



**City of Boise**  
**Ordinance**  
**First Reading**

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

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**TO:** Mayor and Council  
**FROM:** Cody Riddle, Planning and Development Services  
**NUMBER:** **ORD-12-19**  
**DATE:** March 18, 2019  
**SUBJECT:** ZOA18-00003 / Ordinance

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**BACKGROUND:**

On **December 3, 2018**, the Planning and Zoning Commission recommended approval of ZOA18-00003.

On **January 15, 2019**, the City Council approved ZOA18-00003.

**FINANCIAL IMPACT:**

None.

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Ordinance NO. ORD-12-19

BY THE COUNCIL

CLEGG, LUDWIG, MCLEAN, SANCHEZ,  
THOMSON AND WOODINGS

**AN ORDINANCE AMENDING TITLE 11, SECTIONS 11-07-05 AND 11-012-03 OF THE BOISE CITY CODE; CLARIFYING ALLOWED HEIGHT AND DIMENSIONS FOR RETAINING WALLS AND FENCES AND HOW HEIGHT IS MEASURED; CLARIFYING SETBACKS FOR MULTIPLE FENCES AND RETAINING WALLS; CLARIFYING DEFINITION OF GRADE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on December 3, 2018, following a public hearing, the Planning and Zoning Commission for the City of Boise City recommended approval of ZOA18-00003; and

**WHEREAS**, on January 15, 2019, the Boise City Council, following a public hearing, approved adoption of ZOA18-00003.

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

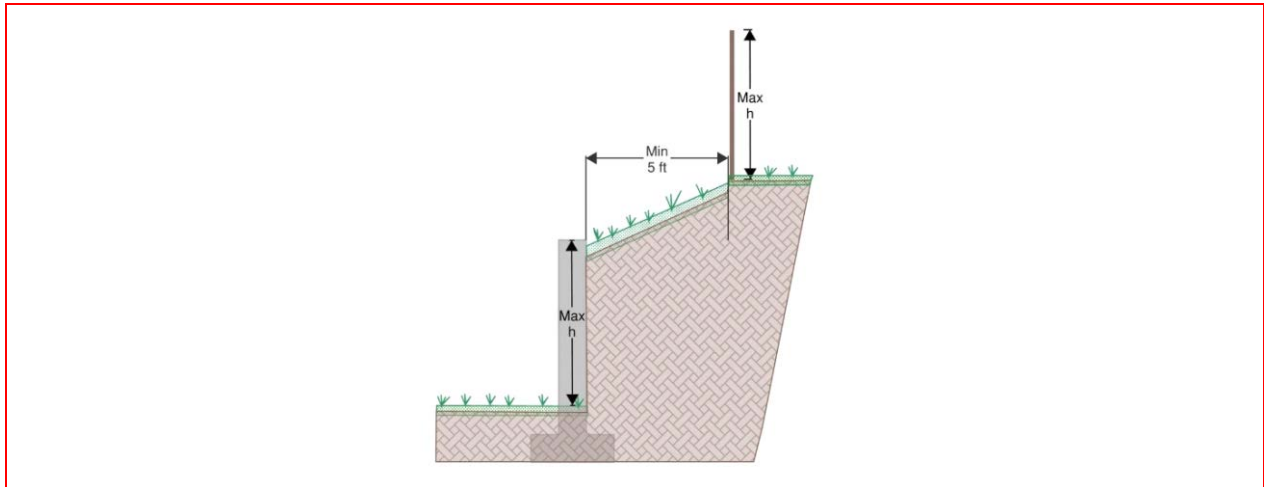
**Section 1.** The Boise City Code Title 11, Section 11-07-05.03 shall be, and hereby is, amended to read as follows:

**Section 11-07-05.03**

**B. Allowed Fences**

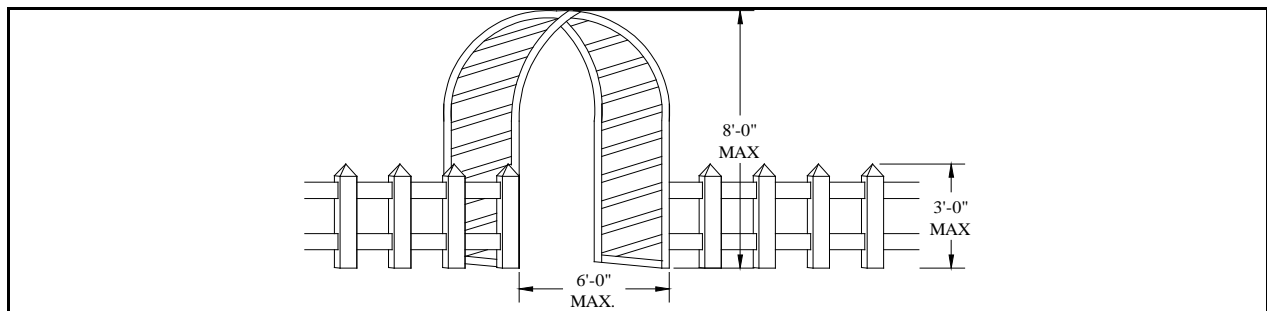
- (1) In residential and office districts maximum fence heights are as follows:
  - (a) Solid fences to a height of 36 inches or open-vision fences to height of 48 inches may be built within the front yard setback. Fences to a height of 72 inches may be built outside the front yard setback and along the rear and side property lines.
  - (b) Fences, walls, or plantings on or within the clear vision triangle shall be limited to 36 inches in height.
  - (c) Multiple fences, railings, and/or privacy screens within setbacks must be separated by a minimum distance of five-feet in order to be considered separate.

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**Figure 11-07.10: Fence separation in setbacks**

- (2) Any variance from the above requirements shall be considered per Section 11-03-04.14, *Variance*.
- (3) If a fence is to be erected upon and within public right-of-way, approval must also be obtained from the ACHD.
- (4) **In commercial districts**, concrete and masonry walls of any height and fences over **seven six** feet tall must also be approved by the Building Department.
- (5) **The property owner installing the fence must locate the fence entirely on their property or within an easement** ~~The fence must be built entirely upon the property on which it was permitted for unless agreements are made with the adjoining property owners. These agreements need not be submitted with the application. However, the permit shall become void if the applicant fails to procure them.~~
- (6) All fences shall be maintained and kept structurally sound so as to not endanger life, property or become a nuisance.
- (7) One ornamental gate/entryway in a front or street side setback may be allowed to exceed the fence height limits, provided the gate/entryway and does not exceed eight feet in height by six feet in width, and is not located within a clear vision triangle.



**Figure 11-07.11: Ornamental gate/entryway dimensions**

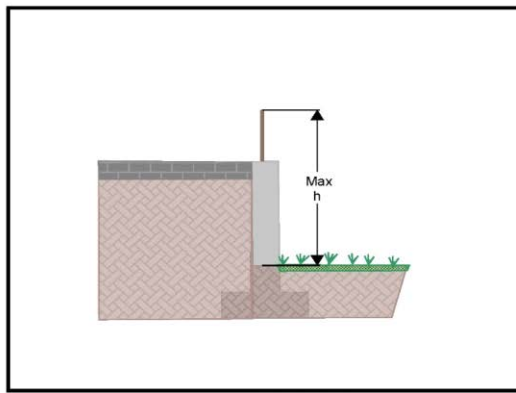
## CITY OF BOISE

(8) Fences adjacent to micro-paths shall comply with Section 11-07-04.5D(3).

### 4. Retaining Walls

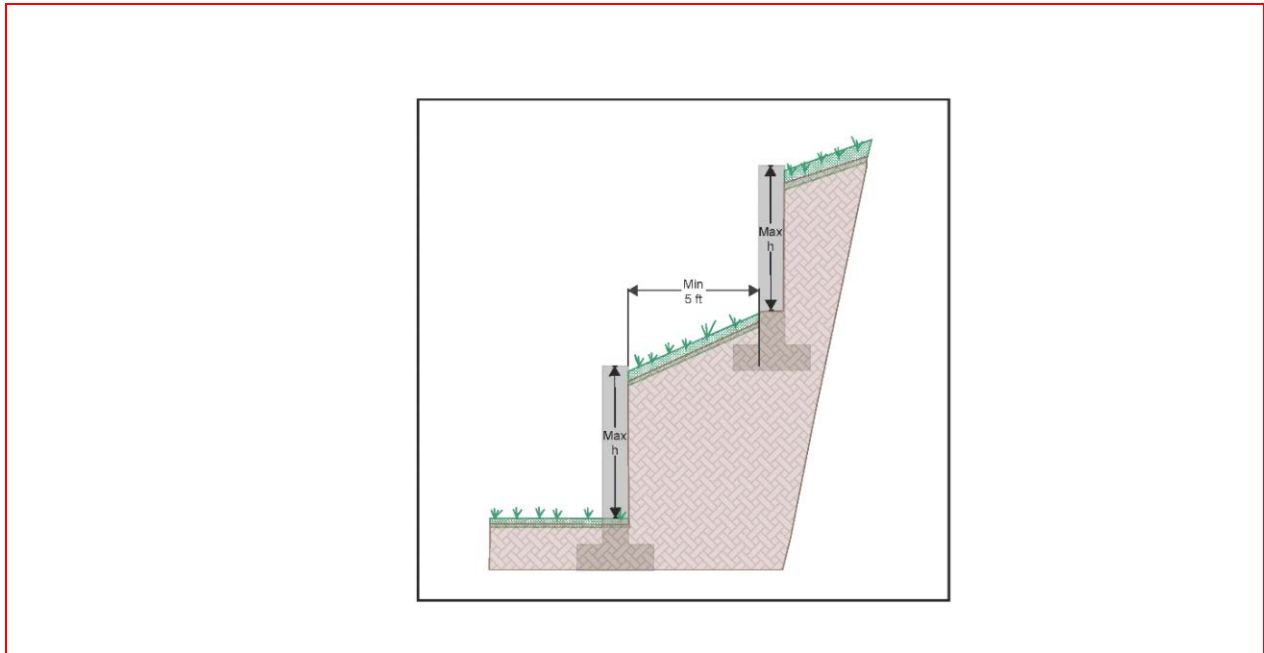
The following shall apply to retaining walls located within setbacks:

- (1) Individual retaining walls may not exceed three feet in height when located within a front setback or clear vision triangle. Individual retaining walls may not exceed six feet in height when located within any other setback. **The height of retaining walls shall be measured from the finished grade adjacent to the exterior wall. (See Section 11-012-03/Definition of Grade). Attached fences, retaining walls, railings and privacy screens shall also be included in the total height.**



**Figure 11-07.12: Height and dimensions for retaining walls**

- (2) Walls must be separated by a minimum distance of five feet in order to be considered as separate walls.



**Figure 11-07.13: Distance for Separation**

- (3) Multiple walls with a combined height that exceeds the height allowed in the setback may be approved through the Category II Hillside permit process when in compliance with the following conditions:
- (a) The additional height is necessary and appropriate because of the size, configuration, topography, or other unique characteristics of the property;
  - (b) The Director and ~~Public Works Director~~ **City Engineer** have jointly determined that the height, location, and grading for the walls are the minimum necessary for reasonable development of the property;
  - (c) The additional height will not have any substantial detrimental effect on adjacent or nearby properties;
  - (d) Terraces between the walls are of sufficient width and depth to accommodate landscaping or other techniques designed to reduce the visual impact. Conditions requiring such techniques shall be incorporated into the ~~Category I~~ permit; and
  - (e) Clear vision triangles are free of obstructions that exceed three feet in height.

**Section 2.** The Boise City Code Title 11, Section 11-012-03 shall be, and hereby is, amended to read as follows:

**Section 11-012-03.**

**Measurement-Related Definitions**

**Grade**

The elevation of the finished surface of the ground adjacent to the exterior wall of a building or structure. If a berm has been created adjacent to the structure, or if the structure is built on top of a berm **or retaining wall**, grade will be considered the lowest point of the berm **or wall**.

**Section 3.** That following passage, approval, and publication, this ordinance may be visually reformatted administratively in order to ensure a consistent and correct appearance in Title 11,

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Boise City Code.

**Section 4.** That this Ordinance shall be in effect immediately upon its passage, approval, and publication.

ADOPTED by the Council of Boise City, Idaho, on April 16, 2019.

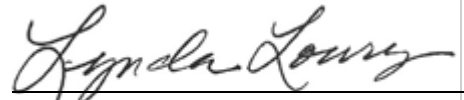
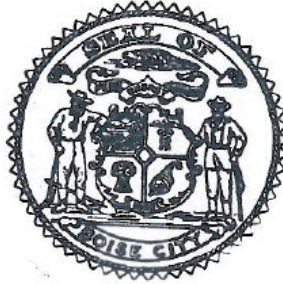
APPROVED by the Mayor of the Boise City, Idaho, on April 16, 2019.

APPROVED:

ATTEST:



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David H. Bieter, Mayor



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Lynda Lowry, Ex-Officio City Clerk