



City of Boise
Ordinance
Zoning/Rezoning

**Planning and Development
Services**
150 N Capitol Blvd
Boise, ID 83702
(208) 972-8531

TO: Mayor and Council
FROM: Joshua Wilson, Planning and Development Services
NUMBER: **ORD-46-19**
DATE: October 15, 2019
SUBJECT: ZOA19-00003 / Ordinance Amending Boise City Code Title 11, Chapter 2

BACKGROUND:

On July 1, 2019, Planning and Zoning Commission recommended approval.

On August 20, 2019, City Council approved.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- ORD 46-19 Legal Notice (PDF)

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Ordinance NO. ORD-46-19

BY THE COUNCIL

BAGEANT, CLEGG , HALLYBURTON,
SANCHEZ, THOMSON AND
WOODINGS

AN ORDINANCE AMENDING THE DEVELOPMENT CODE REGARDING THE PURPOSE AND INTENT OF THE DESIGN REVIEW COMMITTEE (SECTION 11-02-04) AND DESIGN REVIEW SPECIFIC PROCEDURES (SECTION 11-03-04.12) TO ADDRESS ERRORS/OMISSIONS AND CLARIFY PROCEDURES FOR THE PROCESSING OF DESIGN REVIEW APPLICATIONS.

WHEREAS, on July 1, 2019, following a public hearing, the Planning and Zoning Commission for the City of Boise recommended approval of ZOA19-00003; and

WHEREAS, on August 20, 2019, the Boise City Council, following a public hearing, approved adoption of ZOA19-00003.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That Boise City Code Title 11, Chapter 2, Section 4, Subsection 1, shall be, and hereby is, amended to read as follows:

11-02-04. DESIGN REVIEW COMMITTEE

1. DUTIES, JURISDICTION, AND AUTHORITY

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

1. Protect property rights and values, enhance important environmental features of the city, and to ensure that the general appearance of buildings and structures along with development of the land does not impair or preclude the orderly and harmonious development of the community;
2. Review all development proposals within the design overlay zoning districts established by this Code. Within these districts the DRC, with input from other jurisdictions, shall regulate landscaping, review building design, site planning, signs, grading, development and beautification, including but not limited to the regulation and restriction of the type, ~~massing, number of stories, size,~~ construction, reconstruction, alteration, or repair ~~or use~~ of buildings and structures to ensure compliance with the requirements of the respective overlay district; and
3. Develop and recommend to the PZC for Council adoption, special design criteria districts that describe additional requirements relating to bulk and design regulations to be imposed or that establish design standards for specific uses,

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types of uses, parking standards, streetscapes, or other similar items. Where a special district has been adopted, it shall be designated on the zoning maps.

Section 2. That Boise City Code Title 11, Chapter 2, Section 4, Subsection 2, shall be, and hereby is, amended to read as follows:

2. LIMITATIONS

- A. The DRC is specifically prohibited from requiring reduction in density, reduction in floor area ratio, or other general bulk regulations that cannot specifically be shown to be required by reason of public safety, health, or destruction or diminution of property values. Unless the proposed structure is determined to be detrimental to health, safety, or adjoining property values, the DRC shall not require reduction in building height or floor area ratio to less than that allowed in the respective use district, except as allowed per Section 11-06-03.03 ~~11-09-02.1B(2)~~ for development on substandard original lots of record.
- B. Denial of a design review permit or approval of a design review permit with conditions unacceptable to the landowner may be appealed to the PZC.

Section 3. That Boise City Code Title 11, Chapter 3, Section 4, Subsection 12, shall be, and hereby is, amended to read as follows:

12. DESIGN REVIEW

- A. Purpose
 1. Ensure the general appearance of development is in compliance with the Comprehensive Plan.
 2. Enhance important environmental features of the city and the physical characteristics of the land; and
 3. Ensure the orderly and harmonious development of the community.
- B. Applicability
 1. D and DD Districts Within the D and DD Districts, any visible exterior improvement to a site, building, or structure shall require design review.
 - a. Detached single-family residential uses are exempted from the requirements of this chapter, except as allowed per Section 11-06-03.03 for development on substandard original lots of record.
 - b. Approval may be issued in the form of a Zoning Certificate or as part of a building permit for the following types of work as determined by the Planning Director:
 - i. Awnings and canopies
 - ii. Building additions or accessory buildings less than 200 square feet
 - iii. Minor landscape or parking lot revisions
 - iv. Minor repairs which do not result in discernable changes
 - v. Painting
 - vi. Patios/decks
 - vii. Roof/fascia changes
 - viii. Window/door modifications

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- c. Accessory single-family residential parking areas containing more than three parking spaces within D overlay districts shall be subject to administrative design review.

2. Minor Design Review

The following design review applications are considered minor and may be reviewed by the Director.

a. In D Districts

- i. A two story or less residential building containing two to six units.
- ii. A residential planned unit development of less than 50 dwelling units that has been approved by the PZC.
- iii. An office or commercial building not exceeding 5,000 square feet gross floor area that is not adjacent to a residential district or use.
- iv. An industrial building not exceeding 10,000 square feet gross floor area that is not adjacent to a residential district or use.
- v. A non-residential planned unit development less than two acres in size that has been approved by the PZC.
- vi. Signs.
- vii. Modification to an existing building.
- viii. Parking lots.
- ix. Modifications to approved plans as per Step 8, Modification.

b. In all DD Districts

- i. All minor alterations to existing buildings.
- ii. Signs designed in conformance with the provisions of the sign regulations.
- iii. Parking lots.
- iv. Any canopies and awnings.

C. Procedures

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

1. Step 1: Pre-Application Conference

Not required.

2. Step 2: Neighborhood Meeting

Not required except for substandard lot applications.

3. Step 3: Application Submittal

Applications that are for new buildings or building additions greater than 200 sq. ft. shall be prepared by, or under the direct supervision of, a duly licensed architect who shall be clearly identified on such designs, unless exempted under Idaho Code, Section 54-306. Applicable

4. Step 4: Notice

Applicability shall be as follows:

- a. Required when the DRC holds a public hearing for design review. The

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Director shall provide notice pursuant to Section 11-03-03.4 and this Section.

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

5. Step 5: Application Processing

Pursuant to Section 11-03-03.4, the Director shall:

- a. Determine whether the application meets the criteria for administrative review or must be reviewed by the DRC ~~or HPC~~;
- b. Refer the application to other agencies; and
- c. Prepare a report with findings and a decision.

6. Step 6: Public Hearing

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

7. Step 7: Decision

Decision authority is as follows:

- a. D, C, or DC Designations

Except for minor design review applications, approvals shall be granted by the DRC.

~~b. H Designations~~

~~Except for minor design review applications, approvals shall be granted by the HPC together with a Certificate of Appropriateness.~~

be. Limitations of Design Review Authority Designations

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

cd. Findings

- i. Site Design

A. Traffic Impact

That traffic impact is minimized and the pedestrians and cyclists have been provided for through the use of sidewalks, pathways, landscaping, and safe parking lot design.

B. Landscaping, Stabilization, and Screening

That landscaping screens buffer adjacent uses, and screen or conceal unsightly areas.

C. Grading and Drainage

That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.

D. Signage

That signs provide for business identification, minimizes clutter comply with the sign regulations.

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E. Utilities

That utility systems do not detract from building design and that their size and location are appropriate and maintainable.

ii. Structure Design

The design (architecture) of buildings in the D and DD districts shall be in accordance with the following:

A. Building Mass

The building mass should be consistent with development in the immediate area.

B. Building Facades

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

C. Openings in the Facades

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

D. Exterior Materials

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

E. Commercial/Industrial Buildings Adjacent to Residential

The design shall minimize impacts on adjoining (including across a street or alley) residential uses and districts.

iii. Adopted Plans and Design Guidelines

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

8. Step 8: Modification

Applicable.

a. Minor Modification

The following minor modifications may be approved by the Director:

i. Modifications to administrative design reviews.

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

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

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

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

vi. A change in landscape design or plant types, minor parking lot revisions, or minor site revisions.

b. Major Modification

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The following major modifications must be approved by the DRC ~~or HPC~~:

- i. Those impacting an adjoining residential neighborhood.
- ii. Any that was a subject of appeal.
- iii. Those that would, in the opinion of the Director, significantly alter site or building design.
- iv. Modification of a condition of approval.

9. Step 9: Appeal
Applicable.

- a. Appeals of Director decisions are to the DRC, ~~or HPC; HPC appeals are to the Council;~~ and DRC appeals are to the PZC pursuant to Section 11-03-03.4.
- b. Grounds for an appeal may include:
 - i. Inconsistency with the purpose and objectives of this Code;
 - ii. Unreasonable economic hardship;
 - iii. Undue interference with the design integrity of the proposal;
 - iv. Discriminatory prevention of an allowed land use; and
 - v. Prohibition or unwarranted restriction of building type, material, or method.
- c. A waiver of the appeal period may be required in accordance with Section 11-03-03.9.B(5).

10. Step 10: Term of Approval

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


Section 4. That following passage, approval, and publication, this ordinance may be visually reformatted administratively to ensure a consistent and correct appearance.

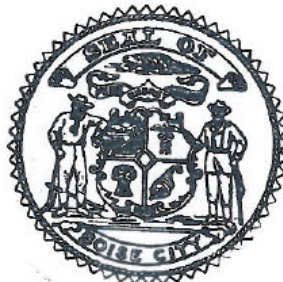
Section 5. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

ADOPTED by the Council of Boise City, Idaho, on November 19, 2019.

APPROVED by the Mayor of the Boise City, Idaho, on November 19, 2019.

APPROVED:


Lauren McLean, Mayor



ATTEST:


Lynda Lowry, Ex-Officio City Clerk

BY THE COUNCIL

Ordinance NO. ORD-46-19
CLEGG, LUDWIG, MCLEAN, SANCHEZ,
THOMSON AND WOODINGS

AN ORDINANCE AMENDING THE DEVELOPMENT CODE REGARDING THE PURPOSE AND INTENT OF THE DESIGN REVIEW COMMITTEE (SECTION 11-02-04) AND DESIGN REVIEW SPECIFIC PROCEDURES (SECTION 11-03-04.12) TO ADDRESS ERRORS/OMISSIONS AND CLARIFY PROCEDURES FOR THE PROCESSING OF DESIGN REVIEW APPLICATIONS.

WHEREAS, on July 1, 2019, following a public hearing, the Planning and Zoning Commission for the City of Boise recommended approval of ZOA 19-00003; and WHEREAS, on August 20, 2019, the Boise City Council, following a public hearing, approved adoption of ZOA 19-00003.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO: Section 1. That Boise City Code Title 11, Chapter 2, Section 4, Subsection 1, shall be, and hereby is, amended to read as follows:

11-02-04. DESIGN REVIEW COMMITTEE

1. DUTIES, JURISDICTION, AND AUTHORITY

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

1. Protect property rights and values, enhance important environmental features of the city, and to ensure that the general appearance of buildings and structures along with development of the land does not impair or preclude the orderly and harmonious development of the community;
2. Review all development proposals within the design overlay zoning districts established by this Code. Within these districts the DRC, with input from other jurisdictions, shall regulate landscaping, review building design, site planning, signs, grading, development and beautification, including but not limited to the regulation and restriction of the type, massing, number of stories, size, construction, reconstruction, alteration, or repair or use of buildings and structures to ensure compliance with the requirements of the respective overlay district; and
3. Develop and recommend to the PZC for Council adoption, special design criteria districts that describe additional requirements relating to bulk and design regulations to be imposed or that establish design standards for specific uses, types of uses, parking standards, streetscapes, or other similar items. Where a special district has been adopted, it shall be designated on the zoning maps.

Section 2. That Boise City Code Title 11, Chapter 2, Section 4, Subsection 2, shall be, and hereby is, amended to read as follows:

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

Section 3. That Boise City Code Title 11, Chapter 3, Section 4, Subsection 12, shall be, and hereby is, amended to read as follows:

12. DESIGN REVIEW

A. Purpose

1. Ensure the general appearance of development is in compliance with the Comprehensive Plan.
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B. Applicability

1. D and DD Districts Within the D and DD Districts, any visible exterior improvement to a site, building, or structure shall require design review.
 - a. Detached single-family residential uses are exempted from the requirements of this chapter, except as allowed per Section 11-06-03.03 for development on substandard original lots of record.
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4. Step 4: Notice

Applicability shall be as follows:

- a. Required when the DRC holds a public hearing for design review. The Director shall provide notice pursuant to Section 11-03-03.4 and this Section.
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Decision authority is as follows:

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

7c. Limitations of Design Review Authority Designations

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7d. Findings

- i. Site Design
 - A. Traffic Impact
That traffic impact is minimized and the pedestrians and cyclists have been provided for through the use of sidewalks, pathways, landscaping, and safe parking lot design.
 - B. Landscaping, Stabilization, and Screening
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 - C. Grading and Drainage
That on-site grading and drainage have been designed so as to minimize off-site impact and provide for erosion control.
 - D. Signage
That signs provide for business identification, minimize clutter comply with the sign regulations.
 - E. Utilities
That utility systems do not detract from building design and that their size and location are appropriate and maintainable.
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 - D. Exterior Materials
Exterior materials that complement surrounding development in terms of color and relief should be utilized.
 - E. Commercial/Industrial Buildings Adjacent to Residential
The design shall minimize impacts on adjoining (including across a street or alley) residential uses and districts.
- iii. Adopted Plans and Design Guidelines
Adopted plans and design guidelines in the appendix, including the Citywide and Downtown Design Standards and Guidelines as adopted by the City Council, are to be used in reviewing applications. (Ord 40-13 Amended 10/15/13; Ord. 13-13 amended)

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Applicable.

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The following minor modifications may be approved by the Director:

- i. Modifications to administrative design reviews.
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The following major modifications must be approved by the DRC or HPC:

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- iv. Modification of a condition of approval.

9. Step 9: Appeal

Applicable.

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

b. Grounds for an appeal may include:

- i. Inconsistency with the purpose and objectives of this Code;
- ii. Unreasonable economic hardship;
- iii. Undue interference with the design integrity of the proposal;
- iv. Discriminatory prevention of an allowed land use; and
- v. Prohibition or unwarranted restriction of building type, material, or method.

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

10. Step 10: Term of Approval

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

Section 4. That following passage, approval, and publication, this ordinance may be visually reformatted administratively to ensure a consistent and correct appearance.

Section 5. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

ADOPTED by the Council of Boise City, Idaho, on November 19, 2019.
APPROVED by the Mayor of Boise City, Idaho, on November 19, 2019.

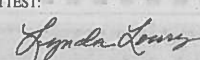
APPROVED:



David H. Bieter, Mayor



ATTEST:



Lynda Lowry, Ex-Officio City Clerk

ORD
46-19
PDS