



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-45-19**
DATE: October 15, 2019
SUBJECT: ZOA19-00001 / Ordinance Amending Boise City Code Title 11, Chapter 3

BACKGROUND:

On July 8, 2019, the Planning and Zoning Commission recommended approval of ZOA19-00001.

On September 17, 2019, the Boise City Council approved ZOA19-00001.

FINANCIAL IMPACT:

None

ATTACHMENTS:

- ORD 45-19 Legal Notice (PDF)

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Ordinance NO. ORD-45-19

BY THE COUNCIL

BAGEANT, CLEGG , HALLYBURTON,
SANCHEZ, THOMSON AND
WOODINGS

AN ORDINANCE AMENDING THE DEVELOPMENT CODE REGARDING SPECIFIC PROCEDURES (SECTION 11-03-03 AND 11-03-04) INCLUDING CHANGES TO THE TIMING OF NEIGHBORHOOD MEETINGS, INCREASING THE RADIUS FOR MAILED NOTIFICATIONS OF PUBLIC HEARINGS, AND REQUIRING APPLICANTS TO INSTALL ON-SITE PUBLIC NOTICE SIGNS.

WHEREAS, on July 8, 2019, following a public hearing, the Planning and Zoning Commission for the City of Boise City recommended approval of case ZOA19-00001; and

WHEREAS, on September 17, 2019, the Boise City Council, following a public hearing, approved the adoption of ZOA19-00002.

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

Section 1. That existing Boise City Code Title 11, Chapter 3, Section 3, Subsection 1, shall be, and hereby is, amended to read as follows:

1. STEP 1: PRE-APPLICATION MEETING

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

A. Timing

A pre-application meeting shall ~~Must~~ be held not more than six months ~~nor less than one day~~ prior to the submission of an application ~~and shall occur prior to notification or the holding of a neighborhood meeting.~~

B. Verification

A pre-application meeting verification form shall be submitted with the application.

C. Waiver

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

Section 2. That existing Boise City Code Title 11, Chapter 3, Section 3, Subsection 2, shall be, and hereby is, amended to read as follows:

2. STEP 2: NEIGHBORHOOD MEETING

The applicant shall hold a meeting allowing the public to review the proposed project

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only after a pre-application meeting has been held. A second meeting may be required by the Director if the application could have the potential to create measurable impacts including, but not limited to increased traffic or environmental concerns. The second meeting may occur before or after application submission but shall follow the noticing procedures of 11-03-03.4.

A. Timing and Location

A neighborhood meeting shall ~~Must~~ be held not more than six months nor less than ~~five~~ 12 days prior to submission of the application, ~~and~~ within two miles of the project site, Monday through Thursday, excluding holidays, ~~;~~ and start between 6:00 P.M. and 8:00 P.M.

B.

Notification

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

C.

Waiver

The Director may waive this step for projects that are not complex and have little potential to substantially impact neighborhood properties.
(ord. 42-13, 10-29-13)

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

4. STEP 4: NOTICE

A. Application Referrals

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

B. Published

Notice

At least 15 days prior to the hearing, notice of the time and place and a description of the proposal shall be published in the official newspaper of Boise City. A notice shall also be ~~made available~~ provided to other newspapers, radio, and television stations servicing the city for use as a public service announcement.

C. Mailed Notice

Notice shall be mailed to the applicant and to property owners, purchasers of record, ~~and~~ residents, and registered neighborhood associations:

(1) Within the subject property;

~~(2) Within 300 feet of the external boundaries of the subject property; for variances, adjacent; for Boise River System permits both sides of the river or channel 500 feet upstream and 1,000 feet downstream from project site;~~

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(2) Within the following distances from the external boundaries of the subject property:

- (a) For Boise River System permits, 500 feet upstream and 1,000 feet downstream from the project site;
 - (b) For comprehensive plan land use map amendments, rezones, special exceptions, subdivisions five acres or greater, and conditional use permits and planned unit developments greater than one acre or on a gateway street, 500 feet;
 - (c) For a height exception exceeding 100 feet, a distance that is three times the proposed height;
 - (d) For variances, adjacent properties;
 - (e) For all other applications, 300 feet.
- ~~(3) For a height exception exceeding 100 feet, within a distance that is three times the proposed height;~~
- (4) Any additional area that may be impacted by the proposed change as determined by the Director when:
- (a) The application could result in significant adverse traffic, environmental, aesthetic, noise, pollution, or population density impacts occurring outside the minimum ~~300-foot~~ notice area.;
 - (b) The public interest would be better served by expanding the notification area.

D. Posted Notice

Notice shall be posted in a conspicuous place on the premises not less than ~~fifteen~~ **15** days prior to the hearing. The ~~Director~~ **applicant** shall be responsible for the timely posting of all sites and for the documentation of such postings, including appeals. The Director may require larger sized posting(s) or multiple notice(s) for applications that could result in significant adverse traffic, environmental, aesthetic, noise, pollution, or population density impacts.

(1) Size

- (a) All notice(s) shall be a minimum of 11"x17" in size, unless otherwise required.
- (b) Notice(s) 4'x4' in size shall be required for: comprehensive plan land use map amendments, rezones, annexations, special exceptions, subdivisions five acres or greater, and conditional use permits and planned unit developments greater than one acre or on a gateway street.

(2) Content

The notice(s) shall utilize the template provided by the City.

(3) Material

- (a) Notice(s) 11"x17" in size shall be in bright colored, laminated paper, or other similar material mounted to a rigid surface of equal size and attached to a Director approved support.
- (b) Notice(s) 4'x4' in size shall consist of plywood or other hard surface mounted on two 4"x4" posts, or attached to another Director approved support.

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(4) Placement & Quantity

- (a) The notice(s) shall be posted perpendicularly along each roadway, excluding Interstate 84, adjacent to the subject property boundaries. The base of the notice shall be at least three feet above the ground.
- (b) If the property has roadway frontage of 1,000 feet or more, a notice shall be placed at each end of the property roadway frontage.
- (c) Notice(s) shall be located in the front yard on the property, with the notice oriented to oncoming traffic, outside of public right-of-way.
- (d) If the notice(s) cannot be placed on the property and still be clearly visible, the notice(s) may be placed within the right-of-way if the applicant can obtain the consent of the owner of the right-of-way.

(5) Proof of Posting

Ten days prior to the public hearing, the applicant shall submit to the City a notarized statement and photograph of the posting attesting to where and when the notice(s) were posted. Unless the statement is received by such date, the hearing will be deferred.

(6) Removal

The notice(s) shall be removed no later than three days after the public hearing for which the notice(s) was posted.

E. Alternate Forms of Notice

When mailed notice is required ~~to~~ for 200 or more property owners, purchaser of record, or residents, an alternative form of notice may be provided as follows:

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

F. Notice of Material Change

Following the hearing, if the PZC recommends a material change to the ~~proposal~~ application, it shall give notice and conduct another public hearing before sending a recommendation to Council.

G. Notice of Continued Hearing

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

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

C. Procedures

- (4) Step 4: Notice

~~Not applicable.~~ Mailed and Posted Notice required for subdivisions five

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acres or greater.

Section 5. That existing Boise City Code Title 11, Chapter 3, Section 4, Subsection 11 shall be, and hereby is, amended to read as follows:

C.

Procedures

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

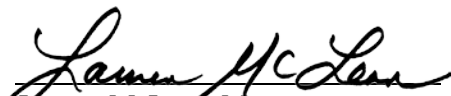
Section 6. That this Ordinance shall be in effect immediately upon its passage, approval, and publication.

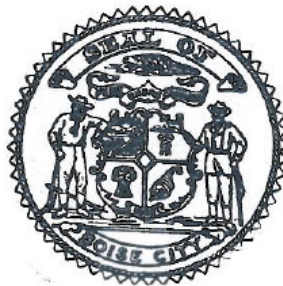
ADOPTED by the Council of Boise City, Idaho, on November 19, 2019.

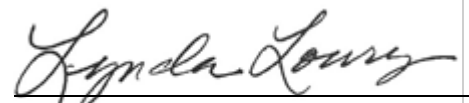
APPROVED by the Mayor of the Boise City, Idaho, on November 19, 2019.

APPROVED:

ATTEST:


Lauren McLean, Mayor




Lynda Lowry, Ex-Officio City Clerk

AN ORDINANCE AMENDING THE DEVELOPMENT CODE REGARDING SPECIFIC PROCEDURES (SECTION 11-03-03 AND 11-03-04) INCLUDING CHANGES TO THE TIMING OF NEIGHBORHOOD MEETINGS, INCREASING THE RADIUS FOR MAILED NOTIFICATIONS OF PUBLIC HEARINGS, AND REQUIRING APPLICANTS TO INSTALL ON-SITE PUBLIC NOTICE SIGNS.

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A. Timing

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B. Verification

A pre-application meeting verification form shall be submitted with the application.

C. Waiver

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

2. STEP 2: NEIGHBORHOOD MEETING

The applicant shall hold a meeting allowing the public to review the proposed project only after a pre-application meeting has been held. A second meeting may be required by the Director if the application could have the potential to create measurable impacts including, but not limited to increased traffic or environmental concerns. The second meeting may occur before or after application submission but shall follow the noticing procedures of 11-03-03.4.

A. Timing and Location

A neighborhood meeting shall be held not more than six months nor less than five 12 days prior to submission of the application, and within two miles of the project site, Monday through Thursday, excluding holidays, and start between 6:00 P.M. and 8:00 P.M.

B. Notification

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

C. Waiver

The Director may waive this step for projects that are not complex and have little potential to substantially impact neighborhood properties. (ord. 42-13, 10-29-13)

3. STEP 3: NOTICE

A. Application Referrals

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

B. Published Notice

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C. Mailed Notice

Notice shall be mailed to the applicant and to property owners, purchasers of record, and residents, and registered neighborhood associations:

- (1) Within the subject property;
- (2) Within 300 feet of the external boundaries of the subject property; for variances, adjacent; for Boise River System permits both sides of the river or channel 500 feet upstream and 1,000 feet downstream from project site;
- (3) Within the following distances from the external boundaries of the subject property:
 - (a) For Boise River System permits, 500 feet upstream and 1,000 feet downstream from the project site;
 - (b) For comprehensive plan land use map amendments, rezones, special exceptions, subdivisions five acres or greater, and conditional use permits and planned unit developments greater than one acre or on a gateway street, 500 feet;
 - (c) For a height exception exceeding 100 feet, a distance that is three times the proposed height;
 - (d) For variances, adjacent properties;
 - (e) For all other applications, 300 feet;
- (4) For a height exception exceeding 100 feet, within a distance that is three times the proposed height;
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 - (a) The application could result in significant adverse traffic, environmental, aesthetic, noise, pollution, or population density impacts occurring outside the minimum 300-foot notice area;
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(1) Size

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- (b) Notice(s) 4"x4" in size shall be required for comprehensive plan land use map amendments, rezones, annexations, special exceptions, subdivisions five acres or greater, and conditional use permits and planned unit developments greater than one acre or on a gateway street.

(2) Content

The notice(s) shall utilize the template provided by the City.

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- (c) Notice(s) shall be located in the front yard on the property, with the notice oriented to oncoming traffic, outside of public right-of-way.
- (d) If the notice(s) cannot be placed on the property and still be clearly visible, the notice(s) may be placed within the right-of-way if the applicant can obtain the consent of the owner of the right-of-way.

(5) Proof of Posting

Ten days prior to the public hearing, the applicant shall submit to the City a notarized statement and photograph of the posting attesting to where and when the notice(s) were posted. Unless the statement is recorded by such date, the hearing will be deferred.

(6) Removal

The notice(s) shall be removed no later than three days after the public hearing for which the notice(s) was posted.

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

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F. Notice of Material Change

Following the hearing, if the PZC recommends a material change to the proposed application, it shall give notice and conduct another public hearing before sending a recommendation to Council.

G. Notice of Continued Hearing

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

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

C. Procedures

(4) Step 4: Notice

Not applicable: Mailed and Posted Notice required for subdivisions five acres or greater.

Section 5. That existing Boise City Code Title 11, Chapter 3, Section 4, Subsection 11 shall be, and hereby is, amended to read as follows:

C. Procedures

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

Section 6. That this Ordinance shall be in 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:

David H. Bieter

David H. Bieter, Mayor



ATTEST:

Lynda Lowry

Lynda Lowry, Ex-Officio City Clerk

ORD
45-19

PDS