do not exceed the approval criteria as set forth herein. For example, the aggregate total of floor space devoted to one or more occupations at a given address may not exceed 750 sq. ft.
- (b) Home occupations may not be approved for uses that are prohibited by the Code or would violate the intent of the Harris Ranch Specific Plan as determined by the Planning Director. Home occupations may be approved provided they meet all of the following criteria:
 - i. The use is clearly incidental and secondary to the use of the lot or parcel for dwelling purposes.
 - ii. The use is conducted entirely within a dwelling or accessory structure and the aggregate of all space within any or all buildings devoted to one or more home occupations shall not exceed 750 sq. ft.
 - iii. No activities shall be allowed which involve the use, storage, repair, milling or manufacture of highly combustible materials or internal combustion engines.
 - iv. Dimensions, power rating or weight of equipment and tools used in the conduct of the home occupation shall not exceed that of normal household equipment and tools.
 - v. Any home occupation that causes abnormal automotive or pedestrian traffic or which is objectionable due to unsightliness or emission of odor, dust, smoke,



- noise, glare, heat, vibration or similar disturbances to the outside of any building containing such home occupation shall be prohibited.
- vi. The dwelling shall at all times be maintained as residential in appearance, cleanliness and quietness.
 - vii. Any materials used or any item produced or repaired in the dwelling or accessory structure shall not be displayed or stored so as to be visible from the exterior of the dwelling or accessory structure.
 - viii. Articles may be offered for sale and sold in the dwelling provided that the occupant produces the product or that the sale of an article is not the essential nature of, but is instead incidental to, the home occupation. For example, sales of shampoo and other beauty supplies at a home beauty salon may be considered incidental to the home occupation. Furthermore, the home occupation shall not constitute a retail store, in terms of traffic, appearance and other impacts.
 - ix. Instruction in music, crafts and dance studios shall be limited to no more than 3 students at one time. Home beauty salons or barbershops shall be limited to one chair and/or nail table, which are commonly referred to as stations.
 - x. One employee, in addition to the occupant, may be allowed if an off- street parking space meeting the standards of the Code is provided. Required off-street parking spaces for the residence may not be displaced by the home occupation.
 - xi. Limitations placed on home occupations in this Section shall not be construed as prohibiting home occupations which make use of computers, modems, telephones, faxes, or other similar devices.
 - xii. There shall be no signs identifying the home occupation.
 - xiii. One vehicle, in addition to that used by an employee, may be used in conjunction with the home occupation provided the vehicle is within the parameters of a normal vehicle, which parameters include and describe cars, pickup trucks, and vans unless outfitted with excessive amounts of tools, equipment and supplies. Large commercial vehicles, trailers, construction equipment, and regular vehicles with commercial and/or industrial attachments are not allowed. Generally, any vehicle exceeding one ton in weight shall be regarded as outside the allowed parameters.

(18) Hotel

- (a) Accessory retail uses including, without limitation, restaurants, retail shops, food or beverage service, and personal service shops, may be allowed if such facilities are completely within the hotel structure. A bar, brew pub or nightclub must meet separate specific standards.
- (b) No outdoor recreation area associated with the hotel shall be within 100 feet of a predominantly residential block. An outdoor swimming pool shall be enclosed with a 6 foot barrier that meets the requirements of the Boise City building code.

(19) Kennels, Animal Boarding

Animal boarding kennels and pet shops shall conform to the following standards:

- (a) The use shall be located a minimum of 100 feet from any predominantly residential block. The distance shall be measured from lot line to lot line in a straight line.

- (b) All animals shall be confined within an enclosed area or on a leash at all times.
- (c) The facility shall be designed to provide reasonable sound barriers and odor protection for adjacent lots or parcels.

(20) Laundry Self Service

If abutting a predominantly residential block, the hours of operation shall be 7:00 A.M. to 10:00 P.M.

(21) Live/Work Units

This subsection provides standards for the development of live/work units. Live/work units are intended to be occupied by business operators who live in the same building that contains the commercial or light industry activity. A live/work unit is intended to function predominantly as residential accommodations with incidental work space.

- (a) Permitted uses in a live/work dwelling include:
 - i. Child Care (Small; 6 or fewer children);
 - ii. Professional Office;
 - iii. Medical Office;
 - iv. Personal Service (hair salon, massage, etc.);
 - v. Photo Studio;
 - vi. Specialty Retail (fly shop, bike tuning, woodworking, etc.);
 - vii. Restaurant (bakery, etc.);
 - viii. Education (tutoring, music, etc.).
 - ix. Paper Art Studio

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

- (b) Any other use may be allowed if such use is determined, in writing, by the Planning Director to be of the same general character as those uses listed above, compatible and not objectionable or detrimental to surrounding properties and the neighborhood. To determine compatibility, the following characteristics, without limitation, of the uses shall be reviewed relative to other potentially-affected uses, dwellings or structures: location, orientation, operation, vibration, odor, electrical interference, fire hazard, visual privacy and sound privacy.
- (c) Live/work dwellings must receive an administrative permit issued by the Planning Director. Restrictions on such use shall include, without limitation:



- i. At least 1 person working in the live/work dwelling shall also reside in the live/work dwelling; no portion of the live/work dwelling shall be leased as a work space to any person not living in the live/work dwelling or as a residential space for any person not working in the live/work dwelling.
- ii. The first floor of any live/work dwelling shall not be converted to an additional dwelling unit without Planning Director approval.
- iii. Each live/work dwelling is limited to 1 employee. Resident(s) of the live/work dwelling are not considered to be an employee.
- iv. The owner of the live/work dwelling or the employee shall be responsible for the work activity performed.
- v. The work/business component of the live/work dwelling shall be conducted entirely within the live/work dwelling, including the front porch of the live/work dwelling.
- vi. The work/business component of the live/work dwelling shall not be located in the garage of the live/work dwelling.
- vii. No activities shall be allowed in the live/work dwelling or the lot or parcel of such live/work dwelling that involves the use, storage, repair, milling or manufacture of highly combustible materials, paint, or internal combustion engines.
- viii. Vehicle-oriented businesses requiring multiple vehicles are prohibited. As an example, without limitation, limousine services, taxis, towing companies and cleaning companies would be prohibited.
- ix. If a sign is desired in connection with the work/business component of the live/work dwelling, such sign shall be limited to 1 in number and limited to a size of 2 sq. ft. and shall be attached flat on the live/work dwelling or on an awning below the eave of the live/work dwelling.
- x. Any work/business that creates excessive emissions of odor, dust, smoke, noise, glare, heat, vibration or similar disturbances shall be prohibited.
- xi. Hours of operation for any work/business shall begin no earlier than 7:00 A.M. and end no later than 10:00 P.M.
- xii. Any work/business shall obtain any and all applicable governmental licenses, permits and tax identification numbers and shall comply with any and all applicable employment laws.
- xiii. Each live/work dwelling shall conform to all life-safety codes and regulations and disabled persons access requirements.
- xiv. Outdoor storage is not permitted.
- xv. The volume of deliveries of truck or other vehicular traffic shall not be in excess of what is normally associated with residential use.

(22) Outdoor Storage

- (a) **Screening**
Outdoor storage areas shall be screened. Outdoor storage of chemicals and/or fertilizers shall be prohibited.
- (b) **Prohibited Locations**

Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

- (c) **Use of Site**
Use of the site shall not constitute a "pit, mine, or quarry" or "contractor's shop."
- (d) **Prohibited Uses**
The site shall not be used as a "junkyard," "automobile wrecking yard," or vehicle impound yard.
- (e) **Additional Standards for Outdoor Storage as an Accessory Use**
Accessory outdoor storage shall be allowed for approved uses subject to the following standards:
 - i. The location of the outdoor storage area shall be noted on the master site plan and reviewed as part of that application.
 - ii. Storage areas shall not be rented, leased, let, or otherwise used as a commercial business.
 - iii. Outdoor storage for commercial or industrial uses shall be limited to those items owned or used by the business.
 - iv. Outdoor storage for a multi-family development shall be only for recreational vehicles or personal recreation items of the tenants.

(23) Package and Letter Delivery Service:

- (a) No structure, facility, drive lane, parking area, nor loading area shall be located within 20 feet of a predominantly residential block.
- (b) If abutting a predominantly residential block, the facility hours of operation shall be limited to 7:00 A.M. to 10:00 P.M.
- (c) No outdoor storage shall be allowed.

(24) Recycling Center

- (a) Outdoor storage areas shall comply with Section 11-013-01.8.C(22) of this Code. No storage, excluding truck trailers, shall be visible above the required screening material.
- (b) Except for after-hours donation containers, no unsorted material shall be stored outdoors.
- (c) Any container provided for after-hours donation of recyclable materials shall be a minimum of 50 feet from a predominantly residential block, shall be of sturdy, rustproof construction, and shall have sufficient capacity to accommodate materials collected.
- (d) Power driven processing (including, without limitation, aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of materials) may be allowed when located within an enclosed structure.



(e) All recycling center grounds and facilities shall be maintained in an orderly manner so as not to create a public nuisance

(25) Sawmill or Planing Mill

- (a) The use shall be conducted within an enclosed structure.
- (b) There shall be a 1,000 foot separation from the mill structure and any predominantly residential block
- (c) Outdoor storage areas shall comply with Section 11-013-01.8.C(22) of this Code.

(26) Schools

General Standards for Schools:

- (a) Off-street parking shall be provided as per this Code.
- (b) There shall be an off-street client pick up area in addition to the required off-street parking if required by ACHD at the time of the future school development application. On arterial or collector streets, a circular driveway or an off-street turnaround (Which does not involve any space from a required off-street parking space) shall be provided for the client pick-up area
- (c) [Reserved]
- (d) In instances where a restaurant or retail store seeks to sell, serve, or dispense alcoholic beverages at a business premises located within three hundred feet (300') of any school site, notwithstanding Boise City Code or any other law or ordinance of similar import, the Boise City Clerk's office shall be authorized to review and approve a waiver of the foregoing City requirements in accordance with standards and procedures as may be adopted by the Boise City Clerk's office. The waiver procedure identified herein shall not apply to bars or establishments catering to or including adult uses, as defined in Boise City Code.

(27) Special Events

Special events such as musical and dance performances, arts and craft shows, artifact displays, carnivals, special holiday events, and charitable events shall comply with the following standards:

- (a) No such use shall be located closer than 100 feet from a predominately residential block, except at the Neighborhood Greens with Homeowner's Association approval or at the Village Green.
- (b) Incidental sales of hand crafted items and goods which are reasonably related to the special event program may be permitted.
- (c) All applicable City of Boise permits will be required prior to use of the Neighborhood Greens or Village Green

(28) Temporary Uses

- (a) Any temporary use must be administratively approved by the Planning Director. A temporary use permit shall be required for temporary buildings, temporary display and sale of merchandise, model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent lot(s) or parcel(s). A temporary use permit shall also be required for seasonal uses (such as, for example, fireworks stands, Christmas tree lots, fruit and vegetable stands marketing locally grown produce). Other uses which clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Planning Director, such as a home sales office in a residential structure. Temporary uses may be approved upon compliance with the following criteria:
 - i. Are operating for a set time period as requested by the applicant and agreed to by the Planning Director.. Temporary home sales offices may request longer time periods as approved by the Planning Director.



- ii. The proposed temporary use shall not allow for placement of, for example, any structure, vehicle or sign, within a clear vision triangle, required setback, required parking space (except as permitted for temporary, outdoor display sale of merchandise), service drive, dedicated trash dumpster location, sidewalk, or any other position on a lot or parcel that may interfere with vehicle or pedestrian circulation or the normal functions of other uses on the property, or otherwise be potentially hazardous to the public.
- iii. The proposed use must be in conformance with the other applicable requirements of the Code, and applicable state and federal regulations.
- iv. No temporary use permit, except in the case of seasonal uses or uses incidental to construction, shall be issued for structures or uses that are intended to be placed upon an unimproved lot or parcel.
- v. The Planning Director shall require guarantees to assure removal of temporary uses and of any debris or refuse resultant there from, so as to restore the premises to its prior condition and shall establish the date of such removal.

(b) The applicant shall obtain from the lot or parcel owner a signed and notarized affidavit acknowledging that the property owner shall be accountable for any debris or refuse left on the lot or parcel more than 3 days after the applicant vacates such lot or parcel and shall be responsible for any additional cleanup costs incurred by the City. A cash bond or cash deposit in the amount of not less than \$125, or such other security as may be reasonably acceptable to the Planning Director, shall be placed by the applicant with the City Clerk. Such deposit or security shall be returned to the applicant only in the event the applicant ensures such debris or refuse has been removed from the applicable lot or parcel to the satisfaction of the Planning Director. Moreover, an applicant who fails to clean such debris or refuse from the applicable lot or parcel shall be guilty of a misdemeanor which is punishable by a fine not to exceed \$300 months confinement in jail.

9. PARKING STANDARDS - GENERAL

A. Purpose

This section is intended to: provide accessible, attractive, secure, properly lighted, well-maintained and screened off-street parking facilities; reduce traffic congestion and hazards; protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent non-residential land uses; assure the maneuverability of emergency vehicles; and provide appropriately designed parking facilities in proportion to the needs generated by varying types land use.

B. Use

- (1) Parking garages and/or parking lots shall be used for vehicle parking only or other lawful and, where applicable, permitted activities..
- (2) The use allowed in the building and the corresponding parking spaces required and fixed shall be noted on the Notice of Specific Plan Compliance or Notice of Specific Plan Design Review Compliance, hereinafter referred to individually and/or collectively as

“Notice of Compliance”, received by the applicant. See Table 11-013.1. Any enlargement or addition to a building, or any change in use of a building, or an enlargement or increase in intensity of use of a building, shall require an amendment to the Notice of Compliance or Notice of Specific Plan Design Review Compliance stating the nature of the enlargement of the building or use, or the change in use of the building, and the number of parking spaces required and established as a result of such change.

C. Fractional Requirements

Any fractional requirement of a parking space shall be rounded up to require one additional parking space.

USE CATEGORY	NUMBER OF PARKING SPACES
Residential: Single Family Detached, town homes, and multifamily (including live/work and work/live units)	2 per d.u. > 950 sf; 1 per d.u. < 950 s.f.
Lodging	1 per room or suite (no additional parking is required for accessory uses such as restaurants or meeting rooms)
Office	1 per 500 sq. ft. of gross floor area
Retail	1 per 500 sq. ft. of gross floor area
Educational Elementary School: Junior, Middle, and Senior High School: College:	1 per classroom 1 per classroom .3 per student and .8 per faculty
Industrial	½ per employee
Civic/Cultural	1 per 500 sq. ft. of gross floor area
Civil Support	1 per 500 sq. ft. of gross floor area
Restaurant	1 per 4 seats

D. Reduction of Parking Requirements (Single Use)

- (1) Parking requirements for a single use as established by Table 11-013.1 may be reduced upon determination by the Planning Director based on a specific showing by the applicant that the intensity of the particular use will need fewer parking spaces. On-street parking along the frontage line of the lot or parcel may be counted toward fulfilling the parking requirements. In the event a determination is made that the parking requirements shall be reduced, the reduced off-street parking spaces requirements shall be noted on the Notice of Compliance or Notice of Specific Plan Design Review Compliance. The Planning Director shall have the authority to reduce the parking requirement by up to 10 percent if one or more of the following circumstances exist:
- (a) Expected automobile ownership or use patterns of employees, tenants, or other users vary from what is typical in the community or typical for the use.
- (b) The parking demand varies throughout the day in relation to parking supply.

- (c) The nature of operational aspects of the use warrants unique parking arrangements.
- (d) Actual parking practice in the community demonstrates that the parking standard may be too high or too low.
- (e) The development contains a pedestrian walkway and/or bicycle lane that connects to existing, adjacent or future walkways and/or bicycle lane(s), including pedestrian and bicycle connections to residential subdivisions.
- (2) The Planning Director may also consider the reduction of off-street parking requirements to: (1) avoid the visual intrusion and heat build-up that results from large paved areas; (2) ensure the efficient use of land; and/or (3) create an incentive to provide pedestrian-oriented development.

E. Distance for Private Off-Street Parking When Off-Site

Required off-street parking shall be located on the same lot or parcel as the use being served by the parking, wherever practical. No off-site parking is allowed for single-family detached residential. Parking may be located off-site not more than the following distances measured along the sidewalk or a walkway available for public use from the primary entrance or elevator bank of the premises to the nearest entrance of the parking garage or parking lot:

- (1) For retail or commercial customer or office client: 600 feet.
- (2) For employee parking on a daily basis where the car is used occasionally regardless of the nature of the employment: 1,500 feet.
- (3) When off-site parking is provided, a directional sign shall be erected on-site advising the public of the distance and direction to additional parking.
- (a) Required parking spaces that are off-site shall be committed by a recordable lease or other agreement acceptable to the City Attorney. The parties to such recordable document shall include the owner(s) or lessee(s), if applicable, of the off-site parking area, and the owner(s) and lessee(s), if applicable, of the lot or parcel being served by the off-site parking, with covenants reflecting the conditions of approval for off-site parking.
- (b) The parties to the recordable document referenced above shall immediately notify the Planning Director of any change of ownership or use of the lot or parcel for which the off-site parking is required, and notify the Planning Director of any termination or default of the agreement between the parties. Upon notification that the required off-site parking spaces are or will be reduced in number, the Planning Director shall determine a reasonable time in which one of the following shall occur: substitute parking is provided that is acceptable to the Planning Director; or the size or capacity of the use served by the off-site parking is reduced in proportion to the parking spaces lost.

F. Restricted Parking

Off-street parking space requirements are based on each parking space being available on a first-come, first-use basis. If a parking space is to be restricted by assignment of one or more parking spaces to a particular individual or user, such parking spaces shall be so designated and



such restriction shall be noted on the Notice of Compliance. Off-street parking requirements shall be increased by 20 percent of the number of such restricted parking spaces.

G. Compact Spaces

A maximum of 35 percent of the total parking spaces provided may be designed, designated and used for compact-size vehicles. Parking areas immediately adjacent to or within close proximity to building entrances shall be designated for compact parking spaces. Full-size vehicle parking spaces shall be located along the perimeter of the parking lot or in those areas most distant from the building being served. Compact parking spaces shall be clearly marked as such on the pavement or curb. The percentage of compact parking spaces may be increased by the Planning Director following a showing by the applicant that the routine use of the parking lot or parking garage will exceed the 35 percent standard.

H. Tandem Parking

Tandem parking outside all required yards may be used on detached single-family residential lots. The Planning Director may allow tandem parking for duplexes, town homes, and multifamily lots upon determination that all of the following are true:

- (1) The tandem parking does not have a negative impact on adjacent properties;
- (2) Tandem parking is required because of physical limitations of the site;
- (3) The standard parking design(s) would have a negative impact on the functional and/or aesthetic value of the site; and
- (4) The tandem parking will accommodate no more than 2 vehicles per row within the parking envelope.

I. Drive-through Facilities

Stacking lanes shall have a minimum width of 10 feet.

J. Access to Parking

Parking, including parking garages, shall be accessed from an alley or secondary frontage when possible. The opening of a parking lot or parking garage on a frontage shall not exceed 2 lanes in width. Pedestrian entrances to all parking lots and parking garages shall be directly from a frontage line. Only underground parking garages may be entered directly from a building. Applicants are encouraged to provide off-street vehicle access to parking areas on adjacent properties to provide for convenience, safety and efficient circulation. Shared pedestrian access between adjacent lots or parcels is also strongly encouraged.

K. Bicycle Parking

One bicycle parking space within a bicycle rack shall be required for every 30 required automobile parking spaces for non-residential developments. Multi-family residential developments shall provide one bicycle rack space per each 2 dwelling units.

L. Parking Garage Screening

On the ground floor, a parking garage shall be located to the rear of the lot or parcel wherever practical and masked by a liner building.

M. Accessible Parking Spaces

This Section applies to the quantity, dimensional standards, and location of accessible parking spaces. This section does not supersede and is not a substitute for the International Building Code

(IBC), but rather provides for zoning-related standards consistent with the purpose of the IBC. The more restrictive of the two - the IBC and this Section - shall prevail in the event of any discrepancies. All other provisions not addressed in this Section that are related to accessible parking spaces shall be governed by the IBC. Note also that this Section does not take the place of the Federal Americans with Disabilities Act of 1990 requirements, as amended (ADA). Variances and interpretations can only be reviewed by the U.S. Department of Justice, Office of the Americans with Disabilities Act.

(1) Quantity

TABLE 11-013.2: REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES	
TOTAL NUMBER OF PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of Total
1,001 and Over	20 plus 1 for each 100 Parking Spaces over 1,000

N. Exceptions

- (1) At facilities providing medical care and other services for persons with mobility impairments, parking spaces must be provided and must comply with Table 11-013.2 except as follows:
 - (a) Outpatient units and facilities: 10 percent of the total number of parking spaces provided shall be accessible parking spaces to serve each such outpatient unit facility.
 - (b) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided shall be accessible parking spaces to serve each such unit or facility.



- (2) Valet Parking: Valet parking facilities shall provide a passenger loading zone located on an accessible route to the entrance of the facility being served with valet parking. subsections 11-013-01.9.N(1)(a) and (b) do not apply to valet parking facilities.

O. **Dimensions**

- (1) All accessible parking spaces shall be a minimum of 8 feet in width plus a 5-foot wide adjacent access aisle to provide clearance appropriate for use by physically disabled people. No access aisle is required if all required parking spaces are designed with 11-foot wide parking space with an adjacent 5-foot wide access aisle.
- (2) 1 in every 8 accessible parking spaces, but not less than 1 parking space, shall have an adjacent access aisle 8 feet in width and shall be designated as "van accessible."
- (3) All accessible parking spaces shall be a minimum of 20 feet in length.

P. **Design**

- (1) Access aisles shall not be restricted by planters, curbs, or wheel stops.
- (2) Access aisles shall be level with the parking spaces.
- (3) Accessible parking spaces may utilize the same adjacent access aisle.
- (4) Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such sign shall not be obscured by a vehicle parking in the parking space.

Q. **Location**

- (1) Access aisles shall be connected to an accessible route to the accessible entrance of a building. The parking access aisle must either blend with the accessible route or have a curb ramp. Such ramp opening must be located within the access aisle boundaries and not within the parking spaces boundaries.
- (2) Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the parking spaces or loading zones located closest to the nearest entrance on an accessible route.
- (3) At least ½ of the accessible parking spaces are encouraged to be located adjacent to the building so that disabled persons will not have to cross traffic aisles.

R. **Common Facilities for Joint and Mixed Uses**

- (1) **Mixed Uses**
In those instances where there are clearly identified accessory or multiple uses within a building or multiple buildings, the minimum standards shall apply to each use or building, resulting in a total parking requirement when summed, except as provided in Section 11-013-01.9.R(2), below.
- (2) **Reduction in Parking (Multiple Uses)**
Parking spaces required under the provisions of this subsection may be provided cooperatively for 2 or more uses, subject to arrangements that will assure the permanent availability of such parking spaces. The Planning Director may reduce the number of

parking spaces required where the Planning Director finds that the cooperating uses have different hours of normal activity. The applicant shall provide adequate information by which the proposal can be reviewed, including, without limitation: types of uses; number of employees; building design capacity; square feet of sales area and service area; parking spaces proposed on-site; parking spaces proposed to be provided off-site; and hours of operation. The Planning Director may reduce the amount of required parking in accordance with the following methodology: (1) determine the minimum parking requirements in accordance with Table 11-013.3 for each land use as if it were a separate use; (2) multiply each amount by the corresponding percentages for each of the 5 time periods set forth in columns (B) through (F) of Table 11-013.3; (3) calculate the total for each time period; and (4) select the highest total as the required minimum number of parking spaces.

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

(A) LAND USE	WEEKDAY		WEEKEND		(F) NIGHTTIME (MIDNIGHT - 6 A.M.)
	(B) DAYTIME (9 A.M. - 4 P.M.)	(C) EVENING (6 P.M. - MIDNIGHT))	(D) DAYTIME (9 A.M. - M	(E) EVENING (6 P.M. - MIDNIGHT)	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Restaurant	50%	100%	100%	100%	10%
Entertainment/ Commercial	40%	100%	80%	100%	10%

- (3) **Determination**
The Planning Director will review the application relative to the approval criteria and make a determination of approval or denial within 10 calendar days of receipt of an application and will submit the findings and conclusions in writing to the applicant.

S. **Public and Private Parking Areas**

- (1) **Ingress and Egress**
Access driveways providing reasonable access to parking areas, including parking garages, may extend through the front or street-side set back in a perpendicular manner provided the Planning Director finds that such access driveways comply with this subsection. Driveways that extend through the setback in other than a perpendicular manner may be approved if due to physical limitations of the site or for aesthetic or safety purposes, and upon a determination that the following are true:
- (a) The driveway is clearly for access to a parking garage or parking lot; and



- (b) The proposed driveway does not have a negative impact on adjacent properties; and
 - (c) The driveway is required because of physical limitations of the site; or
 - (d) The driveway is required to enhance the aesthetics of the site such as preserving existing trees; or
 - (e) The driveway is required for safety reasons such as avoiding backing into a busy street or a street with limited motorist visibility.
- (2) **Residential Parking in Yards**
Parking shall not be permitted in any required yard of any residential land use district, except as follows:
- (a) Trailers, camp trailers, boats, boat trailers, recreational vehicles and all other vehicles not in daily use are restricted from parking in the front and street-side setbacks of alley loaded garage lots; these vehicles are restricted from parking in the front and street-side setbacks of front loaded garage lots or any adjacent street for more than 24 hours.
 - (b) Open air public or private parking areas and service drives, that are utilized in conjunction with any building or use permitted in a predominantly residential block shall be permitted in side yards that do not abut a street provided that a minimum 5-foot wide landscape and screening area is constructed and maintained adjacent to the adjoining property line. No vehicle or the parking thereof shall be permitted in such minimum 5-foot wide landscape and screening area.
 - (c) No commercial vehicle or trailer shall be parked, stored or otherwise left unattended at any place in a predominantly residential block whether on a lot or on the public right-of-way for over 2 hours except while actually engaged in pickup or delivery activities, or during the course of actual construction, alteration or repair of buildings and structures or any other permitted use in the immediate vicinity.
 - (d) All parking areas, driveways and other vehicular access for single-family or two-family residential uses shall be paved with asphalt, concrete or other hard surface material that shall be approved by the Planning Director.
 - (e) Driveways for single-family or two-family residential uses shall be a minimum of 9 feet wide and a maximum of 12 feet of width from curb to back of sidewalk, then tapering to the allowed width, except that driveways of 18 ft. of width from curb to back of sidewalk are allowed to alternate with 12 ft. wide driveways on Hardesty Street.
 - (f) The minimum unobstructed interior width of a two-car private residential garage shall be 20 feet, 10 feet if tandem. The minimum unobstructed depth of the stalls must be 20 feet for the first stall and may be 16 feet for the second stall. These dimensions must be kept clear of any permanent obstructions, including, without limitation, mechanical units.

- (g) For single-family residential uses, individual driveways in the front setback shall not exceed a width of 33 feet within the setback with a maximum of 12 feet of width from curb to back of sidewalk, then tapering to the full allowed width. Individual driveways are to be separated from any other vehicular accessway by a minimum of 5 feet of landscape or similar material not designed to accommodate vehicles.
 - (h) The Planning Director may permit up to ½ of the parking required for a single-family or two-family residential use to conform to compact parking stall dimensional standards on lots having topographic or other physical constraints. However, interior garage dimensions must comply with the requirements of Section 11-013-01.9.S(2).
- (3) **Service Drives**
- (a) Service drives may not adversely affect access or good public transportation planning to adjacent property and to the area travel networks. Service drives may not landlock adjacent property due to topographic or parcel layout and may not interfere with the continuity of public streets. When public streets are feasible and necessary for the proper development of the public street system as determined by ACHD, then public streets, as opposed to service drives, shall be required.
 - (b) Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety for traffic ingress and egress, and provide maximum safety for pedestrian and vehicular traffic on-site.
 - (c) Service drives must not encourage or promote the use of the service drive as a "pass-through" between public streets.
 - (d) Maximum grade for service drives shall be 10 percent unless specifically approved by the City Engineer and the Boise City Fire Chief. A maximum grade of 2 percent shall be allowed for the initial 80 feet from the intersecting curb to provide a landing at the junction of the service drive and the public right-of-way, unless specifically approved otherwise by ACHD and the City Engineer.
 - (e) Where determined by the City Engineer to be necessary for drainage control, vertical curbing is required.
 - (f) Except single-family or two-family dwellings on a single lot or parcel, parking spaces in groups of 3 or more shall be served by a service drive designed to prevent backing onto a street.
 - (g) Service drives shall comply with the requirements of the City's fire department. To the extent that any Boise City requirement conflicts with this Section, fire department requirements will control.
 - (h) Service drives shall be designed to intersect the public right-of-way at a 90° angle or as near to that angle as possible. Discrepancies shall require review and approval by both the City Engineer and ACHD.



- (i) A service drive that provides access from a local street shall be set back a minimum of 50 feet from an intersection of streets. Under unusual circumstances, the Planning Director may waive this requirement.
- (j) Service Drive Widths:
- i. Drive-through lanes and associated escape lanes shall each be a minimum of 10 feet wide.
 - ii. One-way service drives without parking on either side shall be a minimum of 10 feet wide. Two-way service drives without parking on either side shall be a minimum of 20 feet wide.
 - iii. Garages shall be set back from service drives such that 22 feet of back up distance is provided to the far side of the service drive.
 - iv. Except at the intersection of a service drive and public road, the service drive shall be narrowed to 20 feet where occupied by a crosswalk.
 - v. 24 feet of clear width shall be maintained between building appurtenances, such as carport overhangs, that border service drives.
 - vi. Service drives and parking lots shall allow public access to places of public use and/or interest.
- (k) Service drives that serve more than 40 dwelling units will be designed based upon the standards of this Section and by an on-site traffic circulation plan for the interior roadway and parking system, and submitted to and approved by the Planning Director and the Public Works Department.

T. **Parking Lot and Service Drive Improvements**

- (1) All public or private parking lots shall be designed and laid out to conform to the minimum standards required by this Section including the minimum standards for parking lot design set forth in Tables 11-013.4 and 11-013.5. See also Figure 11-013.3. Vehicle backup areas shall be provided, which backup area may include the width of a service drive or alley.

TABLE 11-013-4: MINIMUM STANDARDS FOR PARKING LOT DESIGN--STANDARD VEHICLES				
Parking Angle See Figure 3-1, A	Stall Width See Figure 3-1, B	Curb Length Per Car See Figure 3-1, C	Stall Depth See Figure 3-1, D	Driveway Width See Figure 3-1, E
0°	9'- 0"	23'- 0"	9'- 0"	12'- 0"
20°	9'- 0"	26'- 4"	15'- 3"	11'- 0"
30°	9'- 0"	18'- 0"	17'- 8"	11'- 0"
40°	9'- 0"	14'- 0"	19'- 6"	12'- 0"
45°	9'- 0"	12'- 9"	20'- 5"	13'- 0"

50°	9'- 0"	11'- 9"	21'- 0"	14'- 0"
60°	9'- 0"	10'- 5"	21'- 10"	16'- 0"
70°	9'- 0"	9'- 8"	21'- 10"	18'- 0"
80°	9'- 0"	9'- 2"	21'- 4"	20'- 0"
90°	9'- 0"	9'- 0"	20'- 0"	22'- 0"

TABLE 11-013.5: MINIMUM STANDARDS FOR COMPACT-SIZE VEHICLES				
Parking Angle See Figure 3-1, A	Stall Width See Figure 3-1, B	Curb Length Per Car See Figure 3-1, C	Stall Depth See Figure 3-1, D	Driveway Width See Figure 3-1, E
45°	7'- 6"	10'- 6"	16'- 0"	11'- 0"
60°	7'- 6"	8'- 9"	16'- 9"	14'- 0"
75°	7'- 6"	7'- 10"	16'- 4"	17'- 5"
90°	7'- 6"	7'- 6"	15'- 0"	20'- 0"

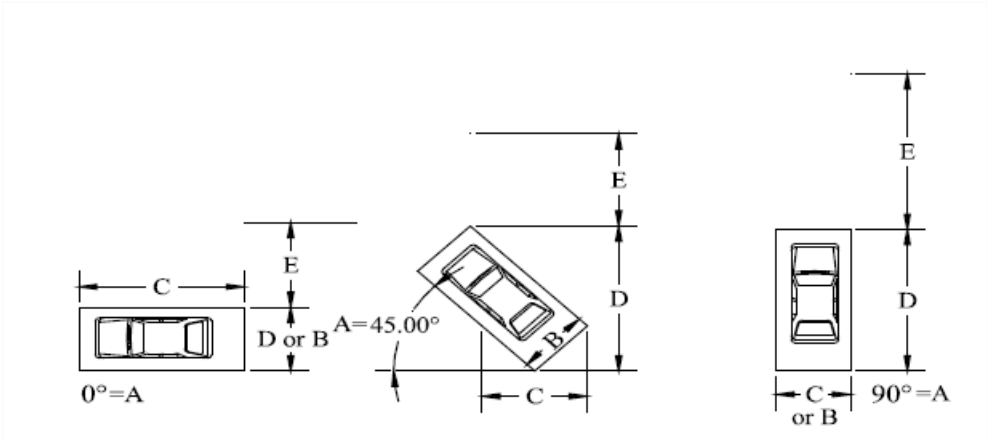


Figure 11-013.3: Minimum standards for parking lot design

- (2) Surfacing: All parking lots, service drives, vehicle storage areas, and vehicle sales lots shall be paved and constructed to meet ACHD and Boise City Fire Code standards, whichever is more restrictive, for base course and asphalt or concrete mat thickness; and curbs and gutters where applicable. The design shall be prepared by a licensed, professional engineer.
- (3) Grading: Parking lots shall be graded to prevent storm water runoff from crossing any sidewalk or from running onto adjacent properties or rights-of-way.

- (4) Bumper: All parking areas shall be provided with a substantial wheel restraint that will prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. The requirements of this subsection may be waived by the Planning Director for proper cause.
- (5) Bumper Overhang: When the Planning Director approves parking stall dimensions that allow bumper overhang onto a sidewalk or landscape strip, the parking stall dimension may be reduced 2 feet in length if 2 feet in width is added to the required sidewalk or landscape strip. Bumper overhang shall not damage landscape.
- (6) Screening: All parking lots, including vehicle sales areas, truck parking areas and bus parking areas, shall be masked by a street wall and/or landscape from public right of way and/or adjacent property. The parking lot and service drives shall meet the following standards:
 - (a) Along all streets there must be a continuous landscaped area in accordance with the Landscape Design Guidelines A.3)b, and the following standards:
 - i. Street trees with a minimum size of 2-in. caliper. Tree type to be in accordance with “Boise City Street Tree Planting and Selection Guide.”
 - ii. Shrubs, lawn or other ground cover shall be installed in all landscape areas. Landscape plants shall not include plastic or other artificial materials.
 - iii. All landscaped areas shall contain an underground irrigation system.
 - (b) A minimum 5 or 6-foot high solid screen shall be provided when a parking lot is adjacent to residential land uses. This screen may include fencing, walls and/or landscape combinations that will provide a dense barrier.
 - (c) The Planning Director may approve a transfer of all or part of the required interior landscape to other areas of the site.
 - (d) Existing healthy trees should be retained as approved by the City Forester and the Planning Director and be considered in the design and grading of the property. The Planning Director may grant up to a 10 percent reduction in the required number of parking spaces in order to preserve an existing tree(s).
- (7) Clear Vision Triangle: A clear vision triangle shall be maintained with regard to all visual barriers, including, without limitation, all vegetation (except deciduous trees pruned to at least 8 feet in height above the sidewalk and 14 feet above the roadway), walls, signs, vehicles, solid fences or other sight obstructions exceeding 3 feet in height.
- (8) Lighting: Parking lot lighting shall comply with the following requirements:
 - (a) Outdoor light fixtures shall be limited to a maximum height of 15 feet or the height of the nearest building, whichever is less.
 - (b) Lighting shall be energy-efficient and shielded or recessed so that: the light source (that is, the bulb) is not visible from off-site; and glare and reflections are confined to the maximum extent feasible within boundaries of the parking lot.

Each light fixture shall be directed downward and away from adjoining properties and rights-of-way.

- (c) No lighting shall produce an illumination level greater than 1 footcandle on adjacent residential lots or parcels. No permanently installed lighting shall blink, flash or be of unusually high intensity or brightness, as determined by the Planning Director.
- (9) Marking: Parking spaces shall provide understandable markings to indicate where drivers should park. Subtle markings, such as contrasting colors/paving stones, are encouraged. The restriping of any parking space or parking lot shall require the approval of a restriping plan by the Planning Director.
- (10) Ingress and Egress: Ingress and egress of parking garages shall be designed with due regard for visibility and safety.
- (11) Pedestrian Access: Sidewalks and crosswalks must completely link transit stations, parking areas, buildings, open spaces and adjacent paths. Sidewalks shall be at least 4 ft. wide, sited and illuminated to provide safe passage and observation of the path route. Sidewalk crossings of service drives shall be provided and clearly distinguished from the service drive.

U. Short Term Parking

Upon the determination of the Planning Director that the particular building use has a substantial demand for short-term parking immediately adjacent to the business, and upon the conditions that short-term parking will be restricted to a period of not more than 20 minutes and that the limit will be enforced by the business, the amount of parking spaces required may be reduced up to 20% to correspond to the number of parking spaces assigned to short-term parking. Any such reduction shall be noted on the Notice of Compliance.

V. Loading Requirements

Where loading and unloading of commercial vehicles cannot be accommodated from a public street within 20-minutes time, there shall be provided on the same lot with each commercial or industrial building or structure adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall:

- (1) Be provided with an asphalt or cement surface or any other surface with comparable durability and strength.
- (2) Be properly drained.
- (3) Be designed with regard to pedestrian safety.
- (4) Have direct access to public streets or alleys.
- (5) Be screened from adjacent single family residentially zoned property.
- (6) No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 P.M. and 7:00 A.M. when adjacent to an area that is predominantly residential, unless sound barriers are used and such barriers effectively reduce noise emissions to a level of 65 decibels, as measured at the lot or parcel line of any adjoining lot or parcel.



- (7) All loading spaces and related access areas shall be graded, improved and maintained in a manner permitting safe and convenient use under normal weather conditions, so as to avoid adverse effects on neighboring property.
- (8) Loading spaces shall be marked as such and reserved for loading purposes, and shall not be used for general off-street parking nor computed as part of required off-street parking.
- (9) No loading docks, service bays, or service windows shall face any street.
- (10) Loading Facilities: Loading spaces as hereinafter defined and set forth shall be provided.
 - (a) Definitions and Standards:
 - i. Type A Space: Not less than 65 feet in length.
 - ii. Type B Space: Not less than 35 feet in length.
 - iii. All spaces shall be not less than 12 feet wide and have a minimum clear height of 15 feet.
 - (b) Quantity and type of loading space as determined by the gross floor area of any commercial or industrial building are found in Table 11-013.6 below. The Planning Director may modify the requirements of Table 11-013.6 if it is demonstrated that alternative loading methods/facilities will be adequate for the business(es) being served.

TABLE 11-013.6: QUANTITY AND TYPE OF LOADING SPACES BASED ON GROSS FLOOR AREA		
GROSS FLOOR AREA (SQ. FT)	NUMBER OF LOADING SPACES	TYPE OF LOADING SPACE
14,000 – 36,000	1	B
36,001 – 60,000	2	B
60,001 – 100,000	2	B
For each additional 75,000 sq. ft., or fraction thereof, an additional Type A space shall be required.	1	A

W. Temporary Parking Lots

- (1) Term of Permit: Temporary parking lots may be permitted where new building construction is planned. Temporary parking lots may be permitted for up to 2 years (and may be renewed for addition, 2-year periods) if the following criteria are met::
- (2) The parking lot shall be located within 600 feet of the building or use the parking lot serves.

- (3) The parking lot shall be compatible with surrounding uses and shall include adequate land to accommodate parking spaces, drives, a general circulation pattern, and screening that complies with the standards of this section in connection with permanent parking lots.
- (4) A minimum 20-foot width of direct access to the parking lot from a public road right-of-way shall be provided.
- (5) Existing mature landscape shall not be displaced by the parking lot unless prior written approval is received from the Harris Ranch Review Board.
- (6) A detailed grading and drainage plan shall be submitted for review and approval by ACHD and the City’s Public Works Department.
- (7) Gravel surfacing with a written maintenance plan for dust control measures for the parking lot and any access road shall be required.
- (8) No temporary parking lot use will be permitted to continue beyond January 1, 2024.
- (9) Plans for a temporary parking lot shall be submitted for review and approval by the Director as an administrative-level design review and shall include provisions for removal of the lot upon expiration of the permit. All temporary parking lot plans shall be reviewed and are subject to additional requirements that may be imposed by the Harris Ranch Review Board.

10. SIGN STANDARDS

A. Purpose

This section of the Harris Ranch Specific Plan Code creates the framework for sign regulation that is intended to create an identifiable theme for Harris Ranch and to facilitate communication between people and businesses recognizing the need for both a well-maintained and attractive community and the need for adequate business identification, advertising and communication. The purpose of this section is:

- (1) To provide reasonable and enforceable provisions for the location, design and construction of signs;
- (2) To safeguard and enhance property values and to protect public and private investment in buildings and open spaces;
- (3) To promote those qualities in the visual environment that bring economic value to the community;
- (4) To encourage the design of signs that are in harmony with the principal activities and structures that the signs serve and that are compatible with the overall street setting and neighborhood character;
- (5) To ensure that the maintenance of a sign continues throughout the life of the sign; and
- (6) To promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the City and Harris Ranch.

B. General Provisions and Requirements



- (1) Design: Signs shall incorporate design and materials that complement the architectural theme of the building with which the sign is identified. Pole support structures, if any, shall be covered.
- (2) The type, materials, colors and shapes of signs should be architecturally compatible with the buildings and the surrounding area of the sign's location.
- (3) The sign shall not be the dominant feature of the sign's location.
- (4) A uniform sign plan shall be required for all office and/or retail complexes and multi-family buildings. The sign plan shall denote maximum total sign area permitted for the development. All tenants shall comply with the uniform sign plan.
- (5) The Planning Director shall review and approve all sign designs and uniform sign plans.
- (6) These standards are to provide general guidance. The Harris Ranch Review Board must approve all signs and sign design plans and may reduce sizes if deemed appropriate.

C. Sign Orientation

All free-standing signs shall be oriented to the street(s) on which the building the sign is identifying has frontage. Free-standing signs shall be located on the front half of the lot or parcel or in front of all buildings on the property that the sign is intended to identify.

D. Sign Area

The sign area shall be the area of smallest geometric figure that encompasses the facing of the sign including the copy, insignia, logo, symbol, photograph, background and borders. In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the sign area. Otherwise, the surface area of each sign is to be separately computed. In the case of in the shape of cubes, or other signs that are substantially three- dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Entrance wall or fence area outside of the sign area width shall not be considered a part of the sign. The entrance wall or fence outside of the sign area width shall not exceed 3 feet in height.

E. Street Address

All free-standing signs shall include the street address(es) of the lot or parcel of the building that the sign is identifying. The placement of the street address on the sign shall be in addition to any address required to be placed on the building. Numbering shall be a minimum of 3½ in. tall, and be of a contrasting color. Street addresses shall not be included in the calculation for sign background area, except for those portions that exceed 5 sq. ft.

F. Blanketing of Signs

No sign shall be erected in the same horizontal plane with other signs unless spaced at least 25 feet apart.

G. Signs Adjacent to Predominantly Residential Areas

No sign shall be designed or located such that more than ½ foot-candle of light fall occurs at ground level at the property line of a lot or parcel within a predominantly residential block.

H. Signs in Areas Where a Use Exception Has Been Approved

Where a use exception has been approved pursuant to the Code, such uses that are office in nature shall be subject to the sign standards of Tier II blocks (see Table 4-1, Tier II), and uses that

are commercial/retail in nature shall be subject to the sign standards of Tier III blocks (see Table 4-1, Tier III).

I. Gateway Streets

As provided in this Section, a sign oriented to Warm Springs Avenue and/or Park Center Boulevard may be regulated differently than a sign oriented to any other street in Harris Ranch.

J. Special Sign District

Properties occupying 60 percent or more of the street frontage on both sides of a street in any defined area, with prior approval from the Harris Ranch Review Board, may petition for the formation of a special sign district. A special sign district might be created to evoke, for example, an area with a particular atmosphere, to simulate a historic period, identify a theater or entertainment area, or other similar purpose. The petition shall be filed with the Planning Director and shall be accompanied by a designated filing fee and sufficient evidence that the petition and the particulars of the proposed sign district have been approved by the Harris Ranch Review Board. The petition shall specify the reasons for the creation of the special sign district and shall contain the signatures and addresses of not less than 60 percent of the owners of all properties proposed for inclusion in the special sign district. The petition shall be accompanied by a map of the proposed district and a complete description of the recommended criteria for signs in the district. A complete list of all property owners and persons in possession of such properties to be included in the district shall be submitted along with the petition and all such parties shall be sent notices of the Planning Director's decision to create the special sign district.

K. Sign Maintenance and Repair

All signs shall be maintained in a state of good appearance, security, safety and repair throughout the life of the signs. Maintenance shall be such that a sign continues to conform to the conditions imposed by the particular sign permit. Nothing in the Code shall relieve the owner or user of any sign, or the owner of property on which a sign is located from maintaining a sign in a safe condition and in a state of good repair. Maintenance requirements include, without limitation: any metal pole covers and sign cabinets shall be kept free of rust and rust stains; and any sign that has been damaged to such extent that the sign may pose a hazard to passersby shall be repaired or removed immediately.

L. Abandoned Signs

Except as otherwise provided in the Code, any on-site sign located on property that has been vacant and unoccupied for at least 6 months, or any sign that pertains to a time, event or purpose that no longer applies, shall be deemed to have been abandoned and the sign permit shall become void. An abandoned sign is prohibited and shall be removed by either the owner of the abandoned sign or the owner of the property on which the abandoned sign is located.

M. Clear Vision Triangles

Signs shall not be permitted in the clear vision triangle except at a height of less than 3 feet or at a height greater than 8 feet to the bottom of the sign display surface area.



TABLE 11-013.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH							
Sign Type	Maximum Background Area	Maximum Height	Location	Illumination	Number Allowed	Projection	Clearance (from above) Public Right-of-Way
Tier I Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-12; SE14							
Rent; Lease; Sale	4 sq. ft.	4 ft.	5 ft. from back of sidewalk (minimum)	None	1 per Lot		
Home Occupation; Live-Work	2 sq. ft.	Not higher than eave line for projecting roof and parapet line for Flat Roof	Attached flat on Building, or on an awning	Indirect	1 per Lot	None	
Apartment, Condominium Complex Identification	4 sq. ft.	3 ft.	5 ft. from back of sidewalk (minimum)	Indirect	1 per street frontage		
All Other Signs	PROHIBITED						
Tier II Blocks: SW2-5; SW7; SW9-10; NW31; TC8-9; SE1-5							
Rent; Lease; Sale	4 sq. ft.	4 ft.	5 ft. from back of sidewalk (minimum)	None	1 per Lot		
Home Occupation; Live-Work; Work-live	2 sq. ft.	Not higher than eave line	Attached flat on Building	Indirect	1 per Lot	None	
Apartment, Condominium Complex Identification	4 sq. ft.	4 ft.	5 ft. from back of sidewalk (minimum)	Indirect	1 at each entrance point		
Business Identification Signs	1 sq. ft. per 3 lineal ft. of Building wall	Not higher than eave line	On wall face facing	Indirect	1 per Lot		

TABLE 11-013.7: SUMMARY OF SIZE AND LOCATION OF SIGNS PERMITTED IN HARRIS RANCH							
Sign Type	Maximum Background Area	Maximum Height	Location	Illumination	Number Allowed	Projection	Clearance (from above) Public Right-of-Way
(attached; 50% maximum background area for awning Sign)	Facing Street; maximum 50 sq. ft.		Street				
On-site Signs: Wall or Canopy or Marquee	20 sq. ft. (maximum)**	Not to exceed height of wall	On wall face facing Street	Indirect	1 or more not to exceed total sq. ft. allowed	3 ft. from wall; may not project above Building	
All Other Signs	PROHIBITED						
Tier III Blocks: SW11-13; TC1-2, 4-7; SE7-12; SE14; SE16-17; SE18A; SE18B; NE14							
Rent; Lease; Sale	16 sq. ft.	10 ft.	On wall face	None	1 per Street Frontage		
On-premise Wall or Company or Marquee*	20 sq. ft. (maximum)**	Not to exceed height of wall. No more than 10ft. in height	On wall face facing Street	Indirect	1 per building face. 4 signs total allowed. 1 per Alley	3 ft. from wall if a projecting sign	12 ft.
Marquee/ Canopy/ Awning	50%	15 ft.		Indirect	1 per business		10 ft. with less than 2/3 projection from property line to curb; 12 ft. with more than 2/3 projection from property line to curb
Under Marquee/ Canopy	Length not to exceed 75% of marquee			Indirect	1 per business	3 ft. if projecting sign	10 ft.
* 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.							



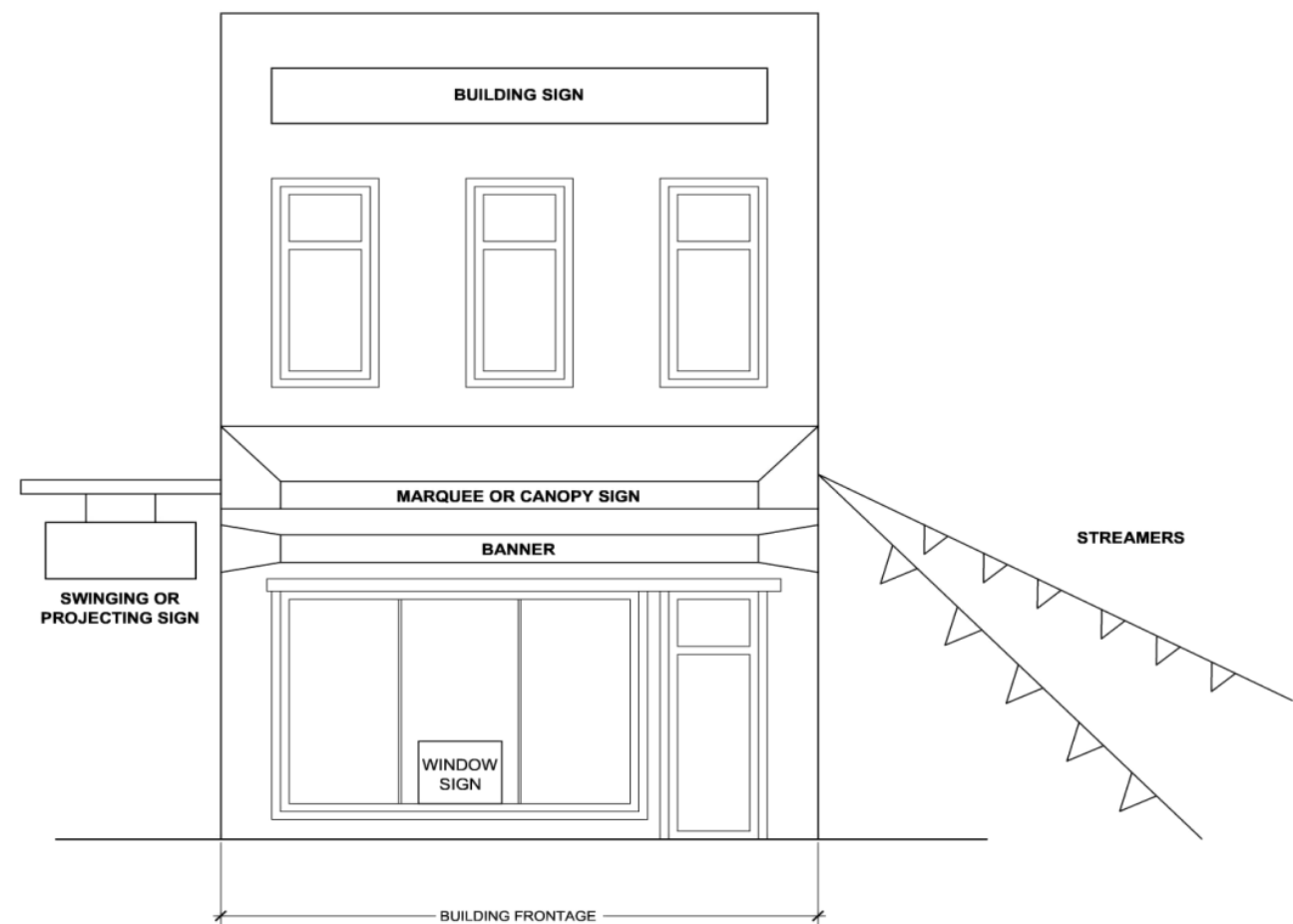


Figure 11-013.4: Types of attached signs

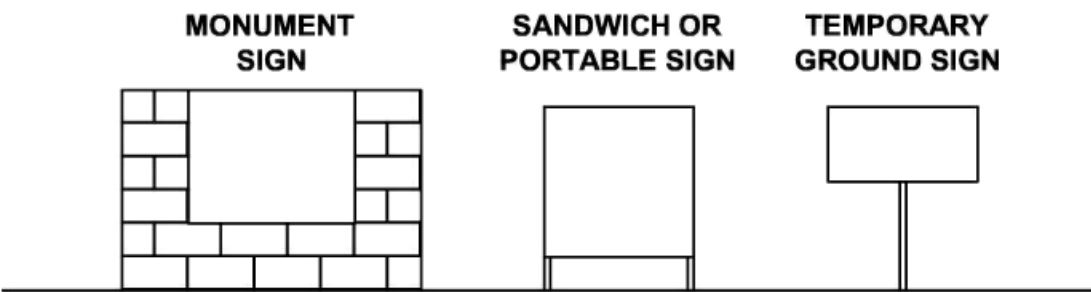


Figure 11-013.5: Types of ground signs



N. Further Regulation of Particular Sign Types

- (1) **Permitted by Planning Director**
Balloons and other inflated devices, and other temporary signs which exceed the free-standing sign height allowances in this Section may be permitted by the Planning Director provided that: (1) no more than 1 such sign is allowed per year; and (2) the sign is securely fastened.
- (2) **Projecting Signs**
Projecting signs are prohibited except for those blocks listed in subsections (b) and (c), below.
- (a) Maximum background area:
 - (b) 5 percent of building face facing a street in Blocks SW2-3; SW5; SW7; SW9- 10; NW31; TC8; SE1-6; SE14C-14F;
 - (c) 15 percent in Blocks SW11; SW12-14; TC1-7; SE7-14B; SE14G; SE16-17.
 - (d) For the purpose of calculating background area, the lesser of: the height of the lower level including parapet walls, or 20 feet.
 - (e) Projection above building height: Prohibited.
 - (f) Clearance over public property must be a minimum of 10 feet. Evidence of permission obtained from the governmental entity with authority over such public property must be provided to the Planning Director.
 - (g) Lighting can be direct or indirect.
 - (h) Number allowed: 1 for each use located at grade level.
 - (i) Projection from wall: the lesser of 10 feet or to within 3 feet of the face of the curb.
 - (j) Location: attached to the building facing a street.
- (3) **Accessory Signs for Public Parking Lots**
- (a) In blocks that are predominantly residential or office or a mixture of the two uses, 1 identification sign for each street frontage of a parking lot is permitted. Each sign shall not exceed 9 sq. ft. in area or 6 feet in height and shall be located not closer than 5 feet to any property line unless attached to a building. All signs shall be stationary, and if lighted, may be indirectly illuminated only.
 - (b) In blocks that are predominantly commercial, the immediately above provisions shall apply, except that the background area of each sign may be a maximum of 16 sq. ft. in area.
- (4) **Temporary Signs**
- (a) Unless otherwise specified by this Section, 1 temporary sign may be displayed on a lot or parcel for a maximum of 30 consecutive days in a calendar year.
 - (b) A permit application, together with appropriate fee, is required for temporary signs.

- (c) The maximum height for a temporary sign is 6 feet; the maximum background area is 9 sq. ft.
- (d) Temporary signs shall not be permitted either in clear vision triangles or over any public rights-of-way. Temporary signs shall not be located in any manner so as to cause a danger or threat to the public.
- (e) No street banner stretched over public property that pertains to civic affairs shall be allowed over such public property for longer than 14 days. A substantial rope at least 1 in. in diameter (not wire cable or other metallic rope or wire) shall be used as the main support for banners, and 2½ in. ropes shall be used for securing each lower corner. The banner shall have sufficient wind holes.
- (f) Searchlights will be permitted when: (1) they are used by a business or enterprise once yearly for a maximum period of 7 consecutive days, or for purposes of a grand opening of a new enterprise or an enterprise under new management for a maximum period of 7 consecutive days; and (2) in no case shall the beam of the searchlight flash against any building or sweep an arc greater than 45° from vertical.

(5) **Off-site Signs**

A business may request an off-site advertising sign because of excessive distance from a public street, special access or street frontage issues, unusual topography or other special circumstances. Upon a determination that such circumstances exist, and after receiving written permission from the property owner of the property on which the sign would be located, the Planning Director may issue a permit for a sign. The dimensional and square foot allowances for the block within which the sign will be located shall apply. Such sign shall be in lieu of, and not in addition to, on-site free-standing signs. Off-premise signs are prohibited in Blocks: NW4-16; NW18-24; NW26-30; NE1-7; NE9-10, SE14C-14F; SW12; SW15-16; TC1; TC8; NE8; NE11.

O. **Signs for Which a Permit is Not Required**

- (1) Construction Signs: Construction signs, provided that such signs are erected no more than 30 days prior to the beginning of construction for which a valid building permit has been issued, are confined to the site of construction, and must be removed 5 days after completion of construction and prior to occupancy. Each sign shall not exceed 9 sq. ft. in area or 6 feet in height and shall be located not closer than 5 feet to any property line unless attached to a building.
- (2) For Sale, Rent, Lease, or any Real Estate Signs on any individual lots, either by builders or individuals, must comply with the Harris Ranch Review Board sign requirements..
- (3) Political or Campaign Signs
 - (a) There is permitted 1 or more temporary, unlighted, on a lot or parcel on behalf of candidates for public office or measure on the ballot, or announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization or nature, provided that the property owner grants permission for the erection of the sign.

- (b) Political or campaign signs shall be erected not earlier than 60 days prior to the applicable election, campaign or event and shall be removed within 10 days after such election, campaign or event.
 - (c) Political or campaign signs shall not exceed:
 - i. 6feet in height or a total of 10 sq. ft. in area for Blocks NW4-16; NW18-24; NW26-30; NE1-7; NE9-10; SE14C-14F.
 - ii. 10 feet in height or a total of 16 sq. ft. in area in Blocks SW2-3; SW5; SW7; SW9-10; NW31; TC8; SE1-6; SW11; SW12-14; TC1-7; SE7-14B; SE14G; SE16-17.
 - iii. If attached to a building, campaign signs shall not exceed the height of the eave line of the building.
 - (d) No political or campaign sign shall be located closer than 5 feet to any property line unless attached to a building that is closer than 5 feet from the property line.
- (4) Window Signs: Temporary or permanent commercial window signs for on-site commercial activity provided that the signs shall not exceed 25 percent of the total window area and the combined total copy area of temporary and/or permanent window signs shall not exceed 50 percent of the total window area.
 - (5) Hand-held Signs.
 - (6) Public Notices: Public notices posted by public officials in the performance of their duties.
 - (7) Residential Yard/Garage/Estate Sale Signs: Display is not to exceed 3 days prior to the date of the sale with removal within 24 hours following the last day of the sale. Such signs may be of any number and type provided that each sign does not exceed 9 sq. ft. in area.
 - (8) Directional Signs: Directional or public service information signs shall be no greater than 4 sq. ft. in area and no more than 4 feet in height. If business identification is included, the information shall be secondary in all aspects to the primary use of these signs for directional purposes.
 - (9) Flags: Conventional flags, emblems or insignia of any national or political subdivision or corporation.
 - (10) Government Signs: Governmental signs for the control of traffic or other regulatory purposes, or authorized public signs of public service companies indicating danger.
 - (11) House Numbers: House numbers and name plates.
 - (12) Interior Signs: Interior signs located within the interior of any buildings or structures that are not visible from the public right-of-way.
 - (13) No Trespassing: "No Trespassing" or similar signs not to exceed 1½ sq. ft. in area per sign and not exceeding 4 in number per lot or parcel.



- (14) Memorial Signs: Memorial signs or tablets, names or buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building.
- (15) Plaques: Plaques or nameplate signs of not more than 2½ sq. ft. in area which are fastened directly to a building.
- (16) Display Windows: Signs in the display windows of a business that are incorporated in a display of merchandise.
- (17) Symbols or Insignia: Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque or identification emblem shall exceed 4 sq. ft. in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.
- (18) Warning Signs: Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
- (19) Orientation from Street: Any sign which is oriented only to the property on which it is located and is not visible from the public right-of-way.
- (20) Change in Sign Copy: A permit shall not be required for a change of copy on any sign, nor for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued in accordance with this Harris Ranch Specific Plan Code, provided that the sign or sign structure is not substantially altered in any way.
- (21) Portable Signs: In blocks that are predominantly commercial or mixed use, an A-frame, T frame and similar “sandwich” signs placed on public sidewalks for promotion of businesses and products are to be considered portable signs. Portable signs shall be placed to allow for unobstructed pedestrian traffic, to prevent pedestrian-vehicular conflicts and tripping hazards. At a minimum, signs shall be placed to provide a 5-foot clear zone for pedestrians on the sidewalk between the building and curb and, if possible, portable signs shall be located outside the pedestrian zone. Portable signs are allowed without a permit from City. However, evidence of permission from the governmental entity with authority over the public sidewalks must be provided to the Planning Director.

P. Non-Conforming Signs

- (1) Legal Non-conforming Signs: A legal non-conforming sign is any sign that does not conform to the requirements of the Code, but which was legally erected in any of the following circumstances:
 - (a) A valid permit was issued for the sign prior to the adoption of the Code;
 - (b) The sign needed no permit but was a legal sign prior to the adoption of the Code; or
 - (c) The sign was lawfully occupying a building or land at the effective date of the Code.
- (2) No temporary or prohibited signs shall be eligible for "legal non-conforming" status. A legal non-conforming sign shall lose its legal non-conforming status if:

- (a) The sign is altered in any way in structure or copy (except for copy changes and normal maintenance) which violates provisions of the Code other than those violated before the alterations; or
 - (b) The sign is moved to a position that violates the Code; or
 - (c) The sign is replaced; or
 - (d) The use of the property on which the sign is located is changed.
- (3) If a non-conforming sign loses its legal status, the sign owner shall remove the sign or bring the sign into compliance with the Code within 60 days.
- (4) The Planning Director may require the removal of non-conforming signs as a condition for granting a new sign. Factors to consider include the degree of non-compliance, the relation of the proposed sign to the non-conforming sign(s), the number of non-conforming signs, and any other factors that the Planning Director deems reasonably significant.

Q. Prohibited Signs

(1) Miscellaneous Signs and Posters

No signs or posters that are visible from a public right-of-way and are tacked, pasted or otherwise affixed to or upon, without limitation, the walls of buildings or upon trees, poles (including, but, not limited to power poles), posts, fences, bridges or other structures shall be allowed.

(2) Public Area Signs

Except as permitted by the governmental entity with authority over such public property, no signs placed on, without limitation, any street right-of-way, curb, sidewalk, post, pole, hydrant, bridge or tree, except official public notices posted by an authorized public officer shall be allowed.

(3) Banners

No banners, pennants, portable signs, strings of lights, ribbons, streamers, spinners, twirlers or propellers, balloons, bubble machines and similar devices of a carnival nature shall be allowed.

(4) Confusion with Other Signs

No signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle or that obstructs the visibility of any traffic or street sign or signal device shall be allowed. This shall include strobe lights and animated signs.

(5) Roof Sign

Roof signs are not allowed.



APPENDIX 1:
FOOTHILLS PLANNED DEVELOPMENT ORDINANCE
(in effect as of adoption of Amendment 7 (2019))

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.

Table 11-07.9 - Density Bonus Formula				
Built Area (percent)	Open Space Dedicated (percent)	Density Bonus (units/acre)	Buildable Area On 100 acres After Open Space Set-Aside (acres)	Number of Bonus Units
75	25	0.5	75.0	38
69	3	0.75	68.8	52
63	38	1.0	62.5	63
56	44	1.25	56.3	70
50	50	1.5	50.0	75
44	56	1.75	43.8	77
38	63	2.25	37.5	84
31	69	3.0	31.3	94
25	75	4.0	25.0	100

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

(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
- (f) 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.*



**APPENDIX 2:
HILLSIDE AND FOOTHILL AREAS
DEVELOPMENT ORDINANCE
(in effect as of adoption of
amendment 7 (2019))**

11-07-08. HILLSIDE AND FOOTHILLS DEVELOPMENT STANDARDS

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.



- (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, ASTM D-1557 or greater as recommended by the geotechnical report. The frequency of compaction testing shall be addressed in the geotechnical report and shall be approved by the City Engineer.
 - (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.

- (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.

- (7) 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.
- (8) 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.
- (9) The overall drainage system shall be completed and made operational at the earliest possible time during construction.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) Drainage facilities shall be designed to coordinate with any Master Drainage Plan for the drainage basin in which the proposed development is located.
- (14) 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

- (1) Roads shall be designed to minimize land coverage and soil disturbance.
- (2) Existing deep-rooted perennial vegetation shall be preserved to the extent possible.
- (3) 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.
- (4) Road alignments should follow natural contours; cul-de-sacs and common driveways are encouraged.
- (5) 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.
- (6) 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 the 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 Foothill 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 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.